



# Meeting Agenda

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

---

**Tuesday, January 8, 2019**

**7:00 PM**

**Council Chambers**

---

**1. ROLL CALL**

**1.A ANNOUNCEMENTS**

**1.B APPROVAL OF AGENDA**

**2. SPECIAL RECOGNITION**

- 2.A** [19-0014](#) Special Recognition - Poetry Reading from the New City of Olympia Poet Laureate Sady Sparks

**3. PUBLIC COMMENT**

*(Estimated Time: 0-30 Minutes) (Sign-up Sheets are provided in the Foyer.)*

*During this portion of the meeting, citizens may address the City Council regarding items related to City business, including items on the Agenda. In order for the City Council to maintain impartiality and the appearance of fairness in upcoming matters and to comply with Public Disclosure Law for political campaigns, speakers will not be permitted to make public comments before the Council in these three areas: (1) on agenda items for which the City Council either held a Public Hearing in the last 45 days, or will hold a Public Hearing within 45 days, or (2) where the public testimony may implicate a matter on which the City Council will be required to act in a quasi-judicial capacity, or (3) where the speaker promotes or opposes a candidate for public office or a ballot measure.*

*Individual comments are limited to three (3) minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the City Council will refrain from commenting on individual remarks until all public comment has been taken. The City Council will allow for additional public comment to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.*

**COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)**

**4. CONSENT CALENDAR**

*(Items of a Routine Nature)*

- 4.A** [19-0015](#) Approval of December 18, 2018 City Council Meeting Minutes

**Attachments:** [Minutes](#)

- 4.B** [19-0043](#) Bills and Payroll Certification

**Attachments:** [Bills and Payroll](#)

- 4.C [19-0038](#) Approval of a Resolution Authorizing a Fence and Easement Agreement between the City of Olympia and Veterinary Specialists, LLLP  
**Attachments:** [Agreement](#)  
[Resolution](#)

#### 4. SECOND READINGS (Ordinances)

- 4.D [18-1192](#) Approval of an Ordinance Related to Permitting Residential Uses in the Medical Services Zoning District  
**Attachments:** [Ordinance](#)  
[Affected Properties Map](#)  
[Application](#)

#### 4. FIRST READINGS (Ordinances)

- 4.E [18-1115](#) Approval of an Ordinance Adopting the 2018 Engineering Design and Development Standards (EDDS) Update  
**Attachments:** [Ordinance](#)  
[EDDS Website](#)
- 4.F [19-0019](#) Approval of an Ordinance Adding a New Chapter to Title 18 Updating the City's Latecomer Agreement Requirements  
**Attachments:** [Ordinance](#)
- 4.G [19-0026](#) Approval of an Ordinance Amending Olympia Municipal Code, Chapter 4.24, Section B, LOTT Capacity Development Charge and Making Two Changes to Chapter 4.24, Section C, Waste ReSources  
**Attachments:** [Ordinance](#)

#### 5. PUBLIC HEARING - None

#### 6. OTHER BUSINESS

- 6.A [19-0031](#) Approval of Olympia 2019 Legislative Agenda  
**Attachments:** [Proposed Olympia 2019 Legislative Agenda](#)  
[Association of Washington Cities 2019 Legislative Priorities](#)
- 6.B [19-0049](#) Approval of the Annual City Council Retreat Agenda  
**Attachments:** [Draft Retreat Agenda](#)

#### 7. CONTINUED PUBLIC COMMENT

*(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes)*

**8. REPORTS AND REFERRALS****8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS****8.B CITY MANAGER'S REPORT AND REFERRALS****9. ADJOURNMENT**

*The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's Executive Assistant at 360.753.8244 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.*



## City Council

### Special Recognition - Poetry Reading from the New City of Olympia Poet Laureate Sady Sparks

**Agenda Date:** 1/8/2019  
**Agenda Item Number:** 2.A  
**File Number:** 19-0014

---

**Type:** recognition **Version:** 1 **Status:** Recognition

---

#### **Title**

Special Recognition - Poetry Reading from the New City of Olympia Poet Laureate Sady Sparks

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to committee.

##### **City Manager Recommendation:**

Receive a poem by Sady Sparks, the City of Olympia's new Poet Laureate. No action requested.

#### **Report**

##### **Issue:**

Whether to receive a poem by the City of Olympia Poet Laureate on the first City Council meeting of the New Year.

##### **Staff Contact:**

Stephanie Johnson, Arts Program Manager, Parks, Arts & Recreation, 360.709.2678

##### **Presenter(s):**

Sady Sparks, Olympia Poet Laureate, 2019-2020

##### **Background and Analysis:**

The City Council approved Sady Sparks as the City's Poet Laureate on November 27, 2018. As part of Olympia's Poet Laureate Program, which began in 2017, it has become tradition for Olympia's Poet Laureate to contribute a poem to the first Council meeting of the New Year.

##### **Neighborhood/Community Interests (if known):**

N/A

##### **Options:**

N/A

##### **Financial Impact:**



---

**Type:** recognition **Version:** 1 **Status:** Recognition

---

N/A

**Attachments:**

None



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

## City Council

### Approval of December 18, 2018 City Council Meeting Minutes

**Agenda Date:** 1/8/2019  
**Agenda Item Number:** 4.A  
**File Number:** 19-0015

---

**Type:** minutes **Version:** 1 **Status:** Consent Calendar

---

**Title**

Approval of December 18, 2018 City Council Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

---

**Tuesday, December 18, 2018**

**7:00 PM**

**Council Chambers**

---

### Last Meeting of the Year

#### 1. ROLL CALL

**Present:** 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Lisa Parshley and Councilmember Renata Rollins

#### 1.A ANNOUNCEMENTS

Mayor Selby recognized the loss of Volunteer Olympia Fire Captain John Osterguard.

#### 1.B APPROVAL OF AGENDA

The agenda was approved.

#### 2. SPECIAL RECOGNITION

##### 2.A [18-1202](#) Special Recognition - Olympia's Outgoing (Inaugural) Poet Laureate

Mayor Selby introduced outgoing Poet Laureate Amy Solomon-Minarchi. Ms. Solomon-Minarchi shared reflections on her experience as Poet Laureate and introduced the next Poet Laureate Sady Sparks.

**The recognition was received.**

#### 3. PUBLIC COMMENT

The following people spoke: Amy Rowley, Natalie Skovran, Mike Cairone, Larry Watkinson, Pat Rants, James Lunsford, Shauna Burmeister, CC Coates, Rudyard Cushman, Simon Stephens, and Jon Pettit.

#### 4. CONSENT CALENDAR

Fiscal Services Director Nanci Lein gave an overview of changes to items 4.U and 4.V.

##### 4.A [18-1214](#) Approval of December 11, 2018 City Council Meeting Minutes

**The minutes were adopted.**

- 4.B [18-1213](#) Consideration of a Request for Leave in Lieu of an Annual Salary Adjustment

**The decision was adopted.**

- 4.C [18-1138](#) Approval of a Resolution Granting Special Valuation for the Olympia Heritage Site at 2420 Capitol Way South

**The resolution was adopted.**

- 4.D [18-1207](#) Approval of a Resolution Confirming Special Valuation for 222 Capitol Way North

**The resolution was adopted.**

- 4.E [18-1184](#) Approval of a Resolution Approving a Facility Use Agreement with the Washington State Patrol (WSP) Academy

**The resolution was adopted.**

- 4.F [18-1208](#) Approval of a Resolution Authorizing an Intergovernmental Emergency Medical Services (EMS) Contract for Basic Life Support (BLS) Funding

**The resolution was adopted.**

- 4.G [18-1210](#) Approval of Resolution Authorizing an Interlocal Agreement with Lewis County for Use of Jail Facilities and Services

**The resolution was adopted.**

- 4.H [18-1212](#) Approval of a Resolution Authorizing a Lease Early Termination Agreement for 2828 Martin Way E

**The resolution was adopted.**

- 4.I [18-1219](#) Approval of a Resolution Authorizing an Interlocal Agreement with LOTT Clean Water Alliance for Public Health Emergency Support Funding

**The resolution was adopted.**

#### **4. SECOND READINGS (Ordinances)**

- 4.J [18-1170](#) Approval of an Ordinance Relating to the Storm and Surface Water Utility and Repealing Section 13.16.170 of the Olympia Municipal Code

**The ordinance was adopted on second reading.**

- 4.K [18-1174](#) Approval of an Ordinance Reducing Impact Fees for Qualified Low-Income Housing Development Projects

**The ordinance was adopted on second reading.**

- 4.L**     [18-0153](#)       Approval of an Ordinance Amending Transportation Impact Fees
- The ordinance was adopted on second reading.**
- 4.M**     [18-1069](#)       Approval of an Ordinance Adopting the 2019 Utility Rates and General Facilities Charges
- The ordinance was adopted on second reading.**
- 4.N**     [18-1139](#)       Approval of an Ordinance Amending Olympia School District Impact Fees
- The ordinance was adopted on second reading.**
- 4.O**     [18-1191](#)       Approval of an Ordinance Creating a Waste ReSources Capital Fund for Monies Being Set Aside for a Future Maintenance Center and Other Capital Expenditures
- The ordinance was adopted on second reading.**
- 4.P**     [18-1173](#)       Approval of an Ordinance Adopting 2019 Park Impact Fee Rates
- The ordinance was adopted on second reading.**
- 4.Q**     [18-1188](#)       Approval of an Ordinance Adopting the 2019 Operating Budget
- The ordinance was adopted on second reading.**
- 4.R**     [18-1189](#)       Approval of an Ordinance Adopting the Capital Facilities Plan: 2019-2024 Financial Plan and Appropriating Funds for 2019
- The ordinance was adopted on second reading.**
- 4.S**     [18-1190](#)       Approval of an Ordinance Appropriating the 2019 Special Funds
- The ordinance was adopted on second reading.**
- 4.T**     [18-1185](#)       Approval of an Amendment to Ordinance 7152 (Special Funds)
- The ordinance was adopted on second reading.**
- 4.U**     [18-1187](#)       Approval of an Amendment to Ordinance 7153 (Operating Budget)
- The ordinance was adopted on second reading.**
- 4.V**     [18-1186](#)       Approval of an Amendment to Ordinance 7154 (Capital Budget)
- The ordinance was adopted on second reading.**
- 4.W**     [18-1215](#)       Approval of an Ordinance Declaring a Continuing State of Public Health Emergency Relating to Homelessness - First and Final Reading

**The ordinance was adopted on first and final reading.**

**4. FIRST READINGS (Ordinances)**

- 4.X**     [18-1192](#)            Approval of an Ordinance Related to Permitting Residential Uses in the Medical Services Zoning District

**The ordinance was approved on first reading and moved to second reading.**

**Approval of the Consent Calendar**

**Councilmember Parshley moved, seconded by Mayor Pro Tem Jones, to adopt the Consent Calendar. The motion carried by the following vote:**

**Aye:**            7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Parshley and Councilmember Rollins

**5. PUBLIC HEARING - None**

**6. OTHER BUSINESS**

- 6.A**     [18-1217](#)            2018 Year End Highlights

Assistant City Manager Jay Burney highlighted 2018 accomplishments.

**The information was provided.**

**7. CONTINUED PUBLIC COMMENT - None**

**8. REPORTS AND REFERRALS**

**8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**

Councilmembers reported on meetings and events attended.

**8.B CITY MANAGER'S REPORT AND REFERRALS**

City Manager Steve Hall shared information regarding an upcoming Resilient Communities Initiative training regarding trauma-informed care. He thanked the Council for their hard work during the year on behalf of staff.

**9. ADJOURNMENT**

The meeting adjourned at 8:20 p.m.



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

**City Council**  
**Bills and Payroll Certification**

**Agenda Date: 1/8/2019**  
**Agenda Item Number: 4.B**  
**File Number: 19-0043**

---

**Type:** decision **Version:** 1 **Status:** Consent Calendar

---

**Title**  
Bills and Payroll Certification

**CITY OF OLYMPIA  
PAYROLL CERTIFICATION**

The Administrative Services Director of the City of Olympia, Washington, hereby certifies that the payroll gross earnings, benefits, and LEOFF I post-retirement insurance benefits for the pay cycle ending **11/15/2018** have been examined and are approved as recommended for payment.

Employees Gross Pay:	<u>\$ 2,233,494.90</u>
Fire Pension Gross Pay:	<u>\$ 30,049.07</u>
Employer Share of Benefits:	<u>\$ 760,309.82</u>
Employer Share of LEOFF I Police Post-Retirement Benefits:	<u>\$ 39,522.39</u>
Employer Share of LEOFF I Fire Post-Retirement Benefits:	<u>\$ 23,592.99</u>
<b>TOTAL</b>	<u><u>\$ 3,086,969.17</u></u>

Payroll Check Numbers	<u>91840</u>	<u>91841</u>	Manual Checks
And	<u>91842</u>	<u>91847</u>	Fire Pension Checks
And	<u> </u>	<u> </u>	Manual Checks
And	<u>91848</u>	<u>91864</u>	Semi Payroll Checks

and Direct Deposit transmission.

12.17.18  
DATE

  
ADMINISTRATIVE SERVICES DIRECTOR





**CITY OF OLYMPIA  
PAYROLL CERTIFICATION**

The Administrative Services Director of the City of Olympia, Washington, hereby certifies that the payroll gross earnings, benefits, and LEOFF I post-retirement insurance benefits for the pay cycle ending **12/15/2018** have been examined and are approved as recommended for payment.

Employees Gross Pay:	<u>\$ 2,240,828.67</u>
Fire Pension Gross Pay:	<u>\$ 30,049.07</u>
Employer Share of Benefits:	<u>\$ 773,483.87</u>
Employer Share of LEOFF I Police Post-Retirement Benefits:	<u>\$ 28,156.29</u>
Employer Share of LEOFF I Fire Post-Retirement Benefits:	<u>\$ 26,267.83</u>
<b>TOTAL</b>	<u><u>\$ 3,098,785.73</u></u>

Payroll Check Numbers	<u>91884</u>	<u>91887</u>	Manual Checks
And	<u>91888</u>	<u>91893</u>	Fire Pension Checks
And	<u></u>	<u></u>	Manual Checks
And	<u>91894</u>	<u>91921</u>	Semi Payroll Checks

and Direct Deposit transmission.

12-17-18  
DATE

  
ADMINISTRATIVE SERVICES DIRECTOR

CITY OF OLYMPIA  
EXPENDITURE SUMMARY

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS". AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND OFFICER EXPENSES ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY SAID CLAIMS".

FOR PERIOD 12/2/2018 12/8/2018  
 FOR A/P ACH PAYMENTS and A/P CHECKS NUMBERED 3708639 THROUGH 3708888  
 FOR OTHER ELECTRONIC PAYMENTS DATED \_\_\_\_\_ THROUGH \_\_\_\_\_

INCLUSIVE IN THE AMOUNT TOTALING

DATED

12/11/18

ADMINISTRATIVE SERVICES DIRECTOR



TOTAL APPROVED FOR PAYMENT

	FUND	
\$615,964.06	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$1,527.85	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$11,389.87	006	Development Fee Revenue
\$191.39	007	Parking Fund
\$29,654.08	014	LEOFF 1 OPEB Trust Fund
\$0.00	21	Washington Center Endow
\$0.00	025	WASHINGTON CENTER
\$137.51	026	MUNICIPAL ARTS FUND
\$5,042.21	029	EQUIP & FACIL REPLACE RES
\$1,424.50	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$10,721.18	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$222.45	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	141	Oly Metro Park District
\$2,162.75	142	HOME FUND
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$0.00	230	LTGO Band Fund 2016
\$135,616.30	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$7,160.09	331	FIRE EQUIPMENT REPLACEMENT FUND
\$718,259.30	401	WATER
\$8,188.49	402	SEWER
\$7,521.43	403	SOLID WASTE
\$9,240.68	404	STORM AND SURFACE WATER
\$83,262.28	418	Stormwater Debt Service Fund
\$0.00	434	STORM AND SURFACE WATER CIP
\$0.00	461	WATER CIP FUND
\$86,055.34	462	SEWER CIP FUND
\$11,766.25	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$250.00	503	UNEMPLOYMENT COMPENSATION
\$0.00	504	INS TRUST FUND
\$990.00	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$1,746,748.01 GRAND TOTAL FOR WEEK



## City Council

### Approval of a Resolution Authorizing a Fence and Easement Agreement between the City of Olympia and Veterinary Specialists, LLLP

**Agenda Date:** 1/8/2019  
**Agenda Item Number:** 4.C  
**File Number:** 19-0038

---

**Type:** resolution   **Version:** 1   **Status:** Consent Calendar

---

#### **Title**

Approval of a Resolution Authorizing a Fence and Easement Agreement between the City of Olympia and Veterinary Specialists, LLLP

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve the Resolution Authorizing a Fence and Easement Agreement between the City of Olympia and Veterinary Specialists, LLLP.

#### **Report**

##### **Issue:**

Whether to approve a resolution authorizing a fence and easement agreement between the City of Olympia and Veterinary Specialists, LLLP.

##### **Staff Contact:**

Jay Burney, Assistant City Manager, 360.753.8449

Mark Barber, City Attorney, 360.753.8338

##### **Presenter(s):**

None - Consent Calendar Item.

#### **Background and Analysis:**

The City has leased property to the Low Income Housing Institute (LIHI) for the Plum Street Tiny House Village. Veterinary Specialists, LLLP, owns nearby adjacent property for treating the health and care of animals. The City and Veterinary Specialists, LLLP, wish to avoid the transmission of disease between animals on City property and those on property of Veterinary Specialists, LLLP.

In consideration for an easement from the City, Veterinary Specialists, LLLP, has offered to construct, install, repair and maintain a fence and the easement area, which will prevent disease transmission between animals on the adjacent properties. The easement is for an eight (8) year term and is

renewable for additional five (5) year terms by mutual agreement.

**Neighborhood/Community Interests (if known):**

None known.

**Options:**

1. Approve the Resolution Authorizing a Fence and Easement Agreement between the City and Veterinary Specialists, LLLP.
2. Direct staff to make changes to the Resolution Authorizing a Fence and Easement Agreement.
3. Do not approve the Resolution Authorizing a Fence and Easement Agreement between the City and Veterinary Specialists, LLLP.

**Financial Impact:**

None

**Attachments:**

Resolution  
Agreement

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,  
AUTHORIZING A FENCE AND EASEMENT AGREEMENT BETWEEN THE CITY OF OLYMPIA  
AND VETERINARY SPECIALISTS, LLLP.**

**WHEREAS**, the City of Olympia has leased property to the Low Income Housing Institute ("LIHI") for a tiny house village for homeless persons, commonly referred to as the Plum Street Tiny House Village; and

**WHEREAS**, Veterinary Specialists, LLLP owns property adjacent to the Plum Street Tiny House Village and operates a veterinary clinic for the treatment and care of animals; and

**WHEREAS**, the City of Olympia and Veterinary Specialists, LLLP wish to protect animals from the spread of disease or illness by installation and construction of a fence and grant of an easement between the parties' properties; and

**WHEREAS**, Veterinary Specialists, LLLP has agreed in consideration of said easement to construct, install, maintain and repair a fence and the easement area, for the purpose of protecting animals from disease transmission, at the sole expense of Veterinary Specialists, LLLP; and

**WHEREAS**, the City of Olympia and Veterinary Specialists, LLLP have negotiated terms and conditions for the Fence and Easement Agreement; and

**WHEREAS**, the Olympia City Council hereby accepts the terms of the Fence and Easement Agreement to grant an exclusive easement to Veterinary Specialists, LLLP in consideration for the construction, installation, maintenance and repair of the fence and easement area by Veterinary Specialists, LLLP at its sole cost and expense;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

1. The Olympia City Council hereby accepts the terms and conditions negotiated with Veterinary Specialists, LLLP, to grant an exclusive easement to 2,176 square feet of City property, more or less, for an initial eight (8) year term with renewable five (5) year terms, as set forth in the Fence and Easement Agreement, in consideration for Veterinary Specialists, LLLP constructing, installing, maintaining or repairing the fence and easement area upon the agreed terms within the Fence and Easement Agreement.
2. The City Manager is directed and authorized to execute all documents necessary to grant an exclusive easement upon the aforesaid real property to Veterinary Specialists, LLLP, upon the terms and conditions negotiated in the Fence and Easement Agreement, and to make any minor modifications consistent with the intent of the Fence and Easement Agreement as may be necessary, or to correct any scrivener's or clerical errors.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of January 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY



After recording return document to:  
City of Olympia  
Attention: Legal Department  
P.O. Box 1967  
Olympia, WA 98507-1967

---

**Document Title:** FENCE AND EASEMENT AGREEMENT  
**Grantor(s):** City of Olympia  
**Grantee(s):** Olympia Veterinary Specialists, LLLP  
**Legal Description:** A PORTION OF THE SE1/4 OF SE1/4, SECTION 14, T 18 N, R 2 W, WM  
**Assessor's Tax Parcel Number:** 78202500100

- 1. FENCE AND EASEMENT AGREEMENT.** This FENCE AND EASEMENT AGREEMENT ("Agreement") is between the CITY OF OLYMPIA, a Washington municipal corporation ("Grantor") and OLYMPIA VETERINARY SPECIALISTS, LLLP, a Washington limited liability limited partnership ("Grantee"). Grantor and Grantee are each a "Party," and together are the "Parties" to this Agreement.
- 2. PROPERTY.** This Fence and Easement Agreement relates to real property legally described in Exhibit "A" and shown on the sketch in Exhibit "B" attached hereto.
- 3. GRANT OF EASEMENT.** Grantor grants to Grantee and its assigns, an exclusive easement over, under, upon, through, and across the Easement Area as legally described in Exhibit "A" and as shown on the sketch in Exhibit "B" attached hereto, for Grantee's exclusive use, surface and subsurface, from time to time, now or in the future for the term set forth herein.
- 4. RIGHTS, OBLIGATIONS AND CONSIDERATION FOR EASEMENT.** In consideration for Grantor's conveyance of the easement area described in Exhibit "A" and as shown on the sketch in Exhibit "B" attached hereto, Grantee shall install and construct a fence along the boundary of said easement area at Grantee's sole cost and expense. Further, Grantee agrees to maintain and repair said fence at all times during the term of this Agreement. In the event said fence is damaged or removed, Grantee shall, at its own expense, promptly restore or replace the fence to the same condition that existed prior to the disturbance or damage. Grantee agrees that it shall be solely responsible for the cost of ongoing maintenance, repair and operation of the fence within the Easement Area, together with maintenance of any landscaping or lawn within the Easement Area.

5. **TERM.** This Agreement shall commence upon execution by Grantor and acceptance by Grantee, and shall continue for a period of eight (8) years, at the conclusion of which it shall terminate, unless earlier terminated by the Parties in writing and upon recording of such termination agreement with the Auditor. The Parties may extend this Fence and Easement Agreement for additional five (5) year terms upon mutual agreement in writing and upon recording of said Agreement extension with the Auditor.
  
6. **INDEMNIFICATION.** To the fullest extent permitted by law, the Grantee shall defend, indemnify and hold Grantor, its officers, elected officials, employees, agents, successors and/or assigns harmless from any and all costs, expenses (including reasonable attorney's fees and litigation costs), damages, claims, losses, actions, causes of actions, judgments, fines, and penalties ("Claims"), including, but not limited to, injury or death to any person or damage to any property occurring within or about the Property to the extent arising directly or indirectly out of the Permitted Use and any work performed in connection with this Fence and Easement Agreement, and anything arising out of or related to the intentional and/or negligent acts of the Grantee, its contractors, agents or permittees or assigns in exercising the rights and obligations granted pursuant to this Fence and Easement Agreement.
  
7. **SUCCESSORS.** This Fence and Easement Agreement shall run with the Property and is binding on all successors or assignees of the Parties.

**GRANTOR**

**CITY OF OLYMPIA, a Washington municipal corporation**

By: \_\_\_\_\_  
Steven R. Hall, City Manager

Date: \_\_\_\_\_

Approved as to form:

  
\_\_\_\_\_  
Mark Barber, City Attorney







EXHIBIT A

AN EASEMENT OVER THAT PORTION OF BLOCK 43 SWANS ADDITION TO OLYMPIA AS RECORDED IN VOLUME 1 OF PLATS, PAGE 37, AND A PORTION OF VACATED PEAR STREET ADJACENT TO SAID BLOCK, ALSO BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 18 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF PEARS STREET WITH THE SOUTH LINE OF LOT 1 OF SAID BLOCK 43 EXTENDED WESTERLY (SAID POINT BEING THE NORTHWEST CORNER OF PARCEL A OF CITY OF OLYMPIA BOUNDARY LINE ADJUSTMENT BLA 15-0106-OL, RECORDED UNDER AUDITOR'S FILE NO. 4478431);

THENCE ALONG THE SOUTH LINE OF SAID LOT 1 EXTENDED WESTERLY, NORTH 85°54'34" EAST, 5.00 FEET TO THE BEGINNING OF SAID EASEMENT;

THENCE CONTINUING ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOT 2 OF SAID BLOCK, NORTH 85°54'34" EAST, 145.08 FEET, MORE OR LESS, TO THE EAST LINE OF SAID LOT 2;

THENCE AT RIGHT ANGLES TO SAID SOUTH LINE, NORTH 4°05'26" WEST, 15.00 FEET;

THENCE PARALLEL WITH SAID SOUTH LINE, SOUTH 85°54'34" WEST, 145.08 FEET;

THENCE AT RIGHT ANGLES TO SAID SOUTH LINE, SOUTH 4°05'26" EAST, 15.00 FEET TO THE BEGINNING;

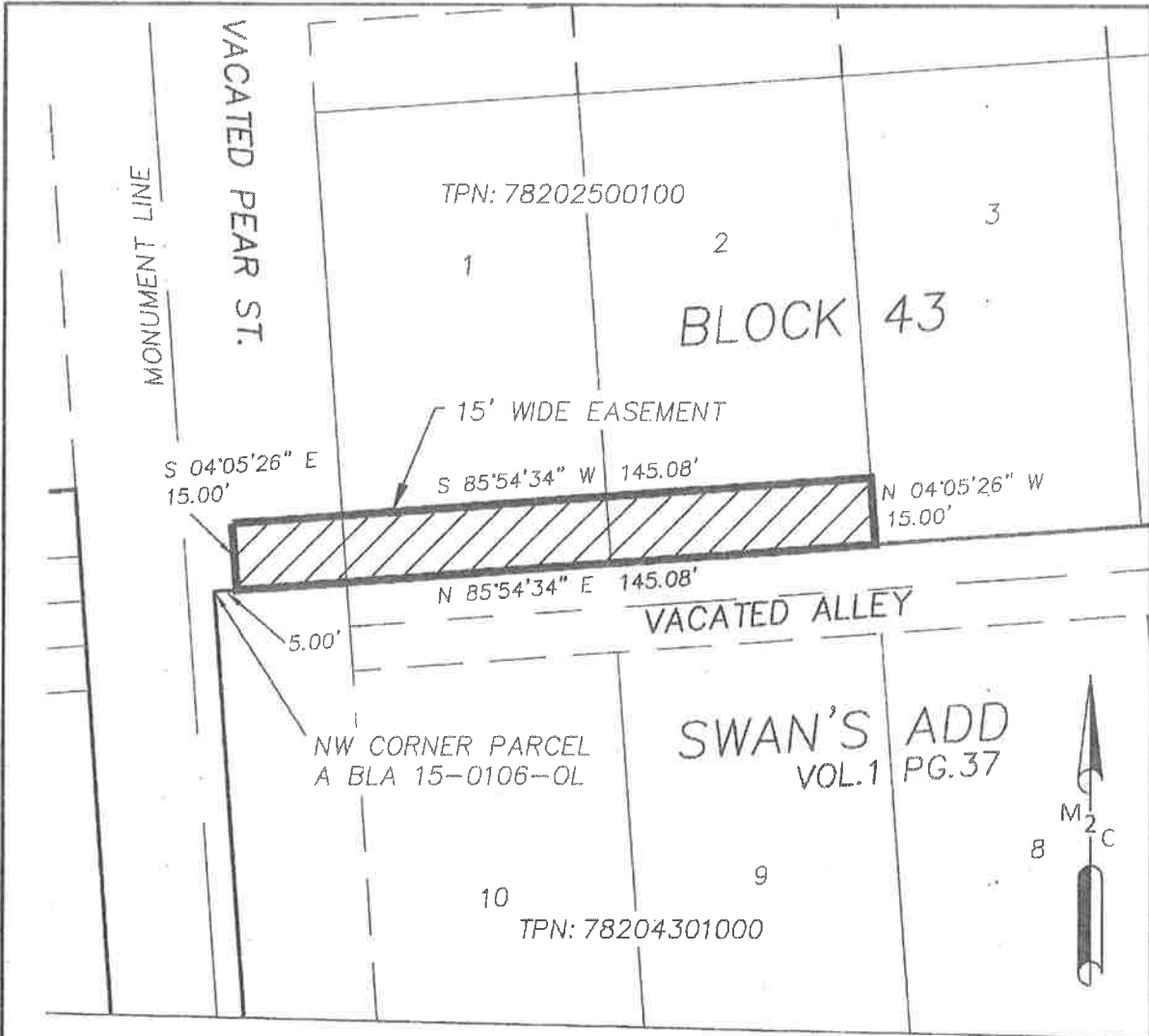
SITUATE IN THE CITY OF OLYMPIA, COUNTY OF THURSTON, STATE OF WASHINGTON.

CONTAINING 2,176 SQUARE FEET, MORE OR LESS.

PREPARED BY:

Blair E. Prigge, PLS  
MTN2COAST, LLC  
12/20/2018





SE1/4 SE1/4, S14,  
T 18N, R 2W, WM

12/20/18



PROFESSIONAL LAND SURVEYORS  
2320 MOTTMAN RD SW, STE 106  
TUMWATER, WA 98512  
360-688-1949



**EASEMENT  
EXHIBIT B**

CITY OF OLYMPIA  
DATE: 12/20/2018  
SCALE: 1"=40'  
M2C PROJECT NO.: 18-745  
SHEET NO. 1 OF 1



## City Council

### Approval of an Ordinance Related to Permitting Residential Uses in the Medical Services Zoning District

**Agenda Date:** 1/8/2019  
**Agenda Item Number:** 4.D  
**File Number:** 18-1192

---

**Type:** ordinance **Version:** 2 **Status:** 2d Reading-Consent

---

#### **Title**

Approval of an Ordinance Related to Permitting Residential Uses in the Medical Services Zoning District

#### **Recommended Action**

##### **Committee Recommendation:**

The Olympia Planning Commission recommends approval of the code text amendments after conducting a public hearing and deliberating on the proposed changes.

##### **City Manager Recommendation:**

Move to approve the ordinance related to permitting residential uses in the Medical Services zoning district on second reading.

#### **Report**

##### **Issue:**

Whether to approve an ordinance related to permitting residential uses in the medical Services zoning district.

##### **Staff Contact:**

Catherine McCoy, Associate Planner, Community Planning and Development, 360. 570.3776  
Joyce Phillips, Senior Planner, Community Planning and Development, 360.570.3722

##### **Presenter(s):**

None - Consent Calendar Item.

##### **Background and Analysis:**

Background and analysis has not changed from first to second reading.

The City of Olympia has two areas zoned for Medical Service land uses: one in the vicinity of Providence St. Peter Hospital and the other around Capital Medical Center. Both areas are now well-established with medical uses and both allow for residential uses to serve the greater community and for those who work in the medical facilities in the zoning districts. There is one provision in the zoning code that pertains only to the Medical Services zone on the east side of the city, in the vicinity

of Providence St. Peter Hospital. Section 18.06.060(T) restricts residential uses within 600 feet of Lilly Road to only be allowed above the ground floor in mixed use buildings.

The Housing Authority of Thurston County proposed deletion of Section 18.06.060(T). If approved, this would allow for the two remaining vacant parcels (one on the east side of Lilly Road and one on the west side of the street) to develop with ground floor residential uses in single use or mixed use buildings. (See the attached map of the affected properties.) It would also allow for any future redevelopment in the zone to provide ground floor residential uses.

The purpose of the Medical Services zoning district is identified in Section 18.06.020(B)(7). While the purpose of the zone is primarily directed to medical land uses and commercial land uses that support those medical uses, there is also a statement of support for "...relatively high density housing near medical facilities to help meet the needs of the large number of people employed there."

Review of the proposed text amendment was completed following the process outlined in Chapter 18.58 of the Olympia Municipal Code. No concerns were identified during the review. Both city staff and the Olympia Planning Commission recommend approval of the text amendment, as proposed.

**Neighborhood/Community Interests (if known):**

There were no public comments received during the public comment period or at the public hearing.

**Options:**

1. Approve the ordinance as proposed.
2. Approve the ordinance with modifications.
3. Do not approve the ordinance.

**Financial Impact:**

None

**Attachments:**

Ordinance  
Affected Properties Map  
Application

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING SECTIONS 18.06.040, TABLE 6.01, AND 18.06.060 OF THE OLYMPIA MUNICIPAL CODE RELATED TO THE MEDICAL SERVICE ZONING DISTRICT.**

**WHEREAS**, the Housing Authority of Thurston County requested amendments to Chapter 18.06 of Olympia Municipal Code (OMC) related to the Medical Service Zoning District (the Proposed Amendments); and

**WHEREAS**, on September 26, 2018, the Proposed Amendments were sent to the Washington State Department of Commerce Growth Management Services with the Notice of Intent to Adopt a Development Regulation Amendment as required by RCW 36.70A.106, and no comments were received from state agencies during the comment period; and

**WHEREAS**, the City of Olympia determined the Proposed Amendments are exempt under the State Environmental Policy Act (SEPA), pursuant to Washington Administrative Code 197-11-800; and

**WHEREAS**, on November 19, 2018, the Olympia Planning Commission received briefings on the Proposed Amendments; and

**WHEREAS**, on November 22, 2018, a legal notice was published in *The Olympian* newspaper regarding the December 3, 2018 public hearing on the Proposed Amendments before the Olympia Planning Commission; and

**WHEREAS**, on December 3, 2018, the Planning Commission held a public hearing and deliberated on the Proposed Amendments; and

**WHEREAS**, following the public hearing and deliberations, the Planning Commission recommended amendments to Chapter 18.06 of the Olympia Municipal Code, as proposed; and

**WHEREAS**, the Proposed Amendments are consistent with the Olympia Comprehensive Plan other chapters of the Olympia Municipal Code; and

**WHEREAS**, the Proposed Amendments meets the goals and requirements of the Growth Management Act; and

**WHEREAS**, Chapters 35A.63 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance; and

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

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

**Section 1. Amendment of OMC 18.06.040.** Olympia Municipal Code Section 18.06.040, Table 6.01, is hereby amended to read as follows:

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)						18.130.020	
<b>1. EATING &amp; DRINKING ESTABLISHMENTS</b>														
Drinking Establishments			P		P	P	P		C 18.06.060(P)		P	P	P	
Drinking Establishments - Existing		P 18.06.060(GG)				P								
Restaurants, with drive-in or drive-through			P 18.06.060(F)(3)										P 18.06.060(F)(3)	
Restaurants, with drive-in or drive-through, existing			P				P 18.06.060(U)					C	P	



**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Restaurants, without drive-in or drive-through	P 18.06.060(U)(3)	C	P	P 18.06.060(U)(2)	P	P	P 18.06.060(U)(1)	P	P	P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>2. INDUSTRIAL USES</b>														
Industry, Heavy														
Industry, Light			C		P/C 18.06.060(N)									
On-Site Treatment & Storage Facilities for Hazardous Waste					P 18.06.060(Q)									

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Piers, Wharves, Landings					P									
Printing, Industrial			C		P/C 18.06.060 (N)									
Publishing		C	C		P		P		C	C				
Warehousing			P		P/C 18.06.060 (AA)		P							
Welding & Fabrication			C		P/C 18.06.060 (N)		P							
Wholesale Sales		C 18.06.060( BB)(3)	P		P/C	18.06.060 (BB)		P		P	18.06.060( BB)(2)			
Wholesale Products Incidental to Retail Business			P		P	P						P	P	
District-Wide Regulations	18.06.060( R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060( F)(2)							

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
<b>3. OFFICE USES (See also SERVICES, HEALTH)</b>														
Banks		P	P		P/C 18.06.060 (D)(2)	P 18.06.060 (D)(2)	P/C 18.06.060( D)(2)	P	P	P	P	P 18.06.060 (D)(1)	P 18.06. 060 (F)(3)	
Business Offices		P	P		P	P	P	P	P	P	P	P	P	
Government Offices		P	P		P	P	P	P	P	P	P	P	P	
District-Wide Regulations	18.06.060( R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060( F)(2)							
<b>4. RECREATION AND CULTURE</b>														
Art Galleries	P	P	P		P	P	P		P	P	P	P	P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Auditoriums and Places of Assembly			P		P	P	P					P	P	
Boat Clubs					P	P								
Boating Storage Facilities					P			P						
Commercial Recreation		C	P		P	P	P	P		C	C	P	P	
Health Fitness Centers and Dance Studios	P	P 18.06.060(L)	P	P	P	P	P	P	P	P 18.06.060(L)	P 18.06.060(L)	P	P	
Libraries	C	C	C	C	P	P	P		P	C	P	P	P	18.04.060(V)
Marinas/Boat Launching Facilities					P 18.06.060(CC)	P								
Museums		C	P		P	P	P		P	C	C	P	P	18.04.060(V)

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Parks, Neighborhood	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(T)
Parks & Playgrounds, Other	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(T)
Theaters (Drive-in)			C											
Theaters (No drive-ins)			P		P	P	P				C	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>5. RESIDENTIAL</b>														
Apartments		P	P	P 18.06.060 (F)	P	P	P		P	P	P	P	P	
Apartments above ground floor in mixed	P	P	P	P 18.06.060 (F)	P	P	P		P	P	P	P	P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
use development														
Boarding Houses		P	P	P <del>18.06.060</del> (F)	P	P	P		P	P	P	P	P	
Co-Housing		P	P			P	P			P	P		P	
Duplexes	P	P	P	P <del>18.06.060</del> (F)			P		P	P	P		P	
Fraternities, Dormitories		C	P	P <del>18.06.060</del> (F)	P	P	P		P	C	P	P	P	
Group Homes (6 or less)	P	P	P 18.06.060 (K)	P <del>18.06.060</del> (F)	P	P	P 18.06.060( K)		P	P	P	P 18.06.060 (K)	P 18.06.060 (K)	18.04.060(K )
Group Homes (7 or more)	C	C	C 18.06.060 (K)	C <del>18.06.060</del> (F)	C	C	C 18.06.060( K)		C	C	C	C 18.06.060 (K)	P 18.06.060 (K)	18.04.060(K )

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Mobile or Manufactured Homes Park - Existing		C	C	C <del>18.06.060</del> (F)						C			C	18.04.060(P)
Quarters for Night Watch person/Caretaker					P	P								
Retirement Homes		P	P	P <del>18.06.060</del> (F)	P	P	P		P	P	P	P	P	
Single-Family Residences	P	P	P	P <del>18.06.060</del> (F)			P		P	P	P	P	P	
Single Room Occupancy Units			C		P	P	P		P				C	
Townhouses	P	P	P	P <del>18.06.060</del> (F)		P	P		P	P	P	P	P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Triplexes, Fourplexes, and Cottage Housing		P											P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>6. RETAIL SALES</b>														
Apparel and Accessory Stores			P		P	P	P					P	P	
Boat Sales and Rentals			P		P	P	P	P					P	
Building Materials, Garden and Farm Supplies	P		P		P	P	P					P	P	
Commercial Greenhouses, Nurseries, Bulb Farms	C	C 18.04.060(G)	C	C					C		P	P		18.04.060(G)



**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Electric Vehicle Infrastructure	P	P	P	P	P 18.06.060 (W)	P 18.06.060 (W)	P 18.06.060( W)	P	P	P	P	P	P	
Food Stores	P	P 18.06.060( H)	P		P	P	P		P	P 18.08.060 (H)	P	P	P	
Furniture, Home Furnishings, and Appliances			P		P	P	P				P	P	P	
Gasoline Dispensing Facilities accessory to a permitted use	P 18.06.060( W)(4)		P		P 18.06.060 (W)		P 18.06.060( W)(2)	P				P 18.06.060 (W)	P 18.06. 060 (W)	
Gasoline Dispensing Facility accessory to a permitted use - Existing	P 18.06.060( W)		P		P 18.06.060 (W)		P 18.06.060( W)				P	P 18.06.060 (W)	P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
General Merchandise Stores	P	P 18.06.060(J)	P		P	P	P			P 18.06.060(J)	P	P	P	
Mobile, Manufactured, and Modular Housing Sales			P											
Motor Vehicle Sales			P				P	P					P	
Motor Vehicle Supply Stores			P		P	P	P	P			P	P	P	
Office Supplies and Equipment		P 18.06.060(DD)	P		P	P	P		P	P 18.06.060(DD)	P	P	P	18.06.060(C) C
Pharmacies and Medical Supply Stores	P	P 18.06.060(EE)	P	P	P	P	P		P	P 18.06.060(EE)	P	P	P	18.06.060(D) D
Specialty Stores	P 18.06.060(Y)(3)	P 18.06.060(Y)(4)	P	C 18.06.060(Y)(2)	P	P	P			P 18.06.060(Y)(4)	P	P 18.06.060(Y)(1)	P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>7. SERVICES, HEALTH</b>														
Hospitals				P			P		P					
Nursing, Congregate Care, and Convalescence Homes	C	P	C	P			C		C	C	C	P	P	18.04.060(S)
Offices, Medical		P	P	P	P	P	P	P	P	P	P	P	P	
Veterinary Offices/Clinics		P	P	P			P			P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>8. SERVICES, LODGING</b>														
Bed & Breakfast	P	P 18.06.060(E)	P 18.06.060(E)	P 18.06.060(E)	P	P	P			P	P	P	P	18.04.060(L)(3)(c)

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Houses (1 guest room)														
Bed & Breakfast Houses (2 to 5 guest rooms)	C	P 18.06.060(E)	P 18.06.060(E)	P 18.06.060(E)	P	P	P		C	P	P	P	P	18.04.060(L)(3)(c)
Hotels/Motels			P	C	P		P		P				P	
Lodging Houses		P	P	P	P		P		P	P	P	P	P	
Recreational Vehicle Parks			P										P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>9. SERVICES, PERSONAL</b>														
Adult Day Care Home	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)(3)(b)
Child Day Care Centers	C	P	P	P	P	P	P		P	P	C	P	P	18.04.060(D)

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Crisis Intervention	C	P	C	P			P		C	P	C	C	C	18.04.060(I)
Family Child Care Homes	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)
Funeral Parlors and Mortuaries		C	P				P			C		P	P	
Laundries and Laundry Pick-up Agencies	P	P	P	P	P	P	P			P	P	P 18.06.060 (O)	P	
Personal Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>10. SERVICES, MISCELLANEOUS</b>														
Auto Rental Agencies			P		P	P	P	P			C	P	P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Equipment Rental Services, Commercial			P		P		P				P	P	P	
Equipment Rental Services, Commercial - Existing		P 18.06.060(FF)												
Ministorage			P				P							
Printing, Commercial	P	P	P		P	P	P		P	P	P	P	P	
Public Facilities (see also Public Facilities, Essential on next page)	C	C	C	C	P	C	P	P	P	C	C	C	C	18.04.060(V)
Radio/T.V. Studios		P	P		P	P	P		P	P	P	P	P	
Recycling Facilities	P	P	P	P	P		P		P	P	P	P	P	18.06.060(V)

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
School - Colleges and Business, Vocational or Trade Schools		C	P		P	P	P		P	C	C	C	P	18.06.060(X)
Service and Repair Shops			P				P	P				P	P	
Service Stations/Car Washes			P				P 18.06.060(W)	P				P 18.06.060(W)	P 18.06.060(W)	
Service Stations/Car Washes - Existing			P		P 18.06.060(W)		P 18.06.060(W)				P	P 18.06.060(W)	P 18.06.060(W)	
Servicing of Personal Apparel and Equipment	P	P	P		P	P	P			P	P	P	P	
Truck, Trailer, and			P					P						

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Recreational Vehicle Rentals														
Workshops for Disabled People	C	C	C	C	P	C	P		C	C	C	C	C	18.04.060(R)
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>11. PUBLIC FACILITIES, ESSENTIAL</b>														
Airports			C										C	18.06.060(G)
Inpatient Facilities		C	C	C 18.06.060(T)	C		C		C	C	C	P	P	18.06.060(G) 18.04.060(K)
Jails			C		C		C		C				C	18.06.060(G)
Mental Health Facilities			C	C 18.06.060(T)	C		C						C	18.06.060(G)



**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
														18.04.060(K)
Other Correctional Facilities		C	C	C 18.06.060 (T)	C	C	C		C	C	C	C	C	18.06.060(G)
Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities		C	C		C		C			C	C	C	C	18.06.060(G)
Radio/TV and Other Communication Towers and Antennas	C	C	C	C	C	C	C	C	C	C	C	C	C	18.06.060(G) ) 18.44.100

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Sewage Treatment Facilities	C	C	C	C	P		P		C	C	C	C	C	18.06.060(G) ) 18.04.060(X) )
State Education Facilities		C	C		C		C		C	C	C	C	C	18.06.060(G) ) 18.06.060(X) )
State or Regional Transportation Facilities	C	C	C	C	C	C	C		C	C	C	C	C	18.06.060(G) )
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>12. TEMPORARY USES</b>														
Entertainment Events			P		P	P	P						P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Off Site Contractor Offices	P	P	P	P	P	P	P	P	P	P	P	P	P	18.04.060(D) D)
Emergency Housing	P	P	P	P	P			P	P	P	P	P	P	18.04.060(D) D)
Fireworks, as determined by Fire Dept.			P		P	P	P				P	P	P	9.48.160
Mobile Sidewalk Vendors		P	P	P	P	P	P			P	P	P	P	
Parking Lot Sales			P		P	P	P	P			P	P	P	
Residences Rented for Social Event (6 or less in 1 year)	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(D) D)
Residences Rented for Social Event (7	C	C	C	C	C	C	C		C	C	C	C	C	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
or more in 1 year)														
Temporary Surface Parking Lot		P	P		P	P	P		P					
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>13. OTHER USES</b>														
Accessory Structures/Uses														
Adult Oriented Businesses			P										P	18.06.060(B)
Agriculture	P	P	P	P					P	P	P	P	P	
Animals	P	P	P	P	P	P	P		P	P	P	P	P	18.06.060(C)
Cemeteries	C	C	C	C					C	C	C		C	
Conference Center			P		P	P	P						P	

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>A S</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Fraternal Organizations		P	P		P	P	P		P/C 18.06.060(I)	P	P	P	P	
Gambling Establishments			C											
Garage/Yard/Rummage and Other Outdoor Sales	P	P	P	P	P	P	P		P	P	P	P	P	5.24
Home Occupations	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)
Parking Facility, Commercial		P	P		P	P	P			P	P	P	P	18.04.060(V)
Places of Worship	C	C	P	C	P	P	P		C	C	C	P	P	18.04.060(U)
Racing Pigeons	C	C	C	C					C	C	C	C	C	18.04.060(Y)
Satellite Earth Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	18.44.100

**TABLE 6.01**

**PERMITTED AND CONDITIONAL USES**

<b>COMMERCIAL DISTRICT</b>	<b>NR</b>	<b>PO/RM</b>	<b>GC</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>AS</b>	<b>CSH</b>	<b>HDC-1</b>	<b>HDC-2</b>	<b>HDC-3</b>	<b>HDC-4</b>	<b>APPLICABLE REGULATIONS</b>
Schools	C	C	P	C	C	C	C		C	C	C	P	P	18.04.060(D) D)
Utility Facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	18.04.060(X) )
Wireless Communication Facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	18.44

**LEGEND**

P = Permitted Use

MS = Medical Services

DB = Downtown Business

C = Conditional Use

PO/RM = Professional Office/Residential Multifamily

AS=Auto Services

NR = Neighborhood Retail

GC = General Commercial

UW = Urban Waterfront

UW-H = Urban Waterfront-Housing

CSH = Commercial Services-High Density

HDC-1=High Density Corridor-1

HDC-2=High Density Corridor-2

HDC-3=High Density Corridor-3

HDC-4=High Density Corridor-4

**Section 2. Amendment of OMC 18.06.060.** Olympia Municipal Code Chapter 18.06.060 is hereby amended to read as follows:

**18.06.060 Commercial districts' use standards**

**A. Accessory Uses and Structures.**

Only those uses that meet the definition of an Accessory Use as defined under this chapter will be permitted in the zones outlined in the tables of this chapter.

**B. Adult Oriented Businesses.**

1. Location. Adult oriented businesses may be permitted, but only if the following separation and distance conditions are met:

a. No adult oriented businesses shall be located closer than one thousand (1,000) feet to another such business whether such other business is located within or outside the city limits. Said distance shall be measured by following a straight line from the nearest point of public entry into the structure which will house the proposed adult facility to the nearest point of public entry into the structure housing another adult facility.

b. No adult oriented businesses may be located closer than two hundred fifty (250) feet from the nearest point of the boundary of a General Commercial (GC, or High Density Corridor-4 (HDC-4) district; PROVIDED, this restriction shall not apply to a proposed business with respect to a particular zone boundary when the proposed site of the business is separated from said boundary by an arterial street of at least four (4) travel lanes in width.

c. No adult oriented businesses shall be located closer than three hundred thirty (330) feet of any of the following uses whether such use is located within or outside the city limits:

i. Any residential use;

ii. Family child care home;

iii. Child day care center;

iv. Preschool facility; and

v. Nursery school;

vi. The point of ingress to or egress from any public trail identified in the city's Comprehensive Plan, Urban Trails, except when such point is separated from the proposed business by a four-lane or wider street arterial.

d. No adult oriented businesses shall be located closer than one thousand three hundred twenty (1,320) feet to any of the following uses whether such use is located within or outside the City limits:

- i. Public park;
- ii. Public or private primary or secondary schools, colleges and universities; and
- iii. Places of worship (e.g., church, temple or synagogue or other facility primarily devoted to the teaching or practice of religious beliefs);
- iv. Public library

e. Such distance shall be measured by following a straight line distance between the point of public entry into the structure housing the adult facility and:

- i. The nearest point on a property line of a public park; or
- ii. The nearest point of public entry to any residential use, public library, child day care home, child day care center, preschool, nursery school, public or private primary or secondary school, college, university, church, temple, or synagogue, or other facility primarily devoted to the teaching or practice of religious beliefs, or the nearest point on the perimeter of the area actually used in conjunction with any such use, whichever is closer.

For purposes of this ordinance, "actually used in conjunction with" means areas used for the primary and related structures, yards, parking lots, designated play areas and other areas used to determine site coverage under this code.

f. Waiver of Distance Requirements. The following procedures and criteria shall be adhered to with regard to a request for waiver of distance requirements:

- i. Distance waiver required. Any party proposing to locate an adult facility within less than the required distances from uses or zones as specified in this ordinance may do so only after obtaining a waiver therefor from the Hearing Examiner through a conditional use permit.
- ii. Waiver notice requirements. In addition to the notice requirements for conditional use permits, first class mailing notice shall be made to all parties within either distance set forth in subsections 18.06.060(B)(1)(c) and (d), depending upon the use in question. The applicant shall provide the names and addresses of all property owners and businesses within said distances from the proposed use.



iii. Criteria for decision. The final decision on the request for waiver of distance shall be made by the Hearing Examiner, based on consideration of the following:

- (a) The extent to which physical features would result in an effective separation in terms of visibility and access.
- (b) Compatibility with adjacent and surrounding land uses.
- (c) The availability or lack of alternative locations for the proposed use.
- (d) Ability to avoid the adult facility by alternative vehicular and pedestrian routes.

2. Intervening Uses. Uses and zones specified in Subsection 18.06.060(B)(1)(c) and (d) shall not be allowed to locate within the specified distances of an adult oriented business. Any party proposing to locate such a use or zone within the specified distances of an adult facility is considered an intervening use and may do so only after obtaining a distance waiver pursuant to the provisions of Subsection 18.06.060(B)(1)(f) of this code regarding waiver of distance requirements; provided, that notice requirements shall conform with the provisions of Section 18.78.020 of the Olympia Municipal Code; and provided further, that the owner seeking to expand a sensitive use specified in Subsections 18.06.060(B)(1)(c) or (d) into a separation area provided herein need not procure a waiver of distance requirement under (B)(1)(f) herein if such expansion is to be done on the same parcel on which the sensitive use is located and no new lots are thereby created.

3. Adult Oriented Businesses - Forbidden in Other Zones. The allowance of adult oriented businesses shall be limited to the General Commercial (GC, or High Density Corridor-4 (HDC-4) zones and such uses are forbidden in all other zones within the City of Olympia.

C. Animals. All Commercial Districts:

1. Quantity. No more than three (3) pets, such as dogs, cats, hens, and untraditional pets (e.g., potbelly pigs and rabbits), four (4) months of age or older, shall be permitted per dwelling unit. (Traditional pets are defined as a species of animals which can be house-broken, or walked on a leash, or are frequently, but not necessarily, housed within a residence and are neither obnoxious nor a public safety or health threat.)

2. Birds. Song birds or other traditional pet birds (e.g., parrots) are permitted. Fowl, such as roosters, ducks and geese, are prohibited. [NOTE: The keeping of racing and performing pigeons is permitted as a conditional use.]

3. Other Animals. Swine, other than potbelly pigs, and goats are prohibited. The keeping of other animals and pets, which are not specifically prohibited in this section is permitted, provided that:

- a. There shall be no more than one (1) animal per acre, in addition to those animals/pets permitted in Subsection C.1 above; and
- b. Such animals shall be confined within a suitably fenced area which shall be located no closer than fifty (50) feet from any property line; and
- c. The keeping of such animals does not constitute a nuisance or hazard to the peace, health or welfare of the community in general and neighbors in particular.

D. Banks.

1. High Density Corridor-3 (HDC-3) Requirements. Banks which offer only drive-through service (i.e., which serve customers exclusively in or on their vehicles) are not permitted.
2. Urban Waterfront (UW) and Downtown Business (DB) District Requirements. Drive-through banks may be permitted with a conditional use permit if the proposed project meets the Street Edge Development Standards of the Pedestrian Streets Overlay District, Chapter 18.16 OMC. The proposed project may be exempted from the Pedestrian-Oriented Street Wall Requirement under the "Pedestrian Streets Overlay District Requirements" if it is found that:
  - a. The proposed design meets the intent of the Pedestrian Streets Overlay District, "Pedestrian Streets Overlay District Requirements"; and
  - b. The building site presents unusual conditions which require an alternative design to accomplish the intent of the Pedestrian Streets Overlay District, "Pedestrian Streets Overlay District Requirements."

E. Bed and Breakfast Houses. Professional Office/Residential Multifamily (PO/RM), High Density Corridor-1 (HDC-1), General Commercial (GC), High Density Corridor-4 (HDC-4), and Medical Services (MS) districts requirements: All Bed and Breakfast Houses are subject to the Bed and Breakfast House requirements in residential districts, Section 18.04.060(L)(3)(c).

F. Drive-Through and Drive-In Uses.

1. High Density Corridor-3 (HDC-3) Requirements. Businesses which serve customers exclusively in their vehicles are prohibited. This includes uses such as drive-through laundry pick-up agencies, drive-through-only banks, and drive-through photo processing services. This does not include car washes. Restaurants are not permitted to have drive-up or drive-through facilities.
2. Downtown Business and Urban Waterfront (UW) Requirements. Drive-through and drive-in uses are prohibited as a primary or accessory use (exception: drive-through banks are a conditional use). Existing drive-in and drive-through restaurants permitted before January 1, 1994, are conforming uses. Such

uses shall be treated the same as other allowed uses, consistent with applicable regulations or conditional use requirements. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

3. Pedestrian Streets and Drive-Through or Drive-In Uses. Drive-through and drive-in uses are allowed on parcels that abut pedestrian oriented streets, as follows:

a. A Streets: Drive-through or drive-in uses are permitted on parcels abutting Pedestrian Oriented A Streets when there is another building(s) or a designated pedestrian plaza or other gathering space located between the drive-through or drive-in building and the street. In the event a pedestrian plaza or gathering space is located between the building and an "A" Street, provisions to prevent vehicles from entering the plaza or gathering space shall be provided (e.g. curb and a landscaped area, bollards, low masonry wall).

b. B Streets: Drive-through lanes are prohibited between the pedestrian oriented street and the building. Drive-through lanes may be located to the side or rear of the building when designed for the safety of pedestrians or bicyclists on the sidewalk or other internal designated routes for pedestrians and/or bicyclists.

G. Public Facilities, Essential.

1. Regulations applicable to all commercial zoning districts. Essential public facilities are subject to the procedures and conditions listed in Section 18.04.060(W), as well as any other applicable provisions of this Title.

2. Community Retail District (CMR) and Professional Office/Residential Multifamily District (PO/RM) Regulations. "Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities" (see Table 6.01 above) shall be limited to office uses.

3. General Commercial District (GC), High Density Corridor-4 (HDC-4), Urban Waterfront (UW), and Downtown Business District (DB) Regulations. "Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities" (see Table 6.01 above) shall be limited to those office uses, industrial uses, recreation and culture uses otherwise allowed in these districts. In addition to the requirements for Essential Public Facilities, these uses shall meet all other applicable regulations of this Chapter and Title.

H. Food Stores. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: Food stores are allowed up to a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

I. Fraternal Organizations. Fraternal organizations are permitted within the CSH zone district under the condition that if alcohol is served, the use shall be subject to all requirements governing nightclubs, taverns and lounges (see Section 18.06.060(P) Nightclubs and Taverns, below).

J. General Merchandise Stores. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: General Merchandise stores shall have a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

K. Group Homes.

1. General requirements for group homes are identified in subsection 18.04.060(K).
2. Downtown Business District (DB) Requirements. There is no minimum lot size for group homes with up to twenty (20) unrelated residents, exclusive of on-site operators.
3. General Commercial District (GC), High Density Corridor-3 (HDC-3), High Density Corridor-4 (HDC-4), and Medical Services District (MS) Requirements. The Hearing Examiner may relax the minimum lot size standard in paragraph 18.04.060(K)(3) where the characteristics of the home so warrant.

L. Health Fitness Centers and Dance Studios. Professional Office/Residential Multifamily (PO/RM), High Density Corridor-1 (HDC-1), and High Density Corridor-2 (HDC-2) District Requirements: These uses shall have a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

M. Industry, Heavy. CW - 1 Zone District: Manufacturing, compounding, processing, treatment or assembly of products--except those which cause excessive danger or offense--is permitted within this district. Heavy industrial uses are not permitted south of Corky Street.

N. Industry, Light.

1. Urban Waterfront (UW) Requirements. Light industry is a permitted use east of Washington Street. It is a conditional use west of Washington Street.

O. Laundry and Laundry Pick-Up Agency. High Density Corridor-3 (HDC-3) Requirements: No drive-through facilities are allowed for drop-off or pick-up of laundry.

P. Nightclubs and Taverns. Commercial Services - High Density (CS-H) District Requirements: Night clubs, taverns and lounges are a conditional use, subject to the following conditions:

1. Setback. No building shall be located closer than sixty (60) feet from a property line abutting a residential use.
2. Noise Insulation. The building shall be of sound-reducing construction that will assure compliance with the sound emission requirements of Section 18.40.080, Property Protection Standards.
3. Loudspeakers. There shall be no outside loudspeakers.

Q. On-Site Treatment and Storage Facilities for Hazardous Waste. Urban Waterfront (UW) District Requirements: These facilities are allowed only as an accessory use, subject to siting criteria pursuant to Chapter 70.105 RCW.

R. Operating Hours - Neighborhood Retail (NR) District. Operating hours for businesses in the NR District shall be limited to the hours between 6:00 a.m. and 11:00 p.m. A later opening time and/or an earlier closing time may be required if necessary to assure compatibility with the adjacent residential neighborhood.

S. Parking Facilities and Garages.

1. High Density Corridor-3 (HDC-3) Requirements. Parking lots established as separate, primary uses are a conditional use. The proposed parking lot shall exclusively serve specifically identified uses in or adjacent to the district to accommodate shared employee or customer parking or off-site employee parking. The uses served by the lot may change over time.
2. Downtown Business District (DB) Requirements. Public plazas, temporary surface parking lots (See OMC 18.04.060(EE)(1)(h)), or structured parking is permitted. Parking lots not associated with a permitted or conditional use are prohibited. All existing parking lots permitted before January 1, 1994, are conforming uses. Such lots shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

~~T. Residential Restrictions in the Medical Services District (MS). Residential uses may not be constructed within six hundred (600) feet of Lilly Road except above the ground floor in mixed-use buildings. Reserved.~~

U. Restaurants.

1. Downtown Business (DB) District Requirements. New drive-in and drive-through restaurants are not permitted. All existing drive-in and drive-through restaurants permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

2. Medical Services (MS) District Requirements. Restaurants may be allowed as a conditional use where it can be demonstrated that the medical community or the consumers of medical services are clearly and primarily benefitted by the convenience of the facilities.

3. Restaurants in the Neighborhood Retail District shall be limited to one thousand (1000) square feet of gross floor area and shall not require nor include a Type I Hood as defined in the Uniform Mechanical Code.

V. Recycling Facilities. Only Type I Recycling Facilities are allowed in the following districts: Neighborhood Retail (NR), Community Retail (CMR), Professional Office/Residential Multifamily (PO/RM), Medical Services (MS), Urban Waterfront (UW), High Density Corridor-1 (HDC-1), High Density Corridor-2 (HDC-2), High Density Corridor-3 (HDC-3), High Density Corridor-4 (HDC-4), and Commercial Services-High Density (CS-H).

W. Electric Vehicle Infrastructure, Service Stations and Car Washes.

1. High Density Corridor-3 (HDC-3) District Requirements. Car washes are permitted only in conjunction with a service station.

2. High Density Corridor-3 (HDC-3) and High Density Corridor-4 (HDC-4) District Requirement. Service stations and car washes are not permitted to locate on corner properties at intersections. Services stations and car washes vested before January 20, 2001 are conforming uses.

3. Downtown Business District (DB) Requirements.

a. Service stations, car washes and accessory uses are not permitted, except on those properties located south of Union Street and east of Plum/Henderson (see Figure 6-1) or where otherwise listed as allowed under this section. This also applies to gasoline dispensing facilities accessory to a permitted use.

b. All existing service stations permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations.

c. Detached drive-thru restaurants of less than 200 square feet without Type I hoods are permitted as an accessory use to service stations in this District.

d. Electric Vehicle Infrastructure is permitted as an accessory use in the Downtown Business District if it meets the criteria set forth in OMC 18.04.060GG.



**FIGURE 6-1**

Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

4. Urban Waterfront (UW) Requirements.

a. New service stations and car washes are not permitted. This also applies to gasoline dispensing facilities accessory to a permitted use. EXCEPTION: gasoline dispensing facilities accessory to a marina or boat club are permitted.

b. All existing service stations and car washes permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

c. Electric Vehicle Infrastructure is permitted as an accessory use in the Urban Waterfront (UW) District if it meets the criteria set forth in OMC 18.04.060GG.

5. Neighborhood Retail District (NR) and Community Retail (CMR) District Requirements. State or regional transportation facilities shall be linear facilities only, such as roads or railroads.

- a. Underground petroleum storage tanks are prohibited within the Allison Springs aquifer recharge area.
- b. No more than four (4) gas dispensing devices serving a maximum of eight (8) vehicles at one time are permitted at convenience stores/gas stations in the CMR District.
- c. No more than two (2) gas dispensing devices serving a maximum of four (4) vehicles at one time are permitted at convenience stores in the NR District.

6. Urban Waterfront Housing (UW-H) Requirements.

- a. Electric Vehicle Infrastructure is permitted as an accessory use in the Urban Waterfront Housing (UW-H) District if it meets the criteria set forth in OMC 18.04.060GG.

X. School - Colleges and Commercial, Business or Trade Schools. The following requirements apply to all colleges and commercial, business or trade schools requiring a Conditional Use Permit hereafter erected, established or relocated.

- 1. Lot Size. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a school in excess of four (4) students shall be based upon a determination made by the Hearing Examiner.
- 2. Setbacks. Setbacks and screening shall be sufficient to protect neighboring uses.
- 3. Traffic. The Hearing Examiner shall set such conditions as may be necessary to limit traffic impacts to levels that will be compatible with the neighborhood. If the traffic to be generated cannot be adequately mitigated without adverse impacts, the permit shall be denied.

Y. Specialty Stores.

- 1. High Density Corridor-3 (HDC-3) District Requirements. No drive-through facilities are allowed for retail uses, such as a pick-up window for photo processing.
- 2. Medical Services (MS) District Requirements. Retail developments such as florists, gift shops and the like may be allowed as a conditional use where it can be demonstrated that the medical community or the consumers of medical services are clearly and primarily benefitted by the convenience of such retail facilities.
- 3. Neighborhood Retail (NR) District Requirements. Specialty stores are limited to those selling such items as gifts, antiques, variety goods, light hardware, hobby supplies, garden supplies, reading materials and other small items used primarily in a private home.



4. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements. Specialty stores shall have a maximum gross floor area of five thousand (5,000) square feet. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

Z. Temporary Uses.

1. Intent. Certain uses, when active for a limited period of time and when properly regulated, can be compatible, or otherwise limited in impact to neighboring properties and the general community. In accord with this intent, no temporary use shall be allowed unless a temporary use permit is approved by the City as prescribed by this section. Each separately proposed activity or use shall require a separate permit and pay the fee required by OMC 4.40.010(A).

2. General Standards. Temporary uses are subject to the following regulations:

a. Temporary uses not listed in the use table of this chapter may be authorized by the applicable approval authority, provided such temporary uses are similar to and no more intensive than other temporary uses permitted in the district in which the subject property is located.

b. The applicable approval authority may apply additional conditions to any temporary use permit in order to:

i. Ensure compliance with this chapter;

ii. Ensure that such use is not detrimental to neighboring properties and the community as a whole; and

iii. Ensure compliance with the Building Code.

c. Within three (3) days after termination of the temporary use permit, such use shall be abated and all structures, signs and evidence of such use removed. The Director may require a financial surety be posted by the applicant upon application to defray the costs of cleanup and repair of the property should the permittee fail to do so. The property owner is responsible for such abatement action and costs should the permittee fail to properly clean and repair the property.

d. Temporary use permits not exercised within thirty (30) days of issuance shall be null and void.

e. Unless otherwise stated in this section temporary use permits are valid from the date of issuance for ninety (90) consecutive days per calendar year.

f. Unless otherwise stated in this section no more than two (2) temporary use permits will be issued for any specific site per calendar year.

- g. Nothing in this section shall exempt the applicant from obtaining all necessary applicable permits from all other agencies having jurisdiction.
  - h. Hours of operation, including the use of generators and lot lighting, excluding security lighting, shall be limited to 7:00 a.m. to 10:00 p.m. unless otherwise specified in writing by the Planning Director or his designee. Security lighting shall be shielded to prevent light spillage onto adjacent properties.
3. Specific Temporary Use Standards. The following temporary uses are permitted in commercial districts and the Evergreen Park PUD, subject to the following regulations:
- a. Entertainment Events to include: circuses, carnivals and similar transient amusement enterprises, limited to operation of not more than twice each year, and not more than ten (10) consecutive days per event per site in any one (1) calendar year.
  - b. Off-site contractor's Offices (including trailers and mobile homes) and storage yards associated with an active construction project, not to exceed one (1) year in duration.
  - c. Mobile Vendors.
    - i. Temporary use permits for mobile vendors are valid for one (1) year from the date of issuance.
    - ii. Approval from the property owner, or underlying property owner if located in a right-of-way, is required.
    - iii. Mobile vendors located within the sidewalk right-of-way must comply with the following rules:
      - (a). Only one mobile sidewalk vendor shall be permitted per block face.
      - (b). Public sidewalks used by mobile vendors shall have a minimum width of eight (8) feet.
      - (c). In no instance shall the clear walking area around a sidewalk vendor be less than forty-eight (48) inches. The clear walking area around a sidewalk vendor must be at least six (6) feet if within the downtown "Pedestrian Walking Lane" area delineated in OMC 9.16.180(B), Figure 1.
      - (d). The maximum length of space occupied by a mobile sidewalk vendor and equipment is eight (8) feet.

- (e). Mobile sidewalk vendor stands must be readily movable at all times.
  - (f). Mobile sidewalk vendors shall locate their stands at the back of the sidewalk away from curb.
  - (g). All locations shall be approved on a first-come, first-serve basis.
  - (h). Mobile sidewalk vendors shall sign a Hold Harmless Agreement with the City of Olympia.
- d. Parking lot and other outdoor sales of merchandise and/or services unrelated to the primary use of the property must comply with the following:
- i. Merchandise displays may only occupy parking stalls which are in excess of city parking requirements.
  - ii. There shall be no obstruction of emergency exits, Fire Lanes or other Emergency apparatus.
  - iii. Sales areas shall be maintained in an attractive and trash-free manner.
  - iv. Sales areas shall not substantially alter the existing circulation pattern of the site.
- e. Temporary, commercial wireless communications facilities, for the purposes of providing coverage of a special event such as news coverage or sporting event. Such facilities must comply with all federal and state requirements. Temporary wireless communications facilities may be exempt from the provisions of Chapter 18.44 up to one week after the duration of the special event.
- f. Temporary surface parking lots on previously developed property are allowed subject to approval by the Director, and are limited to a one time permit valid for two years. A one year extension may be granted by the Director if a complete Land Use Application has been submitted for review. All applications must provide a complete Site Plan and comply with the following:
- i. A twenty by twenty (20'x20') foot paved surface at all approved points of ingress/egress.
  - ii. A dust-free surface.
  - iii. An erosion control and stormwater containment plan.

- iv. Clear designation of parking spaces and drive aisles consistent with OMC 18.38.220 with striping and/or parking blocks. To prevent obstruction of public rights-of-way wheel blocks must be provided at the perimeter of the site.
- v. No new or additional points of access.
- vi. Provision for an enforceable compliance and closure agreement.
- vii. May not be established on Pedestrian "A" streets per OMC 18.16.080(H).

4. Violations. At any time a temporary use is operated in violation of required conditions of this section or of the permit (Subsection 18.06.060(Z)(2)(b)) or otherwise found to constitute a nuisance, the City may take appropriate enforcement action including the process set forth at OMC 18.73.010.

AA. Warehousing.

1. Urban Waterfront (UW) District Requirements:

- a. East of Adams Street and north of Olympia Avenue.
  - i. Warehousing is a permitted use.
- b. Elsewhere in the District:
  - i. Warehouses are prohibited except when part of a larger project and included within the proposed building.
  - ii. All existing warehouses permitted before January 1, 1994, are conforming uses. Such warehouses shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

BB. Wholesale Sales. The following Conditional Use Permit restrictions apply to wholesale uses:

1. Urban Waterfront (UW) District Requirements. Wholesale sales are a permitted use in those portions of the UW District which are not within the Pedestrian Streets Overlay District (see Chapter 18.16). In those portions of the UW District which are within the Pedestrian Streets Overlay District, wholesale sales may be allowed as a conditional use if the proposed project meets the Street Edge Development Standards of the Pedestrian Streets Overlay District. The proposed project may be exempted from the Pedestrian-Oriented Street Wall Requirement if:

- a. The proposed design meets the intent of the Chapter; and

b. The building site presents unusual conditions which require an alternative design to accomplish the intent.

2. Commercial Services - High Density (CS-H) District Requirements. Permitted uses include those which offer specialized products at wholesale to other uses permitted in this district, including, but not limited to, office machine sales and repair services, and office supply sales.

CC. Marinas. Urban Waterfront (UW) District Requirements: As an accessory use, marinas may provide sites for recreational vehicles for users of the marina, at a rate of up to 1.5 sites per 100 mooring slips. These sites shall be provided with hook-ups for water, sewer, and electricity. Users of these sites shall be limited to two (2) weeks occupancy per year.

DD. Office Supplies and Equipment. High Density Corridor-1 (HDC-1), and Professional Office/Residential Multifamily District (PO/RM) Requirements. Office supplies and equipment stores shall have a maximum gross floor area of five thousand (5,000) square feet. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

EE. Pharmacies and Medical Supply Stores. High Density Corridor-1 (HDC-1), and Professional Office/Residential Multifamily District (PO/RM) Requirements. Pharmacies and medical supply stores shall have a maximum gross floor area of five thousand (5,000) square feet. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

FF. Equipment Rental Services. Existing equipment rental services legally established as of July 2001 are conforming uses in the PO/RM District and shall be treated the same as other allowed uses, consistent with applicable regulations. In the PO/RM area west of Yauger Road adjacent to Harrison Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

GG. Drinking Establishments. Existing drinking establishments legally established (as of July 2001) are conforming uses in the PO/RM District and shall be treated the same as other allowed uses, consistent with applicable regulations. In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

HH. Urban Waterfront Housing. Up to a maximum of 1 FAR (floor area ratio) can be made up of allowed uses other than residential. (Refer to Pedestrian Street Overlay District 18.16.060(B) for amount and location of commercial uses in a predominantly residential project on "A" streets.)

II. Veterinary Clinic and Office, Veterinary Clinic. Downtown Business (DB), Medical Services (MS), High Density Corridor-1 (HDC-1), and Professional Office/Residential Multifamily District (PO/RM) Requirements. Animals shall be kept indoors except for very brief periods of time as necessary for the animal's health.

**Section 3. 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 4. 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 5. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 6. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
CITY ATTORNEY

**PASSED:**

**APPROVED:**


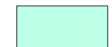





**PUBLISHED:**



# Proposed Text Amendment Medical Service Zone - Lilly Road

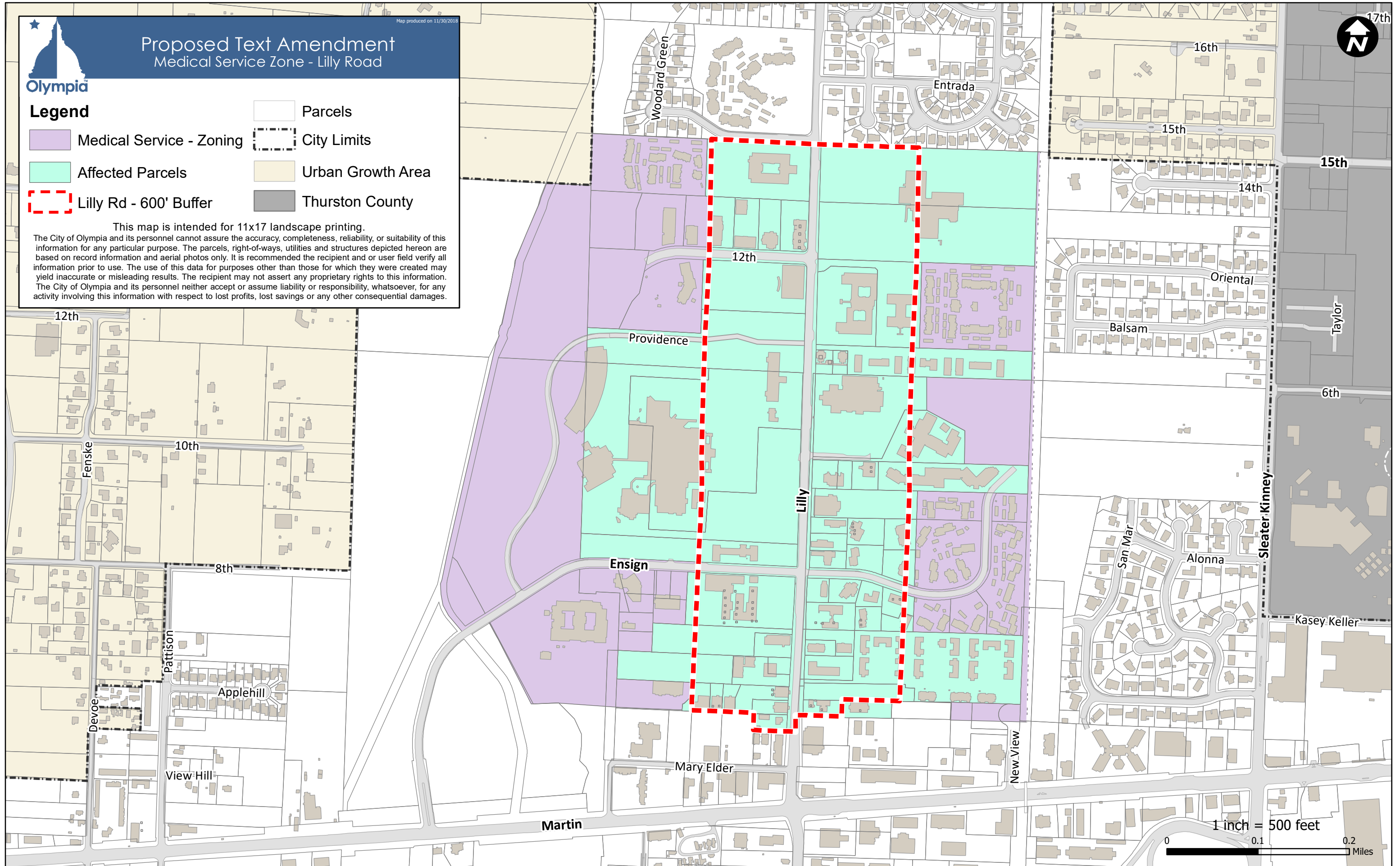
Map produced on 11/30/2018

## Legend

-  Medical Service - Zoning
-  Affected Parcels
-  Lilly Rd - 600' Buffer
-  Parcels
-  City Limits
-  Urban Growth Area
-  Thurston County

This map is intended for 11x17 landscape printing.

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.





# GENERAL LAND USE APPLICATION

## OFFICIAL USE ONLY

Case #: \_\_\_\_\_

Master File #: \_\_\_\_\_

Date: \_\_\_\_\_

Received By: \_\_\_\_\_

Related Cases: \_\_\_\_\_

Project Planner: \_\_\_\_\_

One or more of the following **Supplements** must be attached to this **General Land Use Application** and submitted **electronically with the application**:

- |   |  |
|---|--|
| <input type="checkbox"/> Adjacent Property Owner List           | <input type="checkbox"/> Large Lot Subdivision                                 |
| <input type="checkbox"/> Annexation Notice of Intent            | <input type="checkbox"/> Parking Variance                                      |
| <input type="checkbox"/> Annexation Petition (with BRB Form)    | <input type="checkbox"/> Preliminary Long Plat                                 |
| <input type="checkbox"/> Binding Site Plan                      | <input type="checkbox"/> Preliminary PRD                                       |
| <input type="checkbox"/> Boundary Line Adjustment               | <input type="checkbox"/> Reasonable Use Exception (Critical Areas)             |
| <input type="checkbox"/> Conditional Use Permit                 | <input checked="" type="checkbox"/> SEPA Checklist                             |
| <input type="checkbox"/> Design Review – Concept (Major)        | <input type="checkbox"/> Shoreline Development Permit (JARPA Form)             |
| <input type="checkbox"/> Design Review – Detail                 | <input type="checkbox"/> Short Plat  |
| <input type="checkbox"/> Environmental Review (Critical Area)   | <input type="checkbox"/> Soil and Vegetation Plan                              |
| <input type="checkbox"/> Final Long Plat                        | <input type="checkbox"/> Variance or Unusual Use (Zoning)                      |
| <input type="checkbox"/> Final PRD                              | <input checked="" type="checkbox"/> Other <u>Rezone or Code Text Amendment</u> |
| <input type="checkbox"/> Land Use Review (Site Plan) Supplement | <u>Supplement</u>  |

Project Name: Lilly Road Medical Services District – Text Amendment

Project Address: n/a – not site specific

Applicant: Housing Authority of Thurston County

Mailing Address: 1206 12<sup>th</sup> Ave SE, Olympia, WA. 98501

Phone Number(s): General: 360-753-8292 Craig Chance: 360-918-5828 Bob Ricks: 360-918-5819

E-mail Address: CraigC@hatc.org BobR@hatc.org

Owner (if other than applicant): n/a

Mailing Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Other Authorized Representative (if any): n/a

Mailing Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Project Description: Text amendment to Medical Services district to strike language restricting residential use within 600 feet of Lilly Road.

Size of Project Site: n/a – not site specific

Assessor Tax Parcel Number(s): n/a – not site specific

Section : 17

Township: 18N

Range: 1W



Full Legal Description of Subject Property (attached ): n/a – not site specific

Zoning: Medical Services District

Shoreline Designation (if applicable): There are no designated shorelines within the Lilly Road Medical Services district

Special Areas on or near Site (show areas on site plan):

Creek or Stream (name): Woodard Creek

Lake or Pond (name): \_\_\_\_\_

Swamp/Bog/Wetland

Historic Site or Structure

Steep Slopes/Draw/Gully/Ravine

Flood Hazard Area (show on site plan)

Scenic Vistas

None

Water Supply (name of utility if applicable): City of Olympia

Existing: City water is widely available in this district

Proposed: No changes proposed

Sewage Disposal (name of utility if applicable): City of Olympia

Existing: City sewer is widely available in this district

Proposed: No changes proposed

Access (name of street(s) from which access will be gained): n/a – not site specific

I affirm that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner of the subject site or am duly authorized by the owner to act with respect to this application. Further, I grant permission from the owner to any and all employees and representatives of the City of Olympia and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application. I agree to pay all fees of the City that apply to this application.

Signature \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_ I understand that for the type of application submitted, **the applicant is required to pay actual Hearing**  
**Examiner**  
**Initials** **costs**, which may be higher or lower than any deposit amount. I hereby agree to pay any such costs.

*Applicants may be required to post the project site with a sign provided by the City within seven days of this application being deemed complete. Please contact City staff for more information.*



# GENERAL LAND USE APPLICATION

## SUBMITTAL REQUIREMENTS

### REQUIRED FOR EVERY LAND USE APPLICATION AND SUPPLEMENTAL APPLICATION(S)

Provide the following:

- All required submittal materials, reports, plans, documents and applications shall be provided in electronic format (Memory stick, USB drive, etc.), and
- 2 complete full size hard copy sets of all required materials, reports, and documents
- 2 full size plan sets with 1 reduced size of all required plans (unless otherwise stated)
- Original signed application(s), accompanied by a scanned electronically submitted copy.
- All applicable fees are due at time of submittal.

The General Land Use Application shall include each of the following:

1. Vicinity map depicting location of project with respect to nearby streets and other major features, and encompassing at least one (1) square mile, and not more than forty (40) square miles.
2. Unless exempt, an environmental checklist with a title-company certified list of property owners of record within 300 feet of the project site. (list requirements below). (See Olympia Municipal Code (OMC) 14.04.060 and WAC 197-11-800 regarding SEPA exemptions.)
3. All supplemental attachments for each and every land use approval required by the City of Olympia for the proposed project.
4. A map to scale depicting all known or suspected critical areas on the site or within 300 feet of the site. (See Chapter 18.32 of the OMC.)
5. An Environmental Review Report if within 300 feet of any critical area (wetland, stream, landslide hazard area or other critical area. (See Chapter 18.32 of the OMC.)

If your project requires a certified property owner list to be submitted:

1. Before ordering a property owner list from a title company, please request from a Planner from Community Planning & Development Department to provide you with a map of the properties to be included. Generally, this will include properties within 300 feet of the project site and possibly additional properties depending on the location of your project.
2. The list of property owners shall be certified by a title company. Certification may be done on a cover sheet included with the list. The certification should include, at minimum: 1) the name of the title company, 2) the date the mailing list was prepared, 3) the name and signature of the person who prepared it, 4) the total number of records, and 5) a map showing the properties of the property data obtained.
3. Submit the list on a flash drive or memory stick in Excel worksheet format. The list shall include the following for each property:
  - Property owner's complete mailing address
  - Property complete mailing address. (Situs Address)
  - Tax parcel number(s) for each property
4. The cover sheet and list shall be submitted to the city in electronic format and hard copy.

---

USB Drive File Format-

Electronic Files provided on a USB Drive shall have:

- Each plan set, applications and reports required shall be listed individually on the USB Drive
- Document name examples to be used are referenced below:
  - Site Plan, Landscape Plan, Wetland Report, Wetland Survey, Soil and Vegetation Plan, Stormwater Site Plan, Drainage and Erosion Control Plan, Grading Plan, Architectural Plan Set, Civil Plan Set, Geotech Report, Integrated Pest Management Plan, Traffic Impact Analysis, Hydro-geological Report , Certified Property Owners List, Preliminary Plat Map...etc.)

This form has been approved for use by the Olympia Community Planning and Development (CPD) Department.



Keith Stahley, Director,  
Community Planning and Development

\_\_\_\_ 12/1/2016 \_\_\_\_\_

Date

# REZONE OR CODE TEXT AMENDMENT SUPPLEMENT

## OFFICIAL USE ONLY

Case #: \_\_\_\_\_

Master File #: \_\_\_\_\_

Date: \_\_\_\_\_

Received By: \_\_\_\_\_

Project Planner: \_\_\_\_\_

Related Cases: \_\_\_\_\_

**Rezone**

**Text Amendment**

Current land use zone: Medical Services

Proposed zone: Medical Services

Answer the following questions (attach separate sheet):

- A. How is the proposed zoning consistent with the Comprehensive Plan including the Plan's Future Land Use map as described in OMC 18.59.055? If not consistent, what concurrent amendment of the Plan has been proposed, if any?
- B. How would the proposed change in zoning maintain the public health, safety and welfare?
- C. How is the proposed zoning consistent with other development regulations that implement the Comprehensive Plan?
- D. How will the change in zoning result in a district that is compatible with adjoining zoning districts?
- E. Please describe whether public facilities and services existing and planned for the area are now adequate, or likely to be available, to serve potential development allowed by the proposed zone.

A Rezone Or Code Text Amendment Application shall accompany a General Land Use Application and shall include:

**All required submittal materials, reports, plans, documents and applications shall be provided in electronic format (memory stick, USB drive, etc.).**

1. The current zoning of the site.
2. The proposed zoning of the site.
3. Specific text amendments proposed in "bill-format." (See example.)
4. A statement justifying or explaining reasons for the amendment or rezone.
5. Reproducible maps (8½" x 17" or 11" x 17") to include a vicinity map with highlighted area to be rezoned and any nearby city limits, and a map showing physical features of the site such as lakes, ravines, streams, flood plains, railroad lines, public roads, and commercial agriculture lands.
6. A site plan of any associated project.
7. A site sketch 8½" x 11" or 11" x 17" (reproducible).
8. A typed and certified list, prepared by title company, of all property owners of record within 300 feet of the proposed rezone.
9. A copy of the Assessor's Map showing specific parcels proposed for rezone and the immediate vicinity.
10. An Environmental (SEPA) Checklist.

*NOTE: Although applications may be submitted at any time, site specific rezone requests are only reviewed twice each year beginning on April 1 and October 1.*

*Applicants are required to post the project site with a sign provided by the City within seven days of this application being deemed complete. Please contact City staff for more information.*

## **Sample of Bill Formatting**

1. Fence height is measured to the top of the fence, excluding posts. Point of ground measurement shall be the high point of the adjacent final grade. ~~the average grade five (5) feet on either side of the fence.~~
2. Fences, walls, and hedges are permitted within all yard areas provided that regardless of yard requirements, no closed gate, garage door, bollard or other feature shall obstruct a driveway or other motor vehicle private ingress within twenty (2) feet of a street right-of-way nor they do not obstruct automobile views exiting driveways and alleys (see clear vision triangle). This 20-foot requirement is not applicable within the downtown exempt parking area as illustrated at Figure 38-2. Additional exceptions may be granted in accordance with OMC 18.38.220(A)(2).
3. ~~Solid fences or walls higher than two (2) feet within the front yard area are prohibited; this does not include hedges.~~ Front yard fences, of common areas, such as tree, open space, park, and stormwater tracts, must be a minimum of fifty (50) ~~twenty-five (25)~~ percent unobstructed, i.e., must provide for visibility through the fence. See Figure 40-2.

This form has been approved for use by the Olympia Community Planning and Development (CPD) Department.



12/1/2016

---

Keith Stahley, Director,  
Community Planning and Development

---

Date

- A. How is the proposed zoning consistent with the Comprehensive Plan including the Plan's Future Land Use map as described in OMC 18.59.055? If not consistent, what concurrent amendment of the Plan has been proposed, if any?

We are requesting that the text of the Medical Services district be amended to remove the residential restrictions contained in 18.06.060(T) of the City Municipal Code. Current zoning for the Medical Services district prohibits residential development within 600 feet of Lilly Road except above the ground floor in mixed use buildings. There are only two small parcels of land in the Medical Services district within 600 feet of Lilly Road that are undeveloped. The total size of these two parcels is 3.79 acres. The restriction on residential use within the MS district has had the intended effect of concentrating medical services in this district. Now that this district is nearly completely developed, loosening the restrictions on residential use will provide an incentive to develop much needed affordable housing close to employment and along a major transportation corridor. The current restriction on residential use in the Medical Services district only applies to the Lilly Road corridor. The Medical Services district on the west side of Olympia does not have this same residential restriction.

In the Comprehensive Plan, PL1.7 specifically calls for the support of housing in the medical services area of Lilly Road:

***PL1.7** Enable frequent transit service, **support housing**, utilize existing infrastructure, provide public improvements and concentrate new major shopping, entertainment and office uses downtown, **in the medical services area of Lilly Road**, near the Capital Mall, and in the urban corridors. (emphasis added)*

The Lilly Road medical services district is well served by Intercity Transit, existing infrastructure is equipped to support additional multi-family development.

The Future Land Use Map published 10/26/2016 doesn't appear to anticipate any changes to the Lilly Road medical services district.

- B. How would the proposed change in zoning maintain the public health, safety and welfare?

The proposed text amendment will not impact public health, safety or welfare. Since there are only 3.79 acres of undeveloped land that will be affected by this amendment, this will have only a very minor impact on the general character of the Lilly Road medical services district.

- C. How is the proposed zoning consistent with other development regulations that implement the Comprehensive Plan?

The proposed text amendment will not change the zoning for this district. Residential development is already permitted in the Medical Services district. Residential use is also consistent with the development regulations in OMC 18.06.020.A.7 for the MS zoning district. This section specifically calls for:

*d. Allow relatively high density housing near medical facilities to help meet the needs of the large number of people employed there.*

*e. Allow developments which will provide maximum convenience to medical facility users and employees, and an environment conducive to the healing arts.*

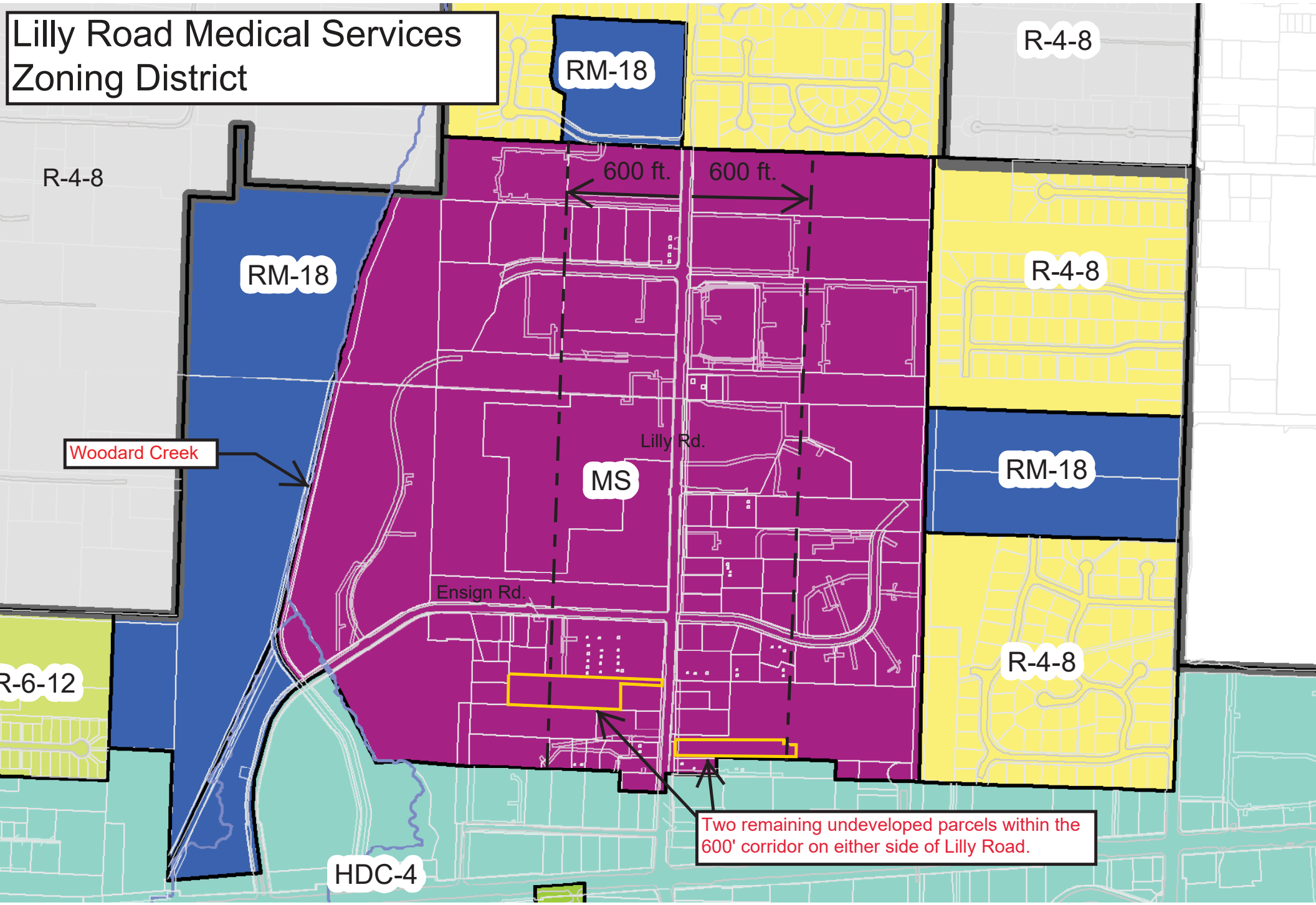
- D. How will the change in zoning result in a district that is compatible with adjoining zoning districts?

The adjoining zoning districts to the north, east, and west are residential (RM-18 and R-4-8). The adjoining district to the south is HDC-4, which permits residential, multi-family development. The existing Lilly Road medical services district also has existing residential developments, some of which are pre-existing developments within the 600' corridor of Lilly Road.

- E. Please describe whether public facilities and services existing and planned for the area are now adequate, or likely to be available, to serve potential development allowed by the proposed zone.

The proposed text amendment will have only a modest impact on existing public facilities and services. The Lilly Road medical services district is almost fully developed. The remaining two parcels within 600' of Lilly Road are only 3.79 acres in size. Existing facilities and services are adequate to meet this small increase in density over what is currently permitted.

# Lilly Road Medical Services Zoning District



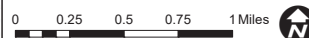


# VICINITY MAP



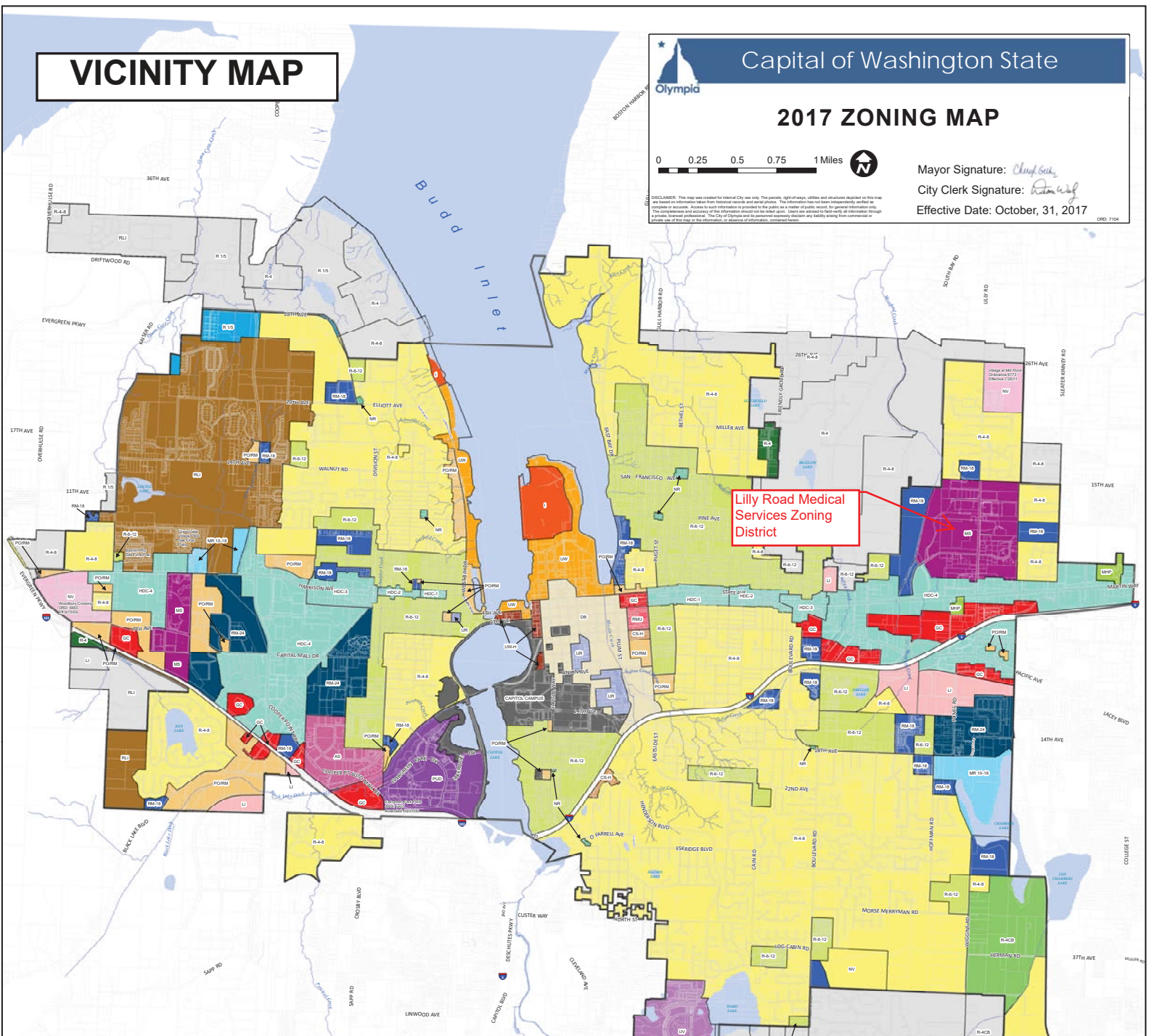
Capital of Washington State

## 2017 ZONING MAP



Mayor Signature: *Cheryl Seitz*  
 City Clerk Signature: *Renee Wolf*  
 Effective Date: October, 31, 2017

DISCLAIMER: This map was created for internet City use only. The parcels, agricultural, utilities and structures depicted on this map are based on information taken from historical records and aerial photos. This information has not been independently verified as complete or accurate. Access to such information is provided to the public as a matter of public interest, for general information only. The completeness and accuracy of the information should not be relied upon. Users are advised to verify all information through a parcel's historical position. The City of Olympia and its personnel expressly disclaim any liability arising from connection or reliance on this map or the information, or absence of information, depicted herein.



Lilly Road Medical Services Zoning District

### Zoning Map Legend

	Olympia City Limits
	Urban Growth Area
	State Capitol Campus* <small>*The Washington State Capitol Commission alone has authority over land use for the State Capitol Campus.</small>
<b>Zone Name</b>	
	HIGH DENSITY CORRIDOR 1
	HIGH DENSITY CORRIDOR 2
	HIGH DENSITY CORRIDOR 3
	HIGH DENSITY CORRIDOR 4
	AUTO SERVICES
	COMMERCIAL SERVICE HIGH DENSITY
	COMMUNITY ORIENTED SHOPPING CENTER
	DOWNTOWN BUSINESS
	GENERAL COMMERCIAL
	INDUSTRIAL
	LIGHT INDUSTRIAL
	HIGH RISE MULTIFAMILY
	MEDICAL SERVICE
	PROFESSIONAL OFFICE/RESIDENTIAL MULTIFAMILY
	NEIGHBORHOOD RETAIL
	RESIDENTIAL 1 UNIT PER 5 ACRE
	MIXED RESIDENTIAL 7-13 UNITS
	MIXED RESIDENTIAL 10-18 UNITS
	RESIDENTIAL MULTIFAMILY 18 UNITS
	RESIDENTIAL MULTIFAMILY 24 UNITS
	SINGLE-FAMILY RESIDENTIAL (CHAMBERS BASIN)
	SINGLE-FAMILY RESIDENTIAL 4
	SINGLE-FAMILY RESIDENTIAL 4-8
	TWO FAMILY RESIDENTIAL 6-12
	MANUFACTURED HOUSING PARK
	RESIDENTIAL LOW IMPACT
	RESIDENTIAL MIXED USE
	PLANNED UNIT DEVELOPMENT
	NEIGHBORHOOD VILLAGE
	URBAN RESIDENTIAL
	URBAN VILLAGE
	URBAN WATERFRONT
	URBAN WATERFRONT HOUSING



## City Council

# Approval of an Ordinance Adopting the 2018 Engineering Design and Development Standards (EDDS) Update

**Agenda Date:** 1/8/2019  
**Agenda Item Number:** 4.E  
**File Number:** 18-1115

---

**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Consent

---

### Title

Approval of an Ordinance Adopting the 2018 Engineering Design and Development Standards (EDDS) Update

### Recommended Action

#### Committee Recommendation:

The Land Use and Environment Committee reviewed and concurred with the proposed updates to the 2018 EDDS.

#### City Manager Recommendation:

Move to approve the ordinance adopting amendments to the EDDS and related changes to the Olympia Municipal Code on first reading and forward to second reading.

### Report

#### Issue:

Whether to approve an ordinance adopting amendments to the EDDS and related changes to the Olympia Municipal Code.

#### Staff Contact:

Stephen Sperr, P.E., Assistant City Engineer, Public Works Engineering, 360.753.8739

#### Presenter(s):

None - Consent Calendar Item.

#### Background and Analysis:

Annually, the City reviews and updates the Engineering Design and Development Standards (EDDS) to address changes in regulations or standards, improve consistency with the Comprehensive Plan, and add clarity. The Land Use and Environment Committee reviewed the proposed changes on June 21 and November 15. A public hearing was held on December 11 on the proposed changes.

#### Neighborhood/Community Interests (if known):

Updated EDDS will ensure utility and transportation systems are constructed to meet the most current standards. Updates will also continue to move us toward the City's Comprehensive Plan goal

of providing sustainable infrastructure.

**Options:**

1. Approve the ordinance adopting amendments to the EDDS and related changes to the Olympia Municipal Code on first reading and forward to second reading. The most recent standards for the City's utility and transportation systems will apply to development and Public Works projects.
2. Do not approve the ordinance adopting amendments to the EDDS and related changes to the Olympia Municipal Code until 2019. This option will result in potential conflicts in attempting to ensure that development impacts within the right-of-way are consistently addressed.

**Financial Impact:**

None of the proposed changes should result in notable increases to the costs of private development or Public Works projects.

**Attachments:**

Ordinance  
[Link to the proposed EDDS changes](#)

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO INFRASTRUCTURE AND AMENDING CHAPTERS 4.04, 12.10, 12.20, 12.24, 12.36, 12.44, 12.60, and 12.64 OF THE OLYMPIA MUNICIPAL CODE AND ADOPTING THE 2018 ENGINEERING DESIGN AND DEVELOPMENT STANDARDS.**

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

**WHEREAS**, related City Code is amended simultaneously to update code provisions to be consistent with changes to the EDDS; and

**WHEREAS**, on December 11, 2018, 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 consistent with the comprehensive plan; and

**WHEREAS**, the Department of Commerce received a copy pursuant to RCW 36.70A.106 on November 29, 2018; and

**WHEREAS**, a State Environmental Policy Act DNS was issued on December 24, 2018; 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 4.04. Olympia Municipal Code Chapter 4.04 is hereby amended to read as follows:**

Chapter 4.04  
ENGINEERING FEES

4.04.000 Chapter Contents

Sections:

4.04.010 Assessment of fees.

**4.04.010 Assessment of fees**

A. Commencing January 1, 2014, the following fee schedule shall be in full force and effect.

**Application Type**

**Plan Check Fees****Engineering Fee Schedule**

Water Main Extension (For projects outside city limits, fees will increase by 25%)	\$452.00 + \$0.50 per linear foot or part thereof
Sewer Main Extension (For projects outside city limits, fees will increase by 25%)	\$452.00 + \$0.50 per linear foot or part thereof
Reclaimed Water Main or Service Extension	\$452.00 + \$0.50 per linear foot or part thereof
Streets	\$452.00 + \$0.50 per linear foot or part thereof
Curb and Sidewalk	\$452.00 + \$0.50 per linear foot or part thereof
Storm On-Site	\$600.00 + \$37.00 per Acre Gross Parcel Area
Storm Pipe	\$452.00 + \$0.50 per linear foot or part thereof
Street Lighting (For projects outside city limits, fees will increase by 25%)	\$452.00 + \$0.50 per linear foot or part thereof
Driveway: Commercial	\$678.00 each
STEP Sewer System: Commercial	\$1,355.00 each
Sewer Pump Station	\$1,355.00 each
On-Site Community Septic System (For projects outside city limits, fees will increase by 25%)	\$1,355.00 each
Traffic Signal	\$1,355.00 each
Solid Waste Pad and/or enclosure	\$350.00
Landscape Plan Review	\$450.00
Resubmittal Fee	50% of plan review fee starting with second resubmittal after the initial application

**Application Type****Permit/Inspection Fees**

Single Family Residential Erosion Control Inspection (up to and including 5,000 sq ft)	\$205.00 each
Single Family Residential Erosion Control Inspection (5,001 to 20,000 sq ft)	\$255.00
Residential Subdivision and Commercial Site fee	
Erosion Control and LID Inspection (based on lot size) (new building sites only)	
5,001 – 20,000 sq ft	\$255.00

## Application Type

### Permit/Inspection Fees

20,001 – 40,000 sq ft	\$355.00
40,001 – 220,000 sq ft	\$455.00
Over 220,000 sq ft	\$575.00

\*Note: Subdivision is based on total subdivision until all improvements are accepted by the City, then individual lot fees apply if a permit is being issued for work that disturbs ground or requires LID

Streets and/or Alleys	\$2.30 per linear foot or part thereof
Curb and/or <u>sidewalk</u>	\$2.30 per linear foot or part thereof
<u>Sidewalk Fee-in-lieu</u>	<u>City Engineer's estimate of actual cost</u>
Street lighting (For projects outside city limits, fees will increase by 25%)	\$1.60 per linear foot or part thereof
Driveways: Residential	\$158.00 each
Driveways: Commercial	\$788.00 each
Sanitary Sewer Main (For projects outside city limits, fees will increase by 25%)	\$3.10 per linear foot or part thereof plus \$1.00 per linear foot for Television Inspection
STEP Sewer System: Residential (For projects outside city limits, fees will increase by 25%)	\$509.00 each
STEP Sewer System: Commercial (For projects outside city limits, fees will increase by 25%)	\$1,019.00 each
Sewer Pump Station	\$1,019.00 each
On-Site Community Septic System (For projects outside city limits, fees will increase by 25%)	\$1,019.00 each
Sewer Lateral Connection at Main	\$368.00 each
Sewer Lateral Connection on Property	\$147.00 each
Storm Sewer Main	\$3.10 per linear foot or part thereof plus \$1.00 per linear foot for Television Inspection
Storm On-Site System	\$677.00 each
Water Main (For projects outside city limits, fees will increase by 25%)	\$3.10 per linear foot or part thereof
Water Connection (New)	\$200.00 each
Water Purity Sampling Test (Collected for second and	Actual Costs to be Assessed

## Application Type

### Permit/Inspection Fees

subsequent tests for the same system)

Water Main Shutdown (collected for second or subsequent request for the same system) Actual Costs to be Assessed

Reclaimed Water Main or Service Connection \$3.10 per linear foot or part thereof

Reclaimed Water Connection (new) \$200.00 each

Reclaimed Water Sampling Test (Collected for second and subsequent tests for the same system) Actual Costs to be Assessed

Reclaimed Water Main or Service Connection Shutdown (collected for second or subsequent request for the same system) Actual Costs to be Assessed

Traffic Signal \$1,575.00 each

Solid Waste Pad and/or enclosure \$250.00

Landscape \$375.00

Bicycle Parking \$125.00

Paving of Parking Lots (including re-paving) \$0.06 per square foot or part thereof

Right-of-Way Obstruction Permit (No Traffic Control Plan Required) \$184.00 each

Right-of-Way Obstruction Permit \$562.00 each

Right-of-Way Obstruction Permit (Traffic Control Plan Required, and on-site signage, cones, or flaggers needed)

Right-of-Way Excavation/Restoration (Completion Bond Required before Issuance of a Permit equal to 125% value of the work) \$184.00 each

Right-of-Way Vacation Request \$1,943.00 each

Latecomer Reimbursement Contract \$1,943.00 + 5% Administrative Fee (~~based on total cost of the contract~~ 5% of the reimbursement amount shall be deducted by the city for administrative fees each time the city collects a latecomer fee from a property owner within the reimbursement area)

UGA City Utility Availability Authorization \$175.00 each

Long Term Right-of-Way Use Authorization for Open \$420.00 per year

**Application Type**

**Permit/Inspection Fees**

Right-of-Way Use per Year

Street Closure Permit for Temporary Moving of Structures or Equipment \$850.00 each

Recording Fees for Bills of Sale, Easements, Deeds \$80.00

Recording Fees for Stormwater Maintenance Agreements \$115.00

**Private Utilities**

Private Utility (power, natural overhead, gas, telecommunications, CATV) (New development of systems):

New Short Plat – (2-9 Lots)

Plan Check: \$158.00

Permit Fees: \$26.00

New Long Plat – (10-25 Lots)

Plan Check: \$315.00

Permit Fees: \$53.00 + \$0.20 per linear foot or part thereof

New Long Plat – (26+ Lots)

Plan Check: \$525.00

Permit Fees: \$79.00 + \$0.20 per linear foot or part thereof

New Commercial:

Plan Check: \$315.00

Permit Fees: \$53.00

New R-O-W Utilities (New or Extension)

Plan Check: \$263.00 + \$0.9 per linear foot or part thereof

Permit Fees: \$26.00

Repair/Replace Existing

Plan Check: \$0.00

Permit Fees: \$26.00 +\$0.10 per linear foot or part thereof

New/Replace Pole: \$26.00 per Each

Resubmittal fees starting with second resubmittal after the initial application 50% plan check fees

**Tree Protections and Replacement Ordinance Fee Schedule**



**Application Type**

**Permit/Inspection Fees**

Tree Plan Review for New Commercial Development	\$1,575.00 each
Tree Plan Review for New Multi-family Residential Development	\$1,575.00 each
Tree Plan Review for New Subdivisions - 9 lots and less	\$525.00 each
Tree Plan Review for New Subdivisions - 10 lots and more	\$1,575.00 + \$26.00 per lot
Tree Plan Field Inspection for New Commercial Development	\$1,575.00 each
Tree Plan Field Inspection for New Multi-family Residential Development	\$1,575.00 each
Tree Plan Field Inspection for New Subdivisions - 9 lots and less	\$525.00 each
Tree Plan Review for New Subdivisions - 10 lots and more	\$1,575.00 +\$26.00 per lot
Tree Plan Review for Tree Trimming by Private Utility	\$210.00 + \$0.10 per linear foot, or part thereof, of project
Tree Plan Field Inspection for Tree Trimming by Private Utility	\$210.00+\$0.10 per linear foot, or part thereof, of project
Tree Conversion Option Harvest	\$150.00 per acre, or part thereof, to \$3,000.00 maximum
Technology Fee – applicable to all permits and plan review fees	3.9% of permit/plan review fee

**Section 2. Amendment of OMC Chapter 12.10. Olympia Municipal Code Chapter 12.10 is hereby amended to read as follows:**

**Chapter 12.10  
OLYMPIA COMMUTE TRIP REDUCTION PLAN**

12.10.000 Chapter Contents

Sections:

- 12.10.010 Definitions.
- 12.10.020 Olympia Commute Trip Reduction Plan.
- 12.10.030 Commute Trip Reduction Coordinator.
- 12.10.040 Applicability and Notification.
- 12.10.050 Record Keeping.

- 12.10.060 Schedule and Process for Employee Commute Trip Reduction Reports.
- 12.10.070 Enforcement.
- 12.10.080 Exemptions and Goal Modifications.
- 12.10.090 Appeals.

**12.10.010 Definitions**

For the purpose of this Ordinance, the following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. "Affected Employee" means a full-time employee who begins ~~his or her~~ a regular work day at a single worksite covered by the Commute Trip Reduction Plan between 6:00 a.m. and 9:00 a.m. (inclusive) on 2 or more weekdays for at least 12 continuous months who is not an independent contractor. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.
  
- B. "Affected Employer" means an employer that employs one hundred (100) or more full-time employees at a single worksite covered by the Commute Trip Reduction Plan who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on 2 or more weekdays for at least 12 continuous months. Construction worksites, when the expected duration of the construction is less than two years, are excluded from this definition. (Also see definition of employer.)
  
- C. "Alternative Mode" means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed work week schedules if they result in reducing commute trips.
  
- D. "Alternative Work Schedules" mean programs such as compressed work week schedules that eliminate work trips for affected employees.
  
- E. "Base year" means the 12-month period which commences when a major employer is determined by the jurisdiction to be participating within the CTR program. Olympia uses this 12-month period as the basis upon which it develops commute trip reduction goals.
  
- F. "Base year survey" or "baseline measurement" means the survey, during the base year, of employees at a major employer worksite to determine the drive-alone rate and vehicle miles traveled per employee at the worksite. The jurisdiction uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurement must be implemented in a manner that meets the requirements specified by Olympia.
  
- G. "Carpool" means a motor vehicle, including a motorcycle, occupied by two to six people of at least 16 years of age traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle commute trip.

- H. "Commute Trips" mean trips made from a worker's home to a worksite (inclusive) on weekdays.
- I. "CTR" is the abbreviation of Commute Trip Reduction.
- J. "CTR Program" means an employer's strategies to reduce employees' drive alone commutes and average VMT per employee.
- K. "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.
- L. "Compressed Work Week" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least 1 work day every 2 weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10-hour days or 80 hours in 9 days, but may also include other arrangements.
- M. "Custom Bus/Buspool" means a commuter bus service arranged specifically to transport employees to work.
- N. "Dominant Mode" means the mode of travel used for the greatest distance of a commute trip.
- O. "Drive Alone" means a motor vehicle occupied by 1 employee for commute purposes, including a motorcycle.
- P. "Drive Alone Trips" means commute trips made by employees in single occupant vehicles.
- Q. "Employee Transportation Coordinator (ETC)" means a person who is designated as responsible for the development, implementation and monitoring of an employer's CTR program.
- R. "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, whether public, non-profit, or private, that employs workers.
- S. "Exemption" means a waiver from any or all CTR program requirements granted to an employer by Olympia based on unique conditions that apply to the employer or employment site.
- T. "Flex-Time" is an employer policy that provides work schedules allowing individual employees flexibility in choosing the start and end time but not the number of their working hours.
- U. "Full-Time Employee" means a person, other than an independent contractor, whose position is scheduled on a continuous basis for 52 weeks for an average of at least 35 hours per week.

V. "Good Faith Effort" means that an employer has met the minimum requirements identified in RCW 70.94.531 and this Ordinance, and is working collaboratively with Olympia to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

W. "Implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521-555 and this Ordinance as evidenced by appointment of an Employee Transportation Coordinator (ETC), distribution of information to employees regarding alternatives to drive alone commuting, and commencement of other measures according to its approved CTR program and schedule.

X. "A major employer" means a private or public employer, including state agencies, that employs 100 or more full-time employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least 12 continuous months.

Y. "Major employer worksite" or "affected employer worksite" or "worksite" means the physical location occupied by a major employer, as determined by the local jurisdiction.

Z. "Major employment installation" means a military base or federal reservation, excluding tribal reservations, or other locations as designated by Olympia, at which there are 100 or more affected employees.

AA. "Mode" means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool or vanpool), transit, ferry, bicycle, walking, compressed work week schedule and telecommuting.

BB. "Notice" means written communication delivered via the United States Postal Service with receipt deemed accepted 3 days following the day on which the notice was deposited with the Postal Service unless the third day falls on a weekend or legal holiday in which case the notice is deemed accepted the day after the weekend or legal holiday.

CC. "Peak Period" means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

DD. "Peak Period Trip" means any commute trip that delivers the employee to begin ~~his or her~~ regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

EE. "Proportion of Drive Alone Trips" or "Drive Alone Rate" means the number of commute trips over a set period made by employees in single occupancy vehicles divided by the number of potential trips taken by employees working during that period.

FF. "Ride Matching Service" means a system which assists in matching commuters for the purpose of commuting together.

GG. "Teleworking" or "Telecommuting" means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

HH. "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, passenger ferry, rail, shared-ride taxi, shuttle bus, or vanpool.

II. "Transportation Demand Management (TDM)" means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

JJ. "Transportation Management Association (TMA)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMA may represent employers within specific city limits or may have a sphere of influence that extends beyond city limits.

KK. "Vanpool" means a vehicle occupied by from 5 to 15 people traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle trip.

LL. "Vehicle Miles Traveled (VMT) Per Employee" means the sum of the individual vehicle commute trip lengths in miles made by employees over a set period divided by the number of employees during that period.

MM. "Week" means a 7-day calendar period starting on Monday and continuing through Sunday.

NN. "Weekday" means any day of the week except Saturday or Sunday.

OO. "Writing," "Written," or "In Writing" means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery.

#### **12.10.020 Olympia Commute Trip Reduction Plan**

The CTR Plan for the City of Olympia is set forth in Exhibit A and is wholly incorporated herein by reference as the CTR Plan for the City of Olympia. The City of Olympia may contract with a firm or agency for the implementation of all or part of the CTR Plan. The adoption of the CTR Plan does not commit the City of Olympia to additional funding of the Plan's implementation.

#### **12.10.030 Commute Trip Reduction Coordinator**

The Public Works Director is authorized to designate a CTR Coordinator(s) who shall be in charge of implementing this Ordinance. The implementation and enforcement of this chapter and the CTR Plan is dependent on resources and budget appropriation.

#### **12.10.040 Applicability and Notification**

The provisions of this Ordinance shall apply to any affected employer within the geographic limits of the CTR Plan adopted in Section 12.10.020.

A. Notification of Applicability

1. In addition to Olympia's established public notification for adoption of an ordinance, a notice of availability of a summary of this Ordinance, a notice of the requirements and criteria for affected employers to comply with the ordinance, and subsequent revisions shall be published at least once in Olympia's official newspaper not more than 30 days after passage of this Ordinance or revisions.
2. Affected employers located in Olympia are to receive written notification that they are subject to this Ordinance. Such notice shall be addressed to the company's chief executive officer, senior official, CTR program manager, or registered agent at the worksite. Such notification shall provide 90 days for the affected employer to perform a baseline measurement consistent with the measurement requirements specified by Olympia.
3. Affected employers that, for whatever reason, do not receive notice within 30 days of passage of the ordinance and are either notified or identify themselves to Olympia within 90 days of the passage of the ordinance will be granted an extension to assure up to 90 days within which to perform a baseline measurement consistent with the measurement requirements specified by Olympia.
4. Affected employers that have not been identified or do not identify themselves within 90 days of the passage of the ordinance and do not perform a baseline measurement consistent with the measurement requirements specified by Olympia within 90 days from the passage of the ordinance are in violation of this Ordinance.
5. If an affected employer has already performed a baseline measurement, or an alternative acceptable to Olympia, under previous iterations of this Ordinance, the employer is not required to perform another baseline measurement.

B. Newly Affected Employers

1. Employers meeting the definition of "affected employer" in this Ordinance must identify themselves to Olympia within 90 days of either moving into the boundaries outlined in the CTR Plan adopted in Section 12.10.020 or growing in employment at a worksite to 100 or more affected employees. Employers who do not identify themselves within 90 days are in violation of this Ordinance.
2. Newly affected employers identified as such shall be given 90 days to perform a baseline measurement consistent with the measurement requirements specified by Olympia. Employers who do not perform a baseline measurement within 90 days of receiving written notification that they are subject to this Ordinance are in violation of this Ordinance.

3. Not more than 90 days after receiving written notification of the results of the baseline measurement, the newly affected employer shall develop and submit a CTR Program to Olympia. The program will be developed in consultation with the CTR Coordinator to be consistent with the goals of the CTR Plan adopted in Section 12.10.020. The program shall be implemented not more than 90 days after approval by Olympia. Employers who do not implement an approved CTR Program according to this schedule are in violation of this Ordinance and subject to the penalties outlined in Section 12.10.070.D below.

C. Change in Status as an Affected Employer

Any of the following changes in an employer's status will change the employer's CTR program requirements:

1. If an employer initially designated as an affected employer no longer employs 100 or more affected employees and expects not to employ 100 or more affected employees for the next 12 months, that employer is no longer an affected employer. It is the responsibility of the employer to notify Olympia that it is no longer an affected employer. The burden of proof lies with the employer.
2. If the same employer returns to the level of 100 or more affected employees within the same 12 months, that employer will be considered an affected employer for the entire 12 months and will be subject to the same program requirements as other affected employers.
3. If the same employer returns to the level of 100 or more affected employees 12 or more months after its change in status to an "unaffected" employer, that employer shall be treated as a newly affected employer and will be subject to the same program requirements as other newly affected employers.
4. This section only applies when the CTR Plan as approved in Section 12.10.020 designates the employer as affected based on location within the geographic limits of the plan. If the CTR Plan affects the employer based on a location within a Growth and Transportation Efficiency Center, and the employer meets the criteria laid out for that Center, then the Center's requirements will apply.

**12.10.050 Record Keeping**

Affected employers shall maintain a copy of their approved CTR Program Description and Report, their CTR Program Employee Questionnaire results, and all supporting documentation for the descriptions and assertions made in any CTR report to Olympia for a minimum of 48 months. Olympia and the employer shall agree on the record keeping requirements as part of the accepted CTR Program.

**12.10.060 Schedule and Process for Employee Commute Trip Reduction Reports**

A. Document Review

Olympia shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. If the employer receives no written notification of extension of the review period of its CTR program or comment on the CTR program or annual report within 90 days of submission, the employer's program or annual report is deemed accepted. Olympia may extend the review period up to 90 days. The implementation date for the employer's CTR program will be extended an equivalent number of days.

#### B. Schedule

Upon review of an employer's initial CTR program, Olympia shall establish the employer's regular reporting date. This report will be provided in a form provided by Olympia.

#### C. Modification of CFR Program Elements

Any affected employer may submit a request to Olympia for modification of CTR requirements. Such request may be granted if one of the following conditions exist:

1. The employer can demonstrate it would be unable to comply with the CTR program elements for reasons beyond the control of the employer, or
2. The employer can demonstrate that compliance with the program elements would constitute an undue hardship.

Olympia may ask the employer to substitute a program element of similar trip reduction potential rather than grant the employer's request.

#### D. Extensions

An employer may request additional time to submit a CTR Program Description and Report, or to implement or modify a program. Such requests shall be via written notice at least 30 days before the due date for which the extension is being requested. Extensions not to exceed 90 days shall be considered for reasonable causes. Olympia shall grant or deny the employer's extension request by written notice within 10 working days of its receipt of the extension request. If there is no response issued to the employer, an extension is automatically granted for 30 days. Extensions shall not exempt an employer from any responsibility in meeting program goals. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer's regular reporting date shall not be adjusted permanently as a result of these extensions. An employer's annual reporting date may be extended at the discretion of Olympia.

#### E. Implementation of Employer's CTR Program



Unless extensions are granted, the employer shall implement its approved CTR program, including approved program modifications, not more than 90 days after receiving written notice from Olympia that the program has been approved or with the expiration of the program review period without receiving notice from Olympia.

#### **12.10.070 Enforcement**

##### **A. Compliance**

For purposes of this section, compliance shall mean:

1. Fully implementing in good faith all mandatory program elements as well as provisions in the approved CTR Program Description and Report;
2. Providing a complete CTR Program Description and Report on the regular reporting date; and
3. Distributing and collecting the CTR Program Employee Questionnaire during the scheduled survey time period.

##### **B. Program Modification Criteria**

The following criteria for achieving goals for VMT per employee and proportion of drive alone trips shall be applied in determining requirements for employer CTR program modifications:

1. If an employer meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to improve its CTR program;
2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this Ordinance, but has not met the applicable drive alone or VMT goal, no additional modifications are required.
3. If an employer fails to make a good faith effort as defined in RCW 70.94.534(2) and this Ordinance, and fails to meet the applicable drive alone or VMT reduction goal, Olympia shall direct the employer to revise its program within 30 days to come into compliance with the measures defined by RCW 70.94.534(2), including specific recommended program modifications. In response to the recommended modifications, the employer shall submit a revised CTR Program Description and Report, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program. Olympia shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, Olympia will send written notice to that effect to the employer within 30 days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by Olympia within 10 working days of the conference.

##### **C. Violations**

The following constitute violations if the deadlines established in this Ordinance are not met:

1. Failure to self identify as an affected employer;
2. Failure to perform a baseline measurement, including:
  - a. Employers notified or that have identified themselves to Olympia within 90 days of the ordinance being adopted and that do not perform a baseline measurement consistent with the requirements specified by Olympia within 90 days from the notification or self-identification;
  - b. Employers not identified or self-identified within 90 days of the ordinance being adopted and that do not perform a baseline measurement consistent with the requirements specified by Olympia within 90 days from the adoption of the ordinance;
3. Failure to develop and/or submit on time a complete CTR program;
4. Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and drive alone goals as specified in ordinance;
5. Submission of false or fraudulent data in response to survey requirements;
6. Failure to make a good faith effort, as defined in RCW 70.94.534 and this Ordinance; or
7. Failure to revise a CTR program as defined in RCW 70.94.534(4) and this Ordinance.

#### D. Penalties

No affected employer with an approved CTR program, which has made a good faith effort, may be held liable for failure to reach the applicable CTR program goal. Any affected employer violating any provision of this section shall be guilty of a civil infraction and subject to the imposition of civil penalties pursuant to RCW 7.80.

1. Whenever the CTR Coordinator makes a determination that an affected employer is in violation of this Ordinance, the CTR Coordinator shall issue a notice of civil infraction in accordance with RCW Chapter 7.80 as adopted or hereinafter amended.
2. Each infraction shall constitute a separate violation.
3. Each day that an affected employer is in violation shall constitute a separate violation.
4. Penalties will begin to accrue 15 days following the notice of civil infraction. In the event that an affected employer appeals the imposition of penalties, the penalties will not accrue during the appeals

process. Should the appeal be decided in favor of the appellant, all of the monetary penalties will be dismissed.

5. An affected employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:

a. Propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and

b. Advise the union of the existence of the statute and the mandates of the CTR program approved by the CTR Coordinator and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

6. Schedule of Penalties. The violation of any provision of this Ordinance is designated as a Class 2 Civil Infraction pursuant to RCW Chapter 7.80. Additional assessments may be imposed in accordance with RCW 3.62.090 and other applicable statutory requirements.

#### **12.10.080 Exemptions and Goal Modifications**

##### **A. Worksite Exemptions**

An affected employer may request Olympia to grant an exemption from all CTR program requirements or penalties for a particular worksite. The employer must demonstrate that it would experience undue hardship in complying with the requirements of the ordinance as a result of the characteristics of its business, its work force, or its location(s). An exemption may be granted if and only if the affected employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of drive alone trips and VMT per employee. Exemptions may be granted by Olympia at any time based on written notice provided by the affected employer. The notice should clearly explain the conditions for which the affected employer is seeking an exemption from the requirements of the CTR program. Olympia shall grant or deny the request within 30 days of receipt of the request. Olympia shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following program year.

##### **B. Employee Exemptions**

Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a worksite's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. Olympia will use the criteria identified in the CTR Board Administrative Guidelines to assess the validity of employee exemption requests. Olympia shall grant or deny the request within 30 days of receipt of the

request. Olympia shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

C. Modification of CTR Program Goals

1. An affected employer may request that the Olympia modify its CTR program goals. Such requests shall be filed in writing at least 60 days prior to the date the worksite is required to submit its program description or annual report. The goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program.

2. The Olympia will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Board Guidelines. (3) An employer may not request a modification of the applicable goals until one year after city/county approval of its initial program description or annual report.

**12.10.090 Appeals**

A. CTR Appeals Board. The CTR Coordinator is hereby authorized to develop procedures implementing an appeals process and establish a CTR Appeals Board to review such appeals. Such a board should be composed of both representatives of appropriate local jurisdictions and selected affected employers.

B. Appeals Process. Any affected employer may appeal administrative decisions regarding exemptions, goal modifications, program element modifications, and violations to a CTR Appeals Board. In the event of a violation, the affected employer shall be notified of the intent to impose penalties and the manner in which penalties may be appealed.

The appeal should be addressed to the CTR Coordinator which will refer the matter to the CTR Appeals Board.

The decision of the CTR Appeals Board is final. An affected employer may, within 30 days of the notice of final decision, appeal the CTR Appeals Board's decision to the Thurston County Superior Court.

**Section 3. 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.
- 12.20.040 Permit--Conditions of issuance--Contents.
- 12.20.050 Fees for permits.
- 12.20.060 Bond may be required--Insurance requirements --Compliance with state law.
- 12.20.070 Notice for commencement--Notice for inspection.
- 12.20.080 Devices for warning public.
- 12.20.090 Safety provisions to be observed.
- 12.20.100 State safety standards and regulations adopted--Interpretation in case of conflict.
- 12.20.120 Pedestrian and vehicular crossings.
- 12.20.130 Interference with utilities--Protection of apparatus.
- 12.20.140 Vacant.
- 12.20.150 Maintenance of postal service.
- 12.20.160 Monuments not to be disturbed without authorization.
- 12.20.170 Damage to existing improvements.
- 12.20.180 Property lines and easement limits.
- 12.20.190 Excavated soil.
- 12.20.200 Fire apparatus to be unimpeded.
- 12.20.210 Vacant.
- 12.20.220 Cleaning area after construction.
- 12.20.230 Snow and ice removal.
- 12.20.240 Sanitary facilities.
- 12.20.250 Pipe trenches.
- 12.20.260 Removal of water from trenches.
- 12.20.270 Excavations through pavement – New pavement cut prohibition – Pavement restoration fee.
- 12.20.280 Tunnels under pavement--Pipe casings.
- 12.20.290 Compacting of backfill.
- 12.20.300 Restoration of roadway surfaces – Temporary and Permanent.
- 12.20.310 Restoration by city engineer upon default.
- 12.20.320 Plans of use of subsurface street space.
- 12.20.330 Location of utilities.
- 12.20.340 Nuisances designated--Abatement.
- 12.20.350 Applicability of chapter to private utilities.
- 12.20.365 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction.

**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~~a~~ 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.
- J. "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 be required. 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, 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 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 the city engineer's direction, but at the expense of the person procuring such permit.

The city engineer may defer the granting of the permit provided for above until such time as 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. 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 telecommunications.

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

A. Before the issuance of any permit, permittee 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 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 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 the city engineer's agents, servants or employees, or which may arise from any of the city engineer's agents, servants or employees, or which may arise from any negligence of 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, 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.

**12.20.070 Notice of commencement –Notice for inspection**

The permittee shall give a minimum of twenty-four hour notice to the city, 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.

At least two hours ~~Before~~ it commences to backfill any opening of public properties, ~~it~~ the permittee shall give ~~two hour notice to, and obtain approval from~~ the city engineer ~~and obtain his approval.~~

Any delay in giving 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 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 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**

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 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 Vacant**

**12.20.150 Maintenance of postal service**

Postal service shall be maintained in accordance with the instructions of the United States Postal Service. The permittee shall be responsible for moving mail boxes to temporary locations designated by the Postal Service, and upon completion of the work he shall replace them as directed. The permittee shall contact the United States 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 protect any survey monuments or hubs found 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**

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 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 Vacant**

#### **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, per Section 1-07 of the Standard Specifications.

#### **12.20.250 Pipe trenches**

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**

Dewatering trenches, when required or necessary to complete the work, shall be accomplished in a manner 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**

- 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 in a manner consistent with Section 7-08 of the Standard Specifications.

#### **12.20.300 Restoration of roadway surfaces – Temporary and Permanent**

The permittee shall restore the surface of 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.

#### **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 as required in the Standard Specifications and Engineering Design and Development Standards, the city engineer shall 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 the city engineer~~ may direct the permittee to ~~lay a temporary pavement of wood or other place a suitable and pre-approved 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-arrange for and/or place~~ 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 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 private utilities**

With respect to 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 stated in OMC Chapter 4.50, Civil Infractions.

See also OMC Chapter 4.44, Uniform Code Enforcement.

**Section 4. Amendment of OMC Chapter 12.24. Olympia Municipal Code Chapter 12.24 is hereby amended to read as follows:**

Chapter 12.24  
OBSTRUCTIONS

12.24.000 Chapter Contents

Sections:

Article I. GENERAL PROVISIONS

- 12.24.010 Building projections prohibited--Exception.
- 12.24.020 Awnings.
- 12.24.030 Retaining wall where yard below grade.
- 12.24.040 Public rubbish dumping prohibited.
- 12.24.050 Rental of public property--Collection of fees.

Article II. STREET OBSTRUCTIONS: PERMITS

- 12.24.090 Applicability.
- 12.24.100 Requirements.
- 12.24.110 Bond required, when.
- 12.24.120 Insurance in lieu of bond.
- 12.24.130 Endorsement of application--Issuance of permit.
- 12.24.140 Exception--Movement of loads.
- 12.24.150 Exception--Public utilities.
- 12.24.160 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction.

**Article I. GENERAL PROVISIONS**

**12.24.010 Building projections prohibited –Exception**

No portion of any building or buildings hereafter to be erected, altered or repaired, shall be allowed to project over into any street or sidewalk; provided, that this section shall not apply to the bases of antes or columns projecting not to exceed eight inches or to cornices or projections placed at least ten feet above the top of the sidewalk.

**12.24.020 Awnings**

The frames of awnings shall not be less than eight feet and curtains not less than seven feet above the top of the sidewalk, and shall not be supported by post or other supports from the sidewalks, and no awning post or other similar obstruction shall be erected or maintained upon any of the sidewalks or within any of the streets of the city.

**12.24.030 Retaining wall where yard below grade**

Any person owning or having control of any premises fronting on a public street and below the grade thereof shall, within five days after notice from the public works director, ~~requiring him so to do, at his~~ at their own expense, erect a suitable barricade upon the inner line of the sidewalk, in front of such premises.

**12.24.040 Public rubbish dumping prohibited**

No person shall throw into or deposit upon or sweep into any public street, highway or other public property, or upon any private premises, any glass, metal, broken ware, yard debris such as leaves or grass clippings, dirt, rubbish or garbage or recyclables, except at such locations and in such containers properly designated by the City as appropriate for such use.

**12.24.050 Rental of public property –Collection of fees**

The public works director shall have authority to collect such rentals as may accrue under the provisions of this chapter and to institute in the name of the city all necessary actions and legal proceedings for the collection thereof. Any and all money collected by the public works director under any of the provisions of this chapter shall be ~~turned over by him~~ given to the city clerk-treasurer.

**Article II. STREET OBSTRUCTIONS: PERMITS**

**12.24.090 Applicability**

Except as otherwise permitted in Article I of this chapter, no person, firm or corporation shall erect or maintain upon any public street, sidewalk or alley or other vacant or public property belonging to the city any obstruction of any kind whatsoever, including but not limited to storage of construction or other materials, the placement of chairs, tables, mailboxes or planters incident to operation of a business, except in compliance with this article; provided, however, that this chapter shall not apply to the erection of signs and billboards; and provided further, that this chapter shall not apply to the placement of moveable items on the untraveled portion of city streets or sidewalks or alleys for a period not exceeding four hours.

**12.24.100 Requirements**

A. Storage of materials. It is unlawful for any person, firm or corporation to store any materials or things whatsoever by placing or causing them to be placed, piled or stored on any crosswalk, sidewalk, street or alley or other vacant or public property belonging to the city, except merchandise while in the actual course of receipt or delivery, without first obtaining from the Building Official a temporary obstruction permit under such circumstances and in such a manner as the Building Official determines will not hinder or be a detriment to the public. The applicant shall pay a fee at the time of filing the application, and rental for use of the public property, as set forth in Title 4 of this code, and shall comply with the other provisions of this article.

B. Chairs, Tables and Planters. It is unlawful for any person, firm or corporation to erect or maintain upon any public street, sidewalk or alley of the city any chairs or other objects for sitting, tables, or planters incident to the operation of a business adjacent to said street, sidewalk or alley, without first obtaining a permit from the city. Such permit shall be issued by the Director of Community Planning and Development upon a written application describing and depicting accurately the nature and location of the obstruction to be erected and maintained and the period of time contemplated for the maintenance thereof. No such chair table or planter may be erected or maintained within a Pedestrian Walking Lane as defined in OMC Section 9.16.180.B.2 unless



the applicant demonstrates that a walking lane at least six (6) feet wide and clear of vertical obstruction will remain between the area proposed to be occupied by chairs, tables and/or planters and the curb, provided that said six foot walking lane may include up to two (2) feet of a grate adjacent to a street tree or other planting. The applicant for such permit shall pay the Director of Community Planning and Development at the time of the filing of ~~his/her~~the application an application fee as specified by the Director.

C. Garbage cans, mailboxes, and other miscellaneous obstructions. Garbage cans, mailboxes (whether incident to an adjacent or other business or not) and other miscellaneous obstructions may be placed on upon any public street, sidewalk or alley of the city, without need for a permit under this article; provided, however, that no such obstruction shall be erected, placed or maintained within a Pedestrian Walking Lane as defined in OMC Section 9.16.180.B.2, unless such restriction is preempted by applicable state or federal law.

#### **12.24.110 Bond required, when**

As a condition to issuance of any permit under Section 12.24.100.A of this article, the person with authority to grant the permit may require the applicant to first execute and deliver a bond in the sum of fifty thousand dollars, or in some other amount determined by the permit issuer executed by the applicant and a surety, authorized to do business in the state as surety, conditioned that the applicant will keep and save harmless the city from any and all damages, claims, judgments and expenses arising from any acts which the applicant may do or suffer to be done under such permit, or which may be done by any of its agents, servants or employees, or which may arise from any negligence of ~~himself~~the permittee, or ~~his-its~~ agents, servants, contractors or employees, or any of them, severally or jointly, in the erection or maintenance of such obstruction. It is further provided that in the event the erection of such obstruction shall necessitate the disturbing of any street, sidewalk or alley, or the cutting into of the same, or necessitate the disturbing of any utilities, the bond shall be further conditioned that at the termination of such permit, such street, alley, sidewalk or utility shall be restored to the condition that it or they were in prior to the granting of the permit.

#### **12.24.120 Insurance in lieu of bond**

In lieu of the bond described in Section 12.24.110, the applicant for permit shall be allowed to obtain and deliver to the city and file with permit issuer policy of comprehensive general liability insurance, to be approved by the city attorney in the sum of one million dollars (\$1,000,000) per occurrence and \$2,000,000 in the general aggregate, for bodily injury, including personal injury or death, products liability and property damage, or in such other amounts as approved by the city engineer and city risk manager, which policy of comprehensive general liability insurance shall be conditioned that the person, firm or corporation receiving such permit and the insurance company shall pay all damages to persons and property, including the city, to the extent of the limits in the insurance policy set forth, growing out of the issuance of the permit and the permission granted by the city to do the things set forth in the permit, including the defense of all suits growing out of claims filed against the city by reason of the granting of the permit, and doing the things in the permit described, and shall hold the city harmless from all claims, costs, expenses, damages and injuries growing out of the granting of the permit, or doing of the things therein authorized, including damages, claims, costs or expenses sustained by property of the city itself.

**12.24.130 Endorsement of application –Issuance of permit**

Application for such a permit shall be made on a form to be provided by the Director of the Community Planning and Development department of the city, which form shall have space thereon for the endorsement of such restrictions or modifications as the fire department, police department or street department of the city shall deem necessary for public safety. Upon securing such application, the applicant shall thereupon secure the endorsement thereon of the head of each of the foregoing departments, or some authorized representative thereof, who shall endorse on the application such restrictions or modifications, if any, as such department shall deem to be in the public safety in connection with the particular permit applied for. After securing such endorsements, the applicant shall return the written application to the department of public works, which department shall thereupon after payment of the applicant of the permit fee and the deposit of the bond or policy of liability insurance as set forth in this article, issue a permit for the work applied for and shall endorse upon the face of such permit the restrictions or modifications, if any, called for by the police, fire or street department.

**12.24.140 Exception –Movement of loads**

Movement of over width or over length loads along the streets, sidewalks or alleys of the city shall not be deemed to be a street or alley obstruction within the meaning of this chapter.

**12.24.150 Exception –Public utilities**

The provisions of this chapter shall not apply to persons, firms or corporations operating public utilities under regular franchise from the city.

**12.24.160 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:

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 5. Amendment of OMC Chapter 12.28. Olympia Municipal Code Chapter 12.28 is hereby amended to read as follows:**

## Chapter 12.28 MOVING BUILDINGS

### 12.28.000 Chapter Contents

Sections:

- 12.28.010 License and permit required.
- 12.28.020 License--Application requirements and fee.
- 12.28.030 Permit--Application requirements and fee.
- 12.28.040 General provisions.
- 12.28.050 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction.

#### **12.28.010 License and permit required**

No person or persons, firm or corporation shall move any building or part of a building over, along or across any street, alley, or other public property within the city without first obtaining a valid house mover's license as set forth in Section 12.28.020 and a permit from the public works office as set forth in Section 12.28.030 and shall comply with all other sections of this chapter.

#### **12.28.020 License --Application requirements and fee**

Applications for a house mover's license shall be accompanied by the following:

- A. A policy of public liability and property damage, or approved certificate thereof, issued by a responsible insurance company, authorized to do business under the laws of the state. The policy shall insure the permittee and shall inure to the benefit of any and all persons suffering loss or damage either to person or property by reason of any operations of the mover. The policy shall also contain a clause or special endorsement indemnifying and saving harmless the city against any loss, damage, cost and/or expenses which may in any way accrue against the city in consequence of the granting of the permit for moving any building. Such policy shall insure against loss from the liability imposed by law for injury to, or death of, any person in the amount or limit of twenty-five thousand dollars as to any one claim and fifty thousand dollars for all claims

arising from any one accident, and against claims for property damage in the amount or limit of fifteen thousand dollars.

B. A bond in the penal sum of one thousand dollars issued by a surety company authorized to do business in the state, or cash security in such sum, the bond or security to be approved by the city attorney and to be kept on file by the city clerk-treasurer at the city hall and to be conditioned that in the relocation and reestablishment of any building that is to be moved the principal will make and complete such relocation and reestablishment in accordance with plans and specifications submitted with application for permit and in accordance with the provisions of all applicable city ordinances and that in case the principal fails to make and complete such relocation and reestablishment within the time limit set forth in subsection C of Section 12.28.040 then the surety upon such bond will be liable to the city of Olympia in a sum not exceeding one thousand dollars and if cash security be deposited in lieu of a surety bond then the council may demand forfeit of such deposit.

C. An annual license fee as set forth in Title 4 of this code shall be paid to the clerk-treasurer in advance on the first day of January each year; provided, however, that licenses applied for within the last six months of the year by any person, firm or corporation not in business prior to the last day of the sixth month may be issued for a fee of fifty percent of the annual fee. If any person, firm or corporation, not holding a valid house mover's license issued by the city desires to move any building or structure from outside the boundary of the city through any portion of the city to another area outside the city limits, a temporary license may be issued for one-half the annual license fee. This temporary license will be valid only for the duration of the one move. Issuance of a temporary license does not relieve the licensee from the responsibility of conforming to all the provisions of this chapter.

In addition to the above, an additional sum as set forth in Title 4 of this code shall be assessed for any new license issued under this chapter for the initial first year thereof. This assessment is necessary to defray the initial administrative costs in reviewing an initial application and issuance of a license therefor.

#### **12.28.030 Permit –Application requirements and fee**

No building shall be moved over, along or across any street, alley or public property without first obtaining a permit to do so from the office of public works. Applicants for permits must conform to the following requirements:

A. A written application for such permit shall be filed with the commissioner of public works at least seven days before the date on which the person, firm or corporation filing the application, proposes or intends to move the building or portion thereof, and the application shall include the following information:

1. Name and address of the owner of the building;
2. Present location of building;

3. Proposed location of building with plot plan;
4. Legal description of new location and zone designation;
5. Type of building, approximate age, width, length and height when loaded for moving;
6. The use or purpose for which building was designed;
7. The proposed use or occupancy of building;
8. Name and address of the person, firm or corporation engaged to move the building;
9. The means or manner in which the building is to be moved and the type of equipment used therefor;
10. The route over or along which the building is to be moved;
11. The time that will be required to move the building, including the day and hour when any part will enter any street and the approximate date and hour when every part of the building will be off of public rights-of-way, and the approximate time that will be required to complete the reestablishment and relocation of the building on its new site;
12. Such other information as the commissioner of public works may deem necessary.

B. There shall be attached to the application signed statements from each person, firm or corporation owning or operating any public utility maintaining any wires, conduits, cables, poles, or other appliances, or appurtenances thereto, along, over or across any street, alley or highway along the route over which the building or structure is to be moved, which statement shall state that the moving of such building will not molest, damage, or interfere with, or interrupt the service of any such wires, conduits, cables, poles, or other appliances, or appurtenances, or that the applicant has made appropriate arrangements for clearing the same at the time the building is to be moved. In case any building is to be moved over, across or along any railroad tracks laid in any street a similar statement from the railway company, or its authorized agent, shall be furnished.

C. No permit will be issued until the application therefor is approved by the chief of police, fire chief, city electrician, traffic engineer, city engineer and building inspector.

D. No permit shall be issued to move any building to a new location within the corporate limits of the city which is so constructed or is in such condition as to be dangerous; or which is infested with pests or is unsanitary; or which, if it is a dwelling or habitation, is unfit for human habitation; or which is so dilapidated, defective, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable damage to or be materially detrimental to the property or improvements in the district within

the immediate vicinity of the proposed new location; or if the proposed use is prohibited by the zoning laws of this city; or if the applicant is in default in paying any damages occasioned in moving any building; or if the structure is of a type prohibited at the proposed location, by any law or ordinance of the city; provided, however, that if the condition of the building or structure, in the judgment of the ~~commissioner~~director of public works or his-authorized representative admits of practicable and effective repair, the permit may be issued upon terms and conditions set forth by the ~~commissioner~~director of public works.

E. All buildings or structures to be moved into, through or outside the city limits, in addition to conforming with all the provisions of this code, will adhere strictly to all applicable state laws.

F. Before a permit is issued to move any building or structure outside the city a clearance from the jurisdictional authority of governmental unit controlling access to and from the corporate limits of the city shall be furnished by the mover. The clearance shall state that all arrangements have been made to complete such move through the area.

G. The public works director is authorized and empowered to issue such permit upon compliance by such applicant with the provisions of this chapter and upon payment of a fee as set forth in Title 4 of this code.

#### **12.28.040 General provisions**

All buildings to be moved for which a permit has been issued shall comply to the following general provisions in addition to all other requirements of this chapter.

A. After a building or any part thereof extends over or into or is upon any part of any street, alley or highway by virtue of the moving thereof, the person, firm or corporation moving the same shall diligently and continuously employ ~~himself, his, their or itself and~~ its agents, employees and facilities in the moving of such buildings until the same reaches its destination or is moved from any and all streets, alleys or highways, and, except when the mover has the permission of the commissioner of public works, it is unlawful for any such mover to leave standing or abandon the moving of such building while the same or any part thereof is in or upon any part of any street, alley or highway.

B. The mover shall provide such barricades, lights, flares and traffic officers as deemed necessary by the chief of police or his-designated representative to safeguard the traffic and persons using the street.

C. All buildings moved into a zone more restrictive than its original location shall be made to conform with the requirements of the more restrictive zone.

D. Upon completion of the moving of the building, the owner shall proceed immediately to bring the building into compliance with all requirements of the zoning provisions, Chapter 16.32 and those portions of Chapters 16.04, 16.20, and 16.24 as outlined by the ~~commissioner~~director of public works or his-authorized representative and all such work shall be completed within three months from the date of the moving permit.

The owner of the building shall secure all necessary permits for required work prior to commencement of reestablishment.

#### **12.28.050 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:

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 6. Amendment of OMC Chapter 12.36. Olympia Municipal Code Chapter 12.36 is hereby amended to read as follows:**

## Chapter 12.36 SIDEWALK MAINTENANCE

12.36.000 Chapter Contents

Sections:

- 12.36.010 Unfit sidewalk--Order to repair.
- 12.36.020 Service of notice.
- 12.36.030 Contents of notice.
- 12.36.040 Assessment roll showing costs--Protests against assessment.
- 12.36.050 Assessment of abutting property for sidewalk improvements.

12.36.060 Adjacent owners to clean sidewalks.

**12.36.010 Unfit sidewalk –Order to repair**

Whenever, in the judgment of the public works director of the city, the condition of any sidewalk is such as to render the same unfit or unsafe for the purposes of public travel, the public works director shall thereupon serve a notice on the owner of the property immediately abutting upon the portion of the sidewalk of the condition thereof, instructing the owner to clean, repair or renew such portion of the sidewalk.

**12.36.020 Service of notice**

The notice provided for in Section 12.36.010 shall be deemed sufficiently served if delivered in person to the owner of the property or ~~his-the owner's~~ authorized agent, or by leaving a copy of the notice at the home of the owner or authorized agent, or if the owner is a nonresident, by mailing to ~~his-the owner's~~ last known address or if the owner of the property is unknown or if ~~his-the owner's~~ address is unknown then such notice shall be addressed to the general delivery office of the city wherein the improvement is to be made.

**12.36.030 Contents of notice**

Such notice shall specify a reasonable time within which such cleaning, repairs or renewal shall be executed by the owner, and shall state that in case the owner fails to do such cleaning or make such repairs or renewal within the time therein specified, then the public works director will proceed to clean the sidewalk or to make such repairs or renewals forthwith and shall charge the full cost thereof to the abutting property.

**12.36.040 Assessment roll showing costs –Protests against assessment**

Upon the completion of any improvements undertaken by the public works director, as provided for in this chapter, public works director shall report to the city council at its next regular meeting or as soon thereafter as possible, an assessment roll showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement or repair and the name of the owner, if known. The city clerk-treasurer shall give notice to the owner or owners at least ten days before the meeting of the city council, that the roll has been properly filed ~~with him~~ and the council will hear any or all protests against the proposed assessments at its next regular meeting, the date of the meeting to be definitely stated in the notice.

**12.36.050 Assessment of abutting property for sidewalk improvements**

The council shall at the time in such notice designated, or at an adjourned time or times, assess the cost of such work against the property in accordance with the benefits derived therefrom, which charge shall become a lien upon the property and shall be collected by due process of law. For the purposes of this chapter all property having a frontage upon the sides or margin of any street shall be deemed to be abutting property and such property shall be chargeable as provided by this chapter, for all costs or maintenance, repairs or renewals of any form of sidewalk improvements between the street margin and the roadway lying in front of and adjacent to the property, and the term "sidewalk," as intended for the purposes of this chapter, shall be taken



to include any and all structures or forms of street improvements included in the space between the street margin and the roadway.

#### **12.36.060 Adjacent owners to clean sidewalks**

Each and every occupant or owner of property within the city along or adjoining which property are sidewalks are required to keep the sidewalks free from all snow, ice, mud or other obstructions.

**Section 7. Amendment of OMC Chapter 12.44. Olympia Municipal Code Chapter 12.44 is hereby amended to read as follows:**

## Chapter 12.44 STREET TREES

12.44.000 Chapter Contents

Sections:

- 12.44.010 Scope.
- 12.44.020 Uniformity of variety--Distance between trees.
- 12.44.030 Determination by council where property owners do not agree.
- 12.44.040 Types of tree to be planted.
- 12.44.050 Shrubbery and small trees in parking strips.
- 12.44.060 Trees are public property.
- 12.44.070 Trimming or pruning of trees.

#### **12.44.010 Scope**

On all streets within the city which have been paved, or may hereafter be paved, with some permanent material, wherever there is a parking strip, trees shall be planted as provided for in this chapter and the Engineering Design and Development Standards.

#### **12.44.020 Uniformity of variety –Distance between trees**

Trees planted as provided for in Section 12.44.010 shall be uniform on each street, and where it is possible for the property owners to agree as to the variety of trees to be planted each property owner may proceed to plant such trees in front of ~~his~~their own property, the trees to be planted not closer than forty feet apart.

#### **12.44.030 Determination by council where property owners do not agree**

Where the property owners cannot agree, the matter may be determined by the city council, and in the event property owners along any street do not provide for trees as stated in Section 12.44.020 the city council shall provide therefor under the local improvement statutes of the state by resolution and ordinance duly enacted.

#### **12.44.040 Types of tree to be planted**

No maples or other such spreading trees shall be planted, but ash, poplar, and such similar trees shall be used.

#### **12.44.050 Shrubbery and small trees in parking strips**

Shrubbery and small trees such as holly may be planted in the parking strip, provided not more than one is planted between each two trees, and further provided, any such shrubbery shall be planted uniformly and of similar character throughout one entire street.

#### **12.44.060 Trees are public property**

All ornamental, shade or other trees which have been planted and are now situated in the streets or parking strips within the city are declared to be public property and subject to the control of the city.

#### **12.44.070 Trimming or pruning of trees**

No such trees shall be trimmed or pruned except in a symmetrical and even manner according to the most approved plans for the trimming and pruning of such trees. Such trimming and pruning or cutting thereof shall only be done under the supervision and by the permission of the street superintendent.

**Section 8. Amendment of OMC Chapter 12.60. Olympia Municipal Code Chapter 12.60 is hereby amended to read as follows:**

## Chapter 12.60 PARK REGULATIONS

### 12.60.000 Chapter Contents

#### Sections:

- 12.60.001 Enforcement.
- 12.60.010 Advertising signs and posters--Structures of any kind.
- 12.60.030 Regulations and Violations Relating to Pet Animals.
- 12.60.040 Feeding, Harassing, Injuring animals unlawful.
- 12.60.050 Fireworks Prohibited in City Parks.
- 12.60.060 Soliciting or peddling unlawful.
- 12.60.080 Sales unlawful without concession contract.
- 12.60.090 Groups or Assemblies - Reservations.
- 12.60.100 Bicycles--Horses--Motor vehicles in Designated Areas Only.
- 12.60.110 Camping or parking unlawful except where designated.
- 12.60.120 Ball games and other sports.
- 12.60.130 Smoking or Vaping Prohibited in City Parks and Trails.
- 12.60.160 Building fires permitted only in designated areas.
- 12.60.300 Violation--Penalty.

## **12.60.001 Enforcement**

The Park Ranger is hereby authorized to enforce this code, including the issuance of notices of infraction.

### **12.60.010 Advertising signs and posters –Structures of any kind**

It is a civil infraction to use, place, or erect any signboard, sign, billboard, bulletin board, post, pole or device of any kind for commercial advertising in any park; or to attach any notice, bill poster, sign, wire or cord to any tree, shrub, railing, post or structure within any park in a manner which dents, mars, defaces, breaks, punctures or injures it in any way or to place or erect in any park a structure of any kind, without the written consent of the Director of the Olympia Parks, Arts and Recreation Department or ~~his or her~~ authorized designee.

### **12.60.030 Regulations and Violations Relating to Pet Animals**

The following sections of code are incorporated from OMC Title 6, Animal Services.

OMC 6.04.050 Regulations and Violations Relating to Pet Animals.

Any person who harbors, keeps, possesses, maintains, or has temporary custody of a pet animal shall be responsible for the behavior of such animal whether the owner knowingly permits the behavior or not. Such person shall violate the terms of this chapter if:

- A. Pet animal at large. Such person's animal is at large as defined in Section 6.04.030(D); provided, however, this section shall not prohibit the owner and the pet animal from participating in an organized show or training, exercise, or hunting session in locations designated and authorized for that purpose.
- B. Nuisance pet animal. Such person's pet animal constitutes a nuisance pet animal as defined in OMC Section 6.04.030(T).
- C. Pet animal on public property. Such person's pet animal is on public property such as a public park, beach, or school ground and is not on a leash by a person who is able to maintain physical control, or proper safeguards have not been taken to protect the public and property from injury or damage from said animal, or the presence of the animal on such property is in violation of additional specific restrictions which have been posted. Such restrictions shall not apply to guide dogs of the visually impaired, service animals for the physically handicapped, or to dogs on public property specifically designated by the City of Olympia as areas for dogs without the requirement of a leash. Pet animals on public property is a civil infraction as defined in Section 6.04.120(B).
- D. Intentionally not incorporated.
- E. Failure to possess removal equipment or to remove fecal material. Such person (1) fails to possess in a public park the equipment or material necessary to remove animal fecal matter when accompanying a pet

animal, or (2) fails to remove animal fecal material when accompanying a pet animal off the owner's property. Failure to possess removal equipment or to remove fecal material is a civil infraction as defined in Section 6.04.120 (B).

F. Intentionally not incorporated.

G. Intentionally not incorporated.

H. Intentionally not incorporated.

I. Menacing behavior. Such person's animal engaged in menacing behavior as defined in Section 6.04.030(R). Violation of this subsection is a civil infraction as defined in Section 6.04.120(A).

The following penalties apply to any violation of the designated section of 12.60.030.

A. Violation of the following sections of this chapter shall constitute a Class 3 civil infraction. A second infraction for certain offenses within an 18-month period will constitute a Class 2 civil infraction. A third infraction for certain offenses within an 18-month period will constitute a civil infraction. "Within an 18-month period" means the violation date for a prior offense occurred within 18 months of the date of the subsequent violation.

1. Section 12.60.030 (A) Failure to license; provided that the infraction shall be dismissed if, within 14 days of the date of issuance of the infraction, the person cited shows evidence of licensing of the subject animal to the Olympia Court Clerk. The Court Clerk, at the direction of the Olympia Municipal Court, may assess court administrative costs up to \$25.00 at the time of the dismissal;

2. Section 12.60.030 (A) Pet animal at large (first violation; second violation is a Class 2 civil infraction; third violation is a Class 1 civil infraction).

3. Section 12.60.030 (B) Nuisance pet animal (first violation; second violation is a Class 2 civil infraction; third violation is a Class 1 civil infraction).

4. Section 12.60.030 (I); Menacing Animal (first violation; second violation is a Class 2 civil infraction; third violation is a Class 1 civil infraction).

B. Violation of the following sections of this chapter shall constitute a Class 4 civil infraction:

1. Section 12.60.030 (C) Pet animals on public property.

2. Section 12.60.030 (E) Failure to remove fecal material; failure to possess removal equipment.

#### **12.60.040 Feeding, Harassing, Injuring animals unlawful**

It is unlawful in any manner to purposely tease, annoy, disturb, harass, catch, injure or kill or to throw anything at or strike any animal, bird, fowl or fish within a park, or to feed any fowl, fish or animal within any park.

**12.60.050 Fireworks Prohibited in City Parks**

It is unlawful to shoot, fire or explode any fireworks, firecracker, torpedo or explosive of any kind in a City park.

**12.60.060 Soliciting or peddling unlawful**

It is unlawful to take up collections, or to act as or apply the vocation of solicitor or peddler within a park; provided, that it shall not be a violation of this section for a nonprofit or charitable organization or group to conduct a fund-raising event in a park or facility under the control of the City's Parks, Arts and Recreation Department with the approval of the Parks, Arts and Recreation Department and upon the payment of a reasonable fee for the use thereof. Such fund-raising events shall solicit donations only. The ability of park patrons to visit park facilities or to use the nonreserved portions of the facility shall not be denied or conditioned upon the payment of a donation.

**12.60.080 Sales unlawful without permit or concession contract**

It is unlawful to sell food, refreshments or merchandise within a park from a fixed stand, table or booth without a concession contract with the City. This section shall not apply to festival events set forth in the Olympia Municipal Code.

**12.60.090 Groups or Assemblies - Reservations**

City parks and recreational facilities shall be available for any group or assembly on a first come, first serve basis. Groups or assemblies calculated to attract a large number of people, relative to the size and capacity of the park or facility must, prior to the event, reserve the space by filling out an application from the Parks, Arts and Recreation Department ten (10) days prior to the event to reserve the space. Approval may be conditioned as to the time and place of such assembly so as not to unreasonably interfere with other lawful activities within the park and subject to compliance with all park rules.

**12.60.100 Bicycles –Horses –Motor vehicles in Designated Areas Only**

It is a civil infraction to ride or drive any motorized or non-motorized vehicle over or through any park except along and upon the park drives, parkways, or designated bicycle lanes; or to ride any animal through a park except upon the park drives, parkways, or designated areas.

**12.60.110 Camping or parking unlawful except where designated**

It is a civil infraction to camp or stay overnight in any vehicle within any park or within any public parking lot adjacent to a park except at places set aside for such purposes and so designated by signs.

### **12.60.120 Ball games and other sports**

The following activities are not permitted unless they are a part of a Parks, Arts & Recreation Program: golf, paintball, tennis, badminton or other games of like character or to hurl or propel any airborne or other missiles, except at places set apart for such purposes and so designated by signs.

### **12.60.130 Smoking or Vaping Prohibited in City Parks and Trails**

It is unlawful for any person to smoke or light cigarettes, cigars, tobacco, or other smoking material, including electronic nicotine delivery devices including, but not limited to, electronic cigarettes, vapor cigarettes, or similar products, within city parks or on city trails.

### **12.60.160 Building fires permitted only in designated areas**

It is a civil infraction to build any fires in any City park except in designated areas so designated by signs.

### **12.60.300 Violation -- Penalty**

A. Unless stated otherwise, 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:

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.

B. Penalties for violations of Section 12.60.030 shall be the same as those provided under Olympia Municipal Code 6.04.120 for the same offense.

**Section 9. Amendment of OMC Chapter 12.64. Olympia Municipal Code Chapter 12.64 is hereby amended to read as follows:**

## Chapter 12.64 HARBOR REGULATIONS

12.64.000 Chapter Contents

Sections:

12.64.010 Harbor defined.

- 12.64.020 Harbor master--Appointment and duties.
- 12.64.060 Rat control while moored.
- 12.64.070 Explosives unlawful without permission from harbor master.
- 12.64.080 Lighted material on port property prohibited.
- 12.64.090 Authority to impound.
- 12.64.100 Impoundment--Expenses.
- 12.64.110 Impoundment--Sale of impounded craft –Collection of charges.
- 12.64.120 Impounding--In-place.
- 12.64.130 Impoundment--Liability.
- 12.64.140 Deposit of wastes and materials into harbor.

**12.64.010 Harbor defined**

For the purpose of this chapter, the word "harbor" means all the water and waterways in the city.

**12.64.020 Harbor master –Appointment and duties**

The chief of police, or ~~his or her~~ authorized designee within the police department, shall act as harbor master for the city, whose duties it will be to carry out the provisions of this chapter.

**12.64.060 Rat control while moored**

All boats, vessels, tugs, launches of any kind and nature, must, while lying or anchored against a dock or wharf for the purpose of loading or unloading, be equipped in such a manner as to prevent the escape therefrom of any rats, and such precautions must at all times be taken as are necessary to prevent rats from leaving the boat while the boat, vessel, tug or launch is lying against a wharf or dock within the limits of the city.

**12.64.070 Explosives unlawful without permission from harbor master**

It is unlawful for any boats, vessels, tugs or launches of any kind or nature to enter the harbor of the city with explosives or high combustibles on board without first having obtained a written permission from the harbor master, and no vessel, boat, tug or launch shall be permitted to load, transfer or discharge such a cargo of explosives or other combustibles within the harbor of the city without first having obtained such permission from the harbor master.

**12.64.080 Lighted material on port property prohibited**

It is unlawful for any person to smoke cigars, cigarettes, or tobacco, or to throw any lighted tobacco, cigars, cigarettes, matches, firecrackers, or other lighted material, on or within thirty feet of the wharves, plank roadways, warehouses, sheds, or other structures, maintained or operated within the city by the Port of Olympia, or within thirty feet of any lumber or other commodities stored or piled on the lands owned, leased, or used by the Port of Olympia in connection with its scheme of port development as adopted and in use.

**12.64.090 Authority to impound**

The harbor master may take immediate possession of and/or impound and remove any vessel, watercraft or obstruction, when:

- A. The operator or master of the same reasonably appears incapable of safely operating the same or appears incapable of directing the disposition of the same; or
- B. The operator or master of the same refuses to sign a citation, or refuses or neglects to obey an order of the harbor master to proceed from or to an area following a citation or in an emergency; or
- C. The operator or master operates a vessel, watercraft or obstruction in a negligent, reckless or other manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other watercraft and vessels, and the harbor master believes such operation of the vessel, watercraft or obstruction would continue unless possession be taken of the same; or
- D. The vessel, watercraft or obstruction appears unsafe for water transportation; or
- E. The vessel, watercraft or obstruction appears abandoned, or is anchored or moored in an anchorage, waterway or submerged street area after expiration, cancellation, or violation of a permit, or in violation of this chapter without a permit seventy-two hours after an order to remove the same has been given by the harbor master; or
- F. The vessel, watercraft or obstruction is obstructing a launch ramp area or public dock, or has remained at a facility under the jurisdiction of the department of parks and recreation longer than the maximum mooring or anchoring time.

The harbor master may remove the same, using such methods as ~~in his or her judgment will necessary to~~ prevent unnecessary damage to said vessel, watercraft or obstruction and/or assign the removal and impounding of the vessel, watercraft or obstruction to a private corporation.

#### **12.64.100 Impoundment expenses**

In the event possession is taken of any vessel, watercraft or obstruction as authorized in Section 12.64.090, the expenses incurred by the harbor master in the removal, towing, impounding and moorage of the same shall be paid by such vessel, watercraft or obstruction or the owner or other person in charge thereof. When a vessel, watercraft or obstruction is moored or impounded at a city facility, the harbor master shall assess a reasonable moorage charge therefor, which shall be paid by such vessel, watercraft or obstruction or the owner or other person in charge thereof. The harbor master may decline to release possession of any vessel, watercraft, or obstruction until all charges are paid.

#### **12.64.110 Impoundment –Sale of impounded craft –Collection of charges**



In the event a vessel, watercraft or obstruction remains impounded for ninety days and the charges of towing and impounding remain unpaid, the harbor master may sell the same at public auction. The city may maintain an action against the owner or person in charge of the vessel, watercraft or obstruction for the recovery of the expenses of towing and impounding, or the remaining balance thereof, in the event of sale of the same.

#### **12.64.120 Impounding –In-place**

When taking possession as authorized in Section 12.64.090, the harbor master may impound the vessel, watercraft or obstruction in place by posting the same with one or more signs or notices in conspicuous places stating "POLICE IMPOUND-KEEP OFF" and notifying the owner, master or person in charge of the impounding. The harbor master may ~~in his discretion~~ appoint as custodian the owner or master, the owner or operator of the facility or property where the vessel is moored or anchored. Upon the posting of such signs, it shall be unlawful for any person:

- A. To move, load or unload, rebuild, or enter upon such vessel, watercraft or obstruction without written permission from the harbor master, other than for necessary maintenance and repair to prevent deterioration of the same or sinking;
- B. To remove, mutilate, destroy or conceal any notice or sign posted by the Harbor Master or the public works director pursuant to the provisions of this chapter.

#### **12.64.130 Impoundment –Liability**

The harbor master shall not be held responsible for damages incurred as a result of the impoundment of a vessel or watercraft so long as all reasonable and safe practices are employed in said operation.

#### **12.64.140 Deposit of wastes and materials into harbor**

- A. It is unlawful for any person, firm, corporation, sawmill, shingle mill, veneer plant, or any manufacturing company, boat, vessel, tug, launch or watercraft of any kind or description to deposit any fuel or other combustible oil, waste, vegetable or animal matter, sawdust, lumber or timber, in any quantity within the harbor of the city, under any circumstances or in such manner or quantities which may tend to endanger property adjacent thereto, to jeopardize the health, peace and safety of any person, or in such quantity as to be a menace and danger to any boats of any kind using the harbor.
- B. A violation of this section is a misdemeanor.

**Section 10. Amendment of OMC 12.02.020.** Olympia Municipal Code Section 12.02.020 is hereby amended to read as follows:

#### **12.02.020 Engineering design and development standards**

There is hereby adopted by reference "2017-2018 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 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:**

  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**

Home » City Services » Building Permits-Land Use » Engineering Design and Development Standards

# Engineering Design and Development Standards (EDDS)

### Featured Links

- [Current EDDS](#)
- [EDDS Deviation Request Form](#)

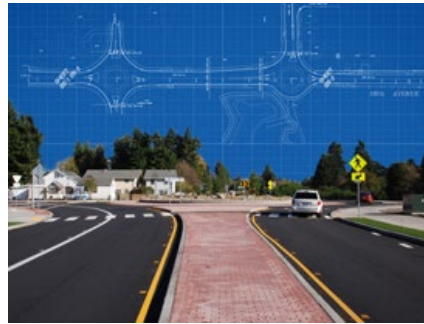
### Navigation

- [Building Permits-Land Use](#)
- [Construction Codes](#)

feedback

## Designing Olympia's Future

The [Engineering Design and Development Standards \(EDDS\)](#) are the technical standards used by the City and private developers to design and construct drinking water, reclaimed water, sewer, transportation, stormwater, and solid waste collection systems. The City has a process for requesting a deviation from these standards. [Here is the Deviation form.](#)



The EDDS are updated annually after a public hearing and upon City Council approval. The 2017 EDDS update was adopted by City Council on December 12 and became effective December 26, 2017. The City's [Code Publishing site](#) hosts the current EDDS, as well as previous versions of the EDDS that may apply to some vested private development projects.

## 2018 EDDS Update

[2018 EDDS Schedule](#) (As of October 1, 2018)

[2018 EDDS Summary of Proposed Changes](#)

[Proposed EDDS Text Changes, By Chapter](#)

- [Chapter 2](#)
- [Chapter 3](#)
- [Chapter 4](#)
- [Chapter 5](#)
- [Chapter 6](#)
- [Chapter 7](#)
- [Chapter 8](#)

### Revised Drawings

- [4-2A-LID](#)
- [4-2B-LID](#)
- [4-2C-LID](#)
- [4-2E-LID](#)
- [4-2F-LID](#)
- [4-2G-LID](#)
- [4-2H-LID](#)
- [4-2I](#)
- [4-2I-LID](#)
- [4-2J1](#)
- [4-13A](#)
- [4-13A1](#)
- [4-50](#)
- [4-51](#)
- [4-52](#)

### Proposed OMC Text Changes

- [OMC 4.04](#)
- [OMC 12.10](#)

**Construction Map**  
GET INFORMATION ABOUT CONSTRUCTION PROJECTS IN OLYMPIA

**OlyProjects**  
GET CONSTRUCTION PROJECT UPDATES ON TWITTER

**PermitPortal**  
APPLY FOR YOUR PERMIT ONLINE

**City Calendar**  
Loading events...  
→ [View full calendar...](#)

**City Updates**  
**2018 YEAR IN REVIEW**  
"Working Together...Moving Forward" Check out some of what the City has done in 2018. [Watch the video...](#)

**SEA LEVEL RISE** The Draft Sea Level Rise Response Plan is now available. [More...](#)

**UTILITY BILLING EMAIL CHANGE** Beginning Friday, December 14, receipts and notifications for online utility billing customers will be sent from [OlympiaUtilityBilling@Paymentus.cc](mailto:OlympiaUtilityBilling@Paymentus.cc). Please add this email address to your contacts to ensure messages are received in your inbox.

**APPLY NOW! CITIZEN ADVISORY COMMITTEES** We are looking for citizens interested in serving on City advisory boards, commissions and committees. Applications due by 5 p.m. on Thursday, January 31. [More...](#)

**STATE AVE BANNER SPACE** We are now accepting 2019 reservations for our banner display space on State Avenue. [More...](#)

**2019 PRELIMINARY OPERATING BUDGET** The 2019 Preliminary Operating Budget is now available. [More...](#)

**ADDRESSING HOMELESSNESS** The City Council has directed immediate actions to respond to homelessness in our community. [More...](#)

**2019-2024 ADOPTED CAPITAL FACILITIES PLAN** The [2019-2024 Capital Facilities Plan](#) (CFP) is now available. [More...](#)

**OLYMPIA MUNICIPAL CODE** Quick link to codes and standards including [Olympia Municipal Code](#).

- [QMC 12.20](#)
- [QMC 12.24](#)
- [QMC 12.28](#)
- [QMC 12.36](#)
- [QMC 12.44](#)
- [QMC 12.60](#)
- [QMC 12.64](#)

---

### Don't see a topic you think should be addressed or updated?

[Fill out this form to revise or update the EDDS](#). Submit it to Fran Eide, City Engineer, at [feide@ci.olympia.wa.us](mailto:feide@ci.olympia.wa.us). The EDDS are reviewed and updated every year starting in January. Your request will be recorded and considered for the next update.

---

### Questions?

Contact Steve Sperr, P.E., at **360.753.8739** or [ssperr@ci.olympia.wa.us](mailto:ssperr@ci.olympia.wa.us).

[back to top...](#)

Copyright © 2019. All rights reserved. Last Updated: Dec 11, 2018

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

City of Olympia, Washington  
PO Box 1967  
Olympia, WA 98507-1967

[Home](#) [Contact Us](#) [Jobs & Volunteering](#) [Online Services](#) [Website Support](#) [Privacy](#) [Sitemap](#)



## City Council

### Approval of an Ordinance Adding a New Chapter to Title 18 Updating the City's Latecomer Agreement Requirements

**Agenda Date:** 1/8/2019  
**Agenda Item Number:** 4.F  
**File Number:** 19-0019

---

**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Consent

---

#### **Title**

Approval of an Ordinance Adding a New Chapter to Title 18 Updating the City's Latecomer Agreement Requirements

#### **Recommended Action**

##### **Committee Recommendation:**

The Land Use and Environment Committee reviewed revised Latecomer Agreement Requirements and concurred with the proposed new Chapter in Title 18 of the Olympia Municipal Code (OMC).

##### **City Manager Recommendation:**

Move to approve the ordinance adding Chapter 18.41 to Title 18 OMC to update the City's Latecomer Agreement requirements on first reading and forward to second reading.

#### **Report**

##### **Issue:**

Whether to approve an ordinance adding Chapter 18.41 to Title 18 OMC to update the City's Latecomer Agreement requirements.

##### **Staff Contact:**

Stephen Sperr, P.E., Assistant City Engineer, Public Works Engineering, 360.753.8739

##### **Presenter(s):**

None - Consent Calendar Item.

##### **Background and Analysis:**

The City reviews and updates the Engineering Design and Development Standards (EDDS) every year to address changes in regulations or standards, improve consistency with the Comprehensive Plan, and add clarity. On June 21 and November 15, the Land Use and Environment Committee reviewed the proposed changes, which included updating the Latecomer Agreement requirements. A public hearing was held on December 11 on all of the proposed changes this year related to the EDDS, including proposed updates to Latecomer Agreement requirements.

The attached ordinance specifically addresses the requirements for Latecomer Agreements for

utilities and streets in greater detail than the EDDS, and adds a new Chapter to Title 18 of the OMC. These updates address changes in state law, adding more specific language regarding how Latecomer Agreements are to be developed and executed, and clarifying the minimum length of the different types of Agreement.

The existing Latecomer Agreement requirements, currently addressed in Section 2.080 of the EDDS, have been reduced to a general explanation of these types of Agreements, as part of the 2018 EDDS Update Ordinance on Council's consent agenda as a separate item. If approved, the attached ordinance will set forth requirements for utility and street Latecomer Agreements in greater detail, consistent with state law.

**Neighborhood/Community Interests (if known):**

This ordinance ensures that Latecomer Agreements are prepared and executed in a manner consistent with state law.

**Options:**

1. Approve the ordinance adding Chapter 18.41 to Title 18 OMC to update the City's Latecomer Agreement requirements on first reading and forward to second reading. The most recent standards for Latecomer Agreements will apply to development projects seeking to enter into such an agreement.
2. Do not approve the ordinance adding Chapter 18.41 to Title 18 OMC, which updates the City's Latecomer Agreement requirements. This option will result in potential conflicts with state law in developing and executing Latecomer Agreements.

**Financial Impact:**

This Ordinance will not result in any increase to the costs of private development or Public Works projects.

**Attachments:**

Ordinance

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO LATECOMER AGREEMENTS, ADDING A NEW CHAPTER TO TITLE 18 OF THE OLYMPIA MUNICIPAL CODE IN ARTICLE IV GENERAL REGULATIONS, TO BE DESIGNATED AS CHAPTER 18.41, ENTITLED LATECOMER AGREEMENTS.**

**WHEREAS**, in recent years, state law regarding latecomer agreements has been updated; and

**WHEREAS**, the Revised Code of Washington requires in Chapter 35.91 that, if statutory conditions are met, cities must enter into utility latecomer agreements with property owners who upgrade water or sewer facilities where a municipality's ordinances require facilities to be improved as a prerequisite to further property development; and

**WHEREAS**, the Revised Code of Washington provides in Chapter 35.72 that, if statutory conditions are met, cities have the discretion to enter into street latecomer agreements with property owners who upgrade street facilities where a municipality's ordinances require facilities to be improved as a prerequisite to further property development; and

**WHEREAS**, the City wishes to add its latecomer provisions to a separate section of city code; and

**WHEREAS**, on December 11, 2018, a public hearing was held to consider and approve amendments to the EDDS and this ordinance; 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 consistent with the comprehensive plan; and

**WHEREAS**, the Department of Commerce received information related to the adoption of these provisions pursuant to RCW 36.70A.106 on November 29, 2018; and

**WHEREAS**, a State Environmental Policy Act DNS was issued on December 24, 2018; and

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

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

**Section 1. Amendment of OMC 18.00.000.** Olympia Municipal Code 18.00.000 is hereby amended to read as follows:

**18.00.000 Title Contents**

Title 18

UNIFIED DEVELOPMENT CODE

**Chapters:**

**Article I. GENERAL PROVISIONS**

**18.02 Basic Provisions**

**Article II. LAND USE DISTRICTS**

**18.04 Residential Districts**

**18.05 Villages and Centers**

**18.05A Urban Village, Neighborhood Village, Neighborhood Center and Community  
Oriented Shopping Center Design Guidelines**

**18.06 Commercial Districts**

**18.08 Industrial Districts**

**Article III. OVERLAY DISTRICTS**

**18.10 Height Overlay Districts**

**18.12 Historic Preservation**

**18.16 Pedestrian Street Overlay District**

**18.20 Shoreline Master Program Regulations**

**Article IV. GENERAL REGULATIONS**

**18.32 Critical Areas**

**18.36 Landscaping and Screening**

**18.37 Nonconforming and Conforming Buildings and Uses**

**18.38 Parking and Loading**

**18.40 Property Development and Protection Standards**

**18.41 Latecomer Agreements**

**18.42 Signs**

**18.44 Antennas and Wireless Communications Facilities**

**18.46 Eligible Wireless Communication Facilities Modifications**

**Article V. DISCRETIONARY APPROVALS**

**18.48 Conditional Uses**

**18.50 Emergency Housing Facilities**

**18.51 State-Licensed Marijuana Producers, Processors, and Retailers**

**18.52 Limited Zones**

**18.53 Development Agreements**



- 18.54 Planned Unit Development (PUD)**
- 18.56 Planned Residential Development (PRD)**
- 18.57 Master Planned Development (MPD)**
- 18.58 Rezones and Text Amendments**
- 18.59 Olympia Comprehensive Plan Amendment Process**
- 18.60 Land Use Review and Approval**
- 18.64 Townhouses**
- 18.66 Variances and Unusual Uses**

#### **Article VI. ADMINISTRATION**

- 18.72 Administration**
- 18.73 Civil and Criminal Penalty**
- 18.75 Appeals/Reconsideration**
- 18.76 Design Review Board**
- 18.77 Permit Application Contents**
- 18.78 Public Notification**
- 18.82 Hearing Examiner**
- 18.86 Neighborhood Association Recognition and Notification**
- 18.90 Transfer of Development Rights**
- 18.100 Design Review**
- 18.105 Historic Structures and Buildings Within Historic Districts**
- 18.110 Basic Commercial Design**
- 18.120 Commercial Design Criteria Downtown**
- 18.130 Commercial Design Criteria High Density Corridor (HDC)**
- 18.135 Commercial Design Criteria Residential Scale District**
- 18.140 Commercial Design Review Auto Oriented District**
- 18.145 Commercial Design Review Freeway Corridor District**
- 18.150 Port Peninsula**
- 18.155 West Bay Drive District**
- 18.170 Multi-Family Residential**
- 18.175 Infill and Other Residential**
- 18.180 Manufactured Home Parks**

**Section 2. New Chapter.** There is hereby added a new Chapter to Title 18 of the Olympia Municipal Code under Article IV, General Regulations, to be designated as Chapter 18.41 entitled, "Latecomer Agreements" which shall read as follows:

## Chapter 18.41 LATECOMER AGREEMENTS

### 18.41.000 Chapter Contents

#### Sections:

18.41.020 Utility Latecomer Agreements.

18.41.040 Street Latecomer Agreements.

#### **18.41.020 Utility Latecomer Agreements**

A. The provisions of Chapter 35.91 RCW shall apply when an owner of real estate is required by any city ordinance, including but not limited to the City's Engineering Design and Development Standards, which are adopted into the Olympia Municipal Code by reference in Chapter 12.02, to improve or construct water or sewer facilities (including storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances) as a prerequisite to further property development. The improvements must be located within the corporate limits of the city except as provided otherwise under Chapter 35.91 RCW. The owner must submit a written request on a form provided by the city for a contract to recover the cost of the improvement or construction of water or sewer facilities prior to the approval of the water or sewer facility by the city. The application shall include the proposed benefitting properties, along with an estimated pro rata share that each property should pay. If an owner does not timely submit a written request, the city is not obligated to enter into a contract with the owner for the recovery of latecomer fees. The requirement of the city to contract with an owner of real estate for the construction or improvement of water or sewer facilities is only applicable if the facilities are consistent with all applicable comprehensive plans and development regulations of the city through which the facilities will be constructed or will serve.

1. Unless the city provides a written notice to the owner of its intent to request a comprehensive plan approval, the owner must request a comprehensive plan approval for water or sewer facility, if required.
2. Connection of the water or sewer facility to the city's system must be conditioned on:
  - a. Construction of the water or sewer facility according to plans and specifications approved by the city;
  - b. Inspection and approval of the water or sewer facility by the city;
  - c. Transfer to the city of the water or sewer facility, without cost to the city, upon acceptance by the city of the water or sewer facility;

- d. Full compliance with the owners' obligations under the contract and with the municipality's rules and regulations;
- e. Provision of sufficient security to the municipality to ensure completion of the water or sewer facility and other performance under the contract;
- f. Payment by the owner to the city of all of the city's costs associated with the water or sewer facility including, but not limited to, engineering, legal, and administrative costs; and
- g. Verification and approval of all contracts and costs related to the water or sewer facility.

3. Within 120 days of completion of the water or sewer facility and its acceptance by the city, the owner of real estate must submit the total cost of the water or sewer facility to the city in a form acceptable to the city. This information will be used by the city to determine reimbursements by future users who will benefit from the water or sewer facility, but who did not contribute to the original cost of the water or sewer facility.

B. The city will make the final determination of which parcels will directly benefit from the improvements and include those parcels in the assessment area.

C. The reimbursement share of all property owners in the assessment area shall be the pro rata share of the total cost of the project, less any contributions paid by the city. Each reimbursement share shall be determined by the city using a method of cost apportionment which is based upon the benefit received by each property from the project. The owner seeking a latecomer agreement shall not be reimbursed for the share of benefits that are allocated to its property.

D. A preliminary determination of area boundaries and assessments, along with a description of the property owner's rights and options, shall be forwarded by mail to the property owners of record within the proposed assessment area. A property owner within the assessment area may request a hearing before the city council. Such request must be in writing and specify the relief sought. The request must be filed with the city clerk, the city attorney, and director of public works within 20 days of the mailing of the preliminary determination. After receiving a timely request for a hearing, notice shall be given to all property owners in the assessment area of the date, time, and location of the hearing. The city council's ruling shall be determinative and final.

E. The contract shall be recorded with the Thurston County Auditor within 30 days of such approval by city council. The recorded contract shall constitute a lien against all real property within the assessment area for whom the owners did not contribute to the original cost of the utility project. The provisions of the contract may not be effective as to any owner of real estate not a party thereto unless the contract has been recorded with the Thurston County Auditor's office prior to the time the owner taps into or connects to the water or sewer facilities.

F. If, within a period of 20 years from the date the contract was recorded (or such other period provided for in the contract), any property within the assessment area applies for connection to the utility line, the lien for payment of the property's proportionate share shall become immediately due and payable to the city as a condition of receiving connection approval. An extension of the 20 years may be granted for a time not to exceed the duration of any moratorium, phasing ordinance, concurrency designation, or other governmental action that prevents making applications for, or the approval of, any new development within the benefit area for a period of six months or more. Upon extension of the reimbursement period, the contract amendment must specify the duration of the extension and must be filed and recorded with the county auditor. The city will notify property owners within the reimbursement area of any extension filed.

G. All assessments collected by the city pursuant to a latecomer agreement, minus the city's administrative charge, shall be paid to the original proponent, its personal representative, successors or assigns within 60 days after receipt by the city. The city's administrative charge for each collection is set forth in OMC Chapter 4.04. However, the property owner entitled to reimbursement must update his/her address with the city every two years from the date the contract is executed with information regarding the current contract name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with such notifications, within sixty days of the specified time, then the city may collect any reimbursement funds owed to the property owner under contract and deposit such funds into the capital fund of the city.

H. A person, firm, or corporation may not be granted a permit or be authorized to tap into, or use any such water or sewer facilities or extensions thereof during the period of time prescribed in such contract without first paying to the city, in addition to any and all other costs and charges made or assessed for such tap, or use, or for the water lines or sewers constructed in connection therewith, the amount required by the provision of the contract under which the water or sewer facilities so tapped into or used were constructed. Whenever any tap or connection is made into any such contracted water or sewer facilities without such payment having first been made, the city may remove, or cause to be removed, such unauthorized tap or connection and all connecting tile, or pipe located in the facility right-of-way and dispose of unauthorized material so removed without any liability whatsoever.

I. Nothing in this section, nor any provision in a latecomer agreement, shall be construed as establishing the city as a public utility in areas not already connected to the city's utility system, nor shall this section, or any latecomer agreement, be construed as establishing express or implied rights for any property owner to connect to the city's utility system without first qualifying for such connection by compliance with all applicable city codes and ordinances.

J. Alternatively, the City may finance the construction or improvement of water or sewer facilities and create an assessment reimbursement area without the participation of a private property owner pursuant to RCW 35.91.060.

K. Nothing in this section is intended to create a private right of action for damages against the city for failing to comply with the requirements of this section. The city, its officials, employees, or agents may not be held liable for failure to collect a latecomer fee unless the failure was willful or intentional. Failure of a city to comply with the requirements of this section does not relieve the city of any future requirement to comply with this section.

**18.41.040 Street Latecomer Agreements**

A. The provisions of Chapter 35.72 RCW shall apply when an owner of real estate is required by any city ordinance, including but not limited to the City's Engineering Design and Development Standards, which are adopted into the Olympia Municipal Code by reference in Chapter 12.02, to improve or construct street facilities (including design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lighting, traffic controls, and other similar improvements, as required by the street standards of the city) as a prerequisite to further property development. The owner must submit a written request on a form provided by the city for a contract to request recovery of the cost of the improvement or construction of street facilities prior to the approval of such facilities by the city. The application shall include the proposed benefitting properties, along with an estimated pro rata share that each property should pay. The city has discretionary authority whether or not to enter into a contract with the owner for the recovery of latecomer fees for these types of improvements.

1. Within 120 days of completion of the street facilities and its acceptance by the city, the owner of real estate must submit the total cost of the street facilities to the city in a form acceptable to the city. This information will be used by the city to determine reimbursements by owners of parcels adjacent to the improvements that would require similar street improvements upon development, but who did not contribute to the original cost of the improvements.

B. The city will make the final determination of which parcels will directly benefit from the improvements and include those parcels in the assessment area.

C. The reimbursement share of all property owners in the assessment area shall be the pro rata share of the total cost of the project, less any contributions paid by the city. Each reimbursement share shall be determined by the city using a method of cost apportionment, which is based upon the benefit received by each property from the project. The owner seeking a latecomer agreement shall not be reimbursed for the share of benefits that are allocated to its property.

D. A preliminary determination of area boundaries and assessments, along with a description of the property owners' rights and options, shall be forwarded by certified mail to the property owners of record within the proposed assessment area. A property owner within the assessment area may request a hearing before the city council. Such request must be in writing and specify the relief sought. The request must be filed with the city clerk, the city attorney, and director of public works within 20 days of the mailing of the preliminary determination. After receiving a timely request for a hearing, notice shall be given to all property owners in the

assessment area of the date, time, and location of the hearing. The city council's ruling shall be determinative and final.

E. The contract, upon approval by the city council, shall be recorded with the Thurston County Auditor within 30 days of such approval. The filed contract shall be binding on owners of record within the assessment area who are not party to the contract.

F. If, within a period of 15 years from the date the contract was recorded (or such other period provided for in the contract), any property within the assessment area applies for connection to the utility line, the lien for payment of the property's proportionate share shall become immediately due and payable to the city as a condition of receiving connection approval. An extension of the 15 years may be granted for a time not to exceed the duration of any moratorium, phasing ordinance, concurrency designation, or other governmental action that prevents making applications for, or the approval of, any new development within the benefit area for a period of six months or more. Upon extension of the reimbursement period, the contract amendment must specify the duration of the extension and must be filed and recorded with the county auditor. The city will notify property owners within the reimbursement area of any extension filed.

G. All assessments collected by the city pursuant to a latecomer agreement, minus the city's administrative charge, shall be paid to the original proponent, its personal representative, successors or assigns within 60 days after receipt by the city. The city's administrative charge for each collection is set forth in OMC Chapter 4.04. However, the property owner entitled to reimbursement must update his/her address with the city every two years from the date the contract is executed with information regarding the current contract name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with such notifications within sixty days of the specified time, then the city may collect any reimbursement funds owed to the property owner under contract and deposit such funds into the capital fund of the city.

H. Nothing in this section, nor any provision in a latecomer agreement, shall be construed as establishing the city as a public utility in areas not already connected to the city's utility system, nor shall this section, or any latecomer agreement, be construed as establishing express or implied rights for any property owner to connect to the city's utility system without first qualifying for such connection by compliance with all applicable city codes and ordinances.

I. Alternatively, the City may finance the construction or improvement of street facilities and create an assessment reimbursement area without the participation of a private property owner pursuant to RCW 35.72.050.

**Section 3. 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 4. 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 5. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 6. Effective Date.** This Ordinance shall take effect thirty (30) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**





## City Council

### Approval of an Ordinance Amending Olympia Municipal Code, Chapter 4.24, Section B, LOTT Capacity Development Charge and Making Two Changes to Chapter 4.24, Section C, Waste ReSources

**Agenda Date:** 1/8/2019  
**Agenda Item Number:** 4.G  
**File Number:** 19-0026

---

**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Consent

---

#### **Title**

Approval of an Ordinance Amending Olympia Municipal Code, Chapter 4.24, Section B, LOTT Capacity Development Charge and Making Two Changes to Chapter 4.24, Section C, Waste ReSources

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve the ordinance amending Olympia Municipal Code, Chapter 4.24, Section B, LOTT Capacity Development Charge and making two changes to Chapter 4.24. Section C, Waste ReSources on first reading and forward to second reading.

#### **Report**

##### **Issue:**

Whether to approve an ordinance amending Olympia Municipal Code, Chapter 4.24, Section B, LOTT Capacity Development Charge and making two changes to Olympia Municipal Code, Chapter 4.24, Section C, Waste ReSources.

##### **Staff Contact:**

Andy Haub, Water Resources Director, Public Works Department, 360.570.3795  
Gary Franks, Waste ReSources Director, Public Works Department, 360.753.8780

##### **Presenters:**

None - Consent Calendar Item

##### **Background and Analysis:**

The LOTT Board of Directors votes each year to set rates for LOTT's Capacity Development Charge (CDC) and other monthly rates. The CDC is a one-time charge placed on new developments to



support existing LOTT infrastructure assets. The City Council votes annually to adopt those rates into the Olympia Municipal Code (OMC). On December 18, 2018, Council passed Ordinance No. 7169 setting the 2019 utility fees and charges, with the CDC rate at \$6,046.21. This amount was in error and should have been \$6,049.21, per LOTT's approved 2019 rates. The attached ordinance amends the CDC rate to the correct amount within OMC Subsection 4.24.010.B.

Furthermore, on December 18, 2018, Council passed Ordinance No. 7169 setting the 2019 utility fees and charges for the Waste ReSources utility rates. Under section C, item 1, a description of the size of cart reads "One ninety-six gallon cart." This was in error and should have been "One ninety-five gallon cart." And in section C, item 17, the footnote under the table for "Customer-owned compactors and special containers" was listed as a "13.6% service fee." This was in error and should have been "14.1% service charge." The attached ordinance amends these items within OMC subsection 4.24.010.C.

**Neighborhood/Community Interests (if known):**

N/A

**Options:**

1. Approve the ordinance amending the LOTT CDC to match the rate passed by the LOTT Board of Directors. This will bring the City into compliance with the interlocal agreement with LOTT and allow staff to charge and collect the correct amount. Approve the ordinance amending the Waste ReSources cart size and increasing the service charge percentage consistent with the other sections of the ordinance and the municipal utility tax.
2. Do not approve the ordinance as written and direct staff to modify the ordinance.

**Financial Impact:**

The LOTT Board of Directors sets the CDC. The funds collected by the City are passed directly onto LOTT. The changes to Waste Resources is consistent with the correct cart sizes and the 0.5 percent increase to the municipal utility tax.

**Attachment:**

Ordinance

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO UTILITY FEES AND CHARGES AND AMENDING SECTION 4.24.010 OF THE OLYMPIA MUNICIPAL CODE AND ORDINANCE #7169**

**WHEREAS**, the City's utilities are managed with a goal of resource sustainability in order to maintain, rebuild, expand systems, and prepare for revenue variability; and

**WHEREAS**, the City Council intends to meet the goals and policies for utility fiscal management set forth in the Comprehensive Plan and utility master plans; and

**WHEREAS**, the City Council intends to promote rate equity through cost recovery by customer class, and to smooth out rate spikes over a period of up to six years, the time period for which the CFP is developed; and

**WHEREAS**, the City's Storm and Surface Water Utility and the Wastewater Utility are managed to maintain minimum operating expense reserves of ten (10) percent, and the Drinking Water Utility is managed to maintain minimum operating expense reserves of twenty five (25) percent; and

**WHEREAS**, in order to incorporate the foregoing principles into City Drinking Water Utility, City Storm and Surface Water Utility, City Wastewater Utility and LOTT Cleanwater Alliance (LOTT) wastewater treatment rates, the City Council received recommendations from the Utility Advisory Committee, held hearings, and reviewed the utility rates set forth in this Ordinance; and

**WHEREAS**, pursuant to the Interlocal Cooperation Act Agreement for Sewer Treatment, the LOTT Board of Directors is empowered to "impose, alter, regulate, and control rates, charges, and assessments;" and the LOTT Board of Directors held a public hearing and approved certain rate increases, which the City Council must annually adopt; and

**WHEREAS**, Ordinance #7169 was passed and approved on December 18, 2018, and published on December 21, 2018 with minor errors in OMC 4.24.010(B)(1), 4.24.010(C)(1) and 4.24.010(C)(17); and

**WHEREAS**, the City desires to correct such errors;

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

**Section 1. Amendment of OMC 4.24.010. Section 4.24.010 of the Olympia Municipal Code is hereby amended to read as follows:**

**4.24.010 Computation and assessment of charges**

The rates set forth below do not reflect any possible surcharges or discounts provided to a parcel of property or customer under any provision of city ordinances or taxes assessed directly upon customers for which the city acts as collection agent.

**A. WATER**

- |   |  |               |
|---|--|---------------|
| 1. Occupant turning on water after delinquent shutoff penalty                         | \$ 10.00   | OMC 13.04.360 |
| 2. Delinquency notification penalty   | \$ 10.00   | OMC 13.04.430 |
| 3. Service disconnected/water reconnect for nonpayment penalty                        | \$ 25.00   | OMC 13.04.430 |
| 4. Water for commercial construction purposes   | \$ 50.00 per month plus consumption charge               | OMC 13.04.410 |
| 5. Water for residential building construction purposes                               | Flat fee of \$ 50.00 paid along with building permit fee | OMC 13.04.410 |
| 6. Non-emergency after-hours water service turn on/shut off                           | \$ 110.00  | OMC 13.04.340 |
| 7. Water General Facility Charges, assessed and payable as provided in OMC 13.04.375: |  | OMC 13.04.375 |

<b>Meter Size</b>	<b>AWWA Capacity Factor</b>	<b>GFC</b>
3/4"	1.00	\$ 4,433
1" Residential Fire Sprinkler	1.00	\$ 4,433
1"	1.67	\$ 7,483
1 1/2"	3.33	\$ 14,920
2"	5.33	\$ 23,881
3"	10.67	\$ 46,670
4"	16.33	\$ 73,168
6"	33.33	\$ 149,338
8"	53.33	\$ 238,951
10"	76.67	\$ 347,419
12"	100.00	\$ 448,064

This charge shall be assessed in addition to any other charges or assessments levied under this chapter.

8. Water Meter Rates—Inside City Limits:

a. **Schedule I: Monthly Charges.**

The following is the monthly charge based upon meter size for all consumers. Monthly charges for meter sizes not listed in the schedule shall correspond to the next larger meter size listed.

<b>Meter Size</b>		<b>Ready to Serve Charge</b>	<b>OMC 13.04.380</b>
3/4-inch	\$ 12.98	+ consumption charge	
1-inch Residential Fire Sprinkler	\$ 12.98	+ consumption charge	
1-inch	\$ 17.28	+ consumption charge	
1 1/2-inch	\$ 28.02	+ consumption charge	
2-inch	\$ 40.88	+ consumption charge	
3-inch	\$ 75.26	+ consumption charge	
4-inch	\$ 113.91	+ consumption charge	
6-inch	\$ 221.28	+ consumption charge	
8-inch	\$ 350.13	+ consumption charge	
10-inch	\$ 500.43	+ consumption charge	
12-inch	\$ 650.76	+ consumption charge	

(1) Residential and nonresidential premises that are vacant shall be subject to payment of the full Water ready-to-serve charge. This fee will be charged even if the water is turned off.

**Consumption charge per 100 cubic feet:**

	<b>Block 1</b>	<b>Block 2</b>	<b>Block 3</b>	<b>Block 4</b>
Residential (Single Family and Duplex Residential)	\$ 1.88	\$ 3.15	\$ 5.03	\$ 6.62
Nonresidential (Multi-family and Commercial)	\$ 2.63	\$ 3.94	--	--
Irrigation	\$ 2.63	\$ 7.77	--	--
<b>Blocks Definition:</b>	<b>Block 1</b>	<b>Block 2</b>	<b>Block 3</b>	<b>Block 4</b>
Single Family and Duplex (1) Residential	0-400 cf/unit	401-900 cf/unit	901-1,400 cf/unit	1,401+ cf unit
Nonresidential (2)	Nov-June Usage	July-Oct Usage	--	
Irrigation	Nov-June Usage	July-Oct Usage		

(1) Single family accounts with or without accessory dwelling units shall be charged as one single family account.

(2) If nonresidential block usage cannot administratively be prorated between blocks, usage shall then be billed at the block rate in which the meter reading period ends.

b. **Wholesale consumers:**

See OMC 13.04.380B.

c. **State buildings with sprinkler systems or fire service connections:**

See OMC 13.04.380C.

d. **Hydrants and fire protection:**

The rates for fire hydrants, including test water and water used to extinguish fires, shall be deemed service charges and for any one (1) year, or fractional part thereof, as follows:

Fire hydrants	\$ 160.11 per year
---------------	--------------------

Automatic sprinkler systems or special fire service connections with the city water distribution system will be charged the monthly ready-to-serve charge based on pipe size in Section 1.6.a. Residential fire service connections that require a 1" pipe size will be charged the same as a 3/4" pipe size as shown in Subsection 8a.

**B. WASTEWATER (SEWER)**

1) LOTT Charges

LOTT wastewater monthly service charge	\$ 39.80 per ERU	OMC 13.08.190
--	------------------	---------------

Nonresidential accounts shall be billed one (1) ERU minimum per month. ERU charges in excess of one (1) ERU shall be billed at the rate of \$ 4.42 per 100 cf or any part thereof for LOTT wastewater service charges.

LOTT capacity development charge	\$ 6,0496.21 per ERU	OMC 13.08.210
----------------------------------	----------------------	---------------

2) City of Olympia Monthly Sewer Charges

A) Residential accounts with separately metered City of Olympia water service servicing: one separate single-family residence, one single-family residence with accessory dwelling unit, one unit of a residential duplex, one mobile home or one trailer shall be billed based on monthly water consumption as follows:

0 – 250 cf	\$ 13.29 per month	
251 – 350 cf	\$ 13.29 per month plus \$.0818 per cf	OMC 13.08.190
351 cf and above	\$ 21.47 per month	

B) Residential accounts with residential duplexes with a single water meter servicing both units shall be billed based on water consumption as follows:

0 – 500 cf	\$ 26.58 per month	
501 – 700 cf	\$ 26.58 per month plus \$.0818 per cf	OMC 13.08.190
701 cf and above	\$ 42.94 per month	

C) Residential accounts not included in A) or B) above \$ 21.47 per ERU OMC 13.08.190

D) Nonresidential accounts shall be billed one (1) ERU minimum per month. \$ 21.47 per ERU OMC 13.08.190  
 ERU charges in excess of one (1) ERU shall be billed at the rate of \$.0307 per 1 cf. for local collection system.

3) City of Olympia General Facility Charge

Wastewater (Sewer) general facility charge	\$ 3,442.00 per ERU	OMC 13.08.205
Wastewater (Sewer) general facility charge for properties on public combined sewers and in the Downtown Deferred General Facility Charge Payment Option Area	\$ 1,483.00 per ERU	OMC 13.08.010 OMC 13.08.205

**C. WASTE RESOURCES**

**1. Residential garbage rates, monthly, every-other-week collection:**

OMC 13.12.160

One twenty-gallon cart (minimum residential garbage service) \$ 10.98

One thirty-five gallon cart

Recycle rate \$ 18.97

Nonrecycle rate \$ 23.79

One sixty-five gallon cart	
Recycle rate	\$ 25.90
Nonrecycle rate	\$ 32.46
Two sixty-five gallon carts	
Recycle rate	\$ 49.56
Nonrecycle rate	\$ 62.06
Three sixty-five gallon carts	
	\$ 93.15
One ninety-six <u>five</u> gallon cart	
Recycle rate	\$ 44.88
Nonrecycle rate	\$ 56.23
More than three sixty-five gallon carts	\$ 93.15+ \$ 32.46 for each sixty-five gallon cart over three carts

**2. Residential garbage rates, monthly, weekly collection:**

One thirty-five gallon cart	
Recycle rate	\$ 41.81
Nonrecycle rate	\$ 52.32
One sixty-five gallon cart	
Recycle rate	\$ 83.62
Nonrecycle rate	\$ 104.61
One ninety-five gallon cart	\$ 135.92

**3. Extended pickup:**

<b>Rate</b>	<b>Distance</b>
\$ 1/month	Over 5 feet to 25 feet
\$ 2/month	Over 25 feet to 100 feet
\$ 1/month	Every 50 feet over 100 feet

- a. Persons requesting extended distance service must be at least sixty-five years of age or handicapped where said person cannot wheel a full or partially full garbage cart to the collection point.

- b. No person living with the qualified applicant can wheel a full or partially full garbage cart to the collection point.
- c. Extended pickup service to be at no charge when the combined annual income of the household of the qualified applicant is equal to or less than fifty percent of the median household income in Thurston County.
- d. Persons requesting service must apply with the utilities office by filling out an affidavit for extended service. Upon approval of affidavit, service will be granted.
- e. Qualified applicant will reapply on a yearly basis on or before December 31st of each year.
- f. In the case of a multifamily residence or complex, only the qualified tenant's cart will be clearly marked with the tenant's name and unit number.

**4. Residential and commercial organics rate, monthly, every other week collection:**

Organics:

Per city-owned 95-gallon cart or each 1/2 yard of material collected \$ 10.25

**5. Commercial garbage rates, monthly, weekly collection:**

One ten gallon can (minimum commercial garbage service)	\$ 7.10
One thirty-two gallon can or cart	\$ 20.96
Two thirty-two gallon cans or equivalent cart service	\$ 31.97
Three thirty-two gallon cans or equivalent cart service	\$ 60.12
Four thirty-two gallon cans or equivalent cart service	\$ 79.21
More than four thirty-two gallon cans or equivalent cart service	\$ 79.21 + \$ 20.96 for each additional thirty-two gallons of service

**6. 95-gallon garbage and refuse cart service, monthly:**

One pickup weekly	\$ 60.12
Two pickups weekly	\$ 115.22
Three pickups weekly	\$ 168.02
Four pickups weekly	\$ 221.80



Five pickups weekly \$ 274.91

**7. One-yard garbage and refuse dumpster service, monthly:**

One pickup weekly \$ 118.20

Two pickups weekly \$ 232.42

Three pickups weekly \$ 342.73

Four pickups weekly \$ 452.82

Five pickups weekly \$ 562.76

Six pickups weekly \$ 672.82

**8. One and one-half yard garbage and refuse dumpster service, monthly:**

One pickup weekly \$ 156.27

Two pickups weekly \$ 297.84

Three pickups weekly \$ 438.26

Four pickups weekly \$ 578.36

Five pickups weekly \$ 718.42

Six pickups weekly \$ 858.95

**9. Two-yard garbage and refuse dumpster service, monthly:**

One pickup weekly \$ 194.15

Two pickups weekly \$ 370.45

Three pickups weekly \$ 546.84

Four pickups weekly \$ 723.20

Five pickups weekly \$ 899.61

Six pickups weekly \$ 1,073.13

**10. Three-yard garbage and refuse dumpster service, monthly:**

One pickup weekly \$ 274.67

Two pickups weekly \$ 537.58

Three pickups weekly \$ 798.21

Four pickups weekly	\$ 1,066.59
Five pickups weekly	\$ 1,319.87
Six pickups weekly	\$ 1,568.94

**11. Four-yard garbage and refuse dumpster service, monthly:**

One pickup weekly	\$ 345.38
Two pickups weekly	\$ 683.41
Three pickups weekly	\$ 1,014.72
Four pickups weekly	\$ 1,339.05
Five pickups weekly	\$ 1,656.50
Six pickups weekly	\$ 1,968.58

**12. Six-yard garbage and refuse dumpster service, monthly:**

One pickup weekly	\$ 501.50
Two pickups weekly	\$ 979.35
Three pickups weekly	\$ 1,453.91
Four pickups weekly	\$ 1,928.14
Five pickups weekly	\$ 2,402.53
Six pickups weekly	\$ 2,762.92

**13. Prepaid extra tag for unscheduled collection of a bag on regular garbage collection day; \$ 5.39/each.**

**14. Extra unscheduled can, bag or box on regular garbage collection day to which a City approved prepaid tag is not attached: \$ 8.81/each.**

**15. Fees for special pickups, minor ancillary services, and yard waste drop-off site disposal services, other than unscheduled extra cans or material on regular collection day, shall be established by the City Manager, based on cost of service; to include labor, equipment, distance traveled, and volume of materials as appropriate.**

**16. City-owned drop boxes: customers will be charged repair fees on boxes which have been burned or damaged:**

Ten cubic yards:

Delivery fee	\$ 71.18	
Daily rental	\$ 2.45	
Hauling fee	\$ 216.79	
Dumping charge		Current disposal fee, surcharge and 14.1% service fee on disposal fee

Twenty cubic yards:

Delivery fee	\$ 71.18	
Daily rental	\$ 3.15	
Hauling fee	\$ 216.79	
Dumping charge		Current disposal fee, surcharge and 14.1% service fee on disposal fee

Thirty cubic yards:

Delivery fee	\$ 71.18	
Daily rental	\$ 4.37	
Hauling fee	\$ 216.79	
Dumping charge		Current disposal fee, surcharge and 14.1% service fee on disposal fee

Forty cubic yards:

Delivery fee	\$ 71.18	
Daily rental	\$ 71.18	
Hauling fee	\$ 216.79	
Dumping charge		Current disposal fee, surcharge and 14.1% service fee on disposal fee
Standby or dig out	\$ 90.00 per hour	

**17. Customer-owned compactors and special containers. Dumping charges are based on weight at transfer station:**

Cubic Yard	Charge Per Haul
10 or less	\$ 216.79 *
15	\$ 216.79 *

Cubic Yard	Charge Per Haul
20	\$ 216.79 *
25	\$ 216.79 *
30	\$ 216.79 *
35	\$ 216.79 *
40	\$ 216.79 *
42	\$ 216.79 *
* plus disposal fee plus <del>13.6</del> 14.1% service fee <del>charge</del> on disposal fee	
Standby or dig out	\$ 90.00 per hour

No delivery fees or rental fees will be charged for city-owned drop boxes used to haul source-separated yard waste for composting or construction and demolition debris for recycling. If material is contaminated, the customer will be charged current disposal fees and 14.1% service charge on the disposal fee, plus delivery fee and daily rental fees.

**18. City-owned temporary garbage and refuse dumpster services (customers will be charged repair fees for containers which have been burned or damaged):**

One cubic yard:

Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 44.73

One and 1/2 cubic yard:

Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 47.38

Two yard:

Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 50.77

Three yard:

Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 66.77
Four yard:	
Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 92.51
Six yard:	
Delivery fee	\$ 54.36
Daily rental fee	\$ 2.14
Fee per dump	\$ 126.38

**19. City-owned temporary organics dumpster services (customers will be charged repair fees for dumpsters which have been burned or damaged):**

One cubic yard:	
Fee per dump	\$ 20.50
One and 1/2 cubic yard:	
Fee per dump	\$ 30.75
Two yard:	
Fee per dump	\$ 41.00
Three yard:	
Fee per dump	\$ 61.50

If material is contaminated, customer will be charged the dump fee, delivery fee and daily rental fee for city-owned temporary garbage and refuse dumpster services as established in Section 16 of this ordinance.

**20. An additional surcharge of \$70.00 per month applies to permanent commercial dumpster customers who require Saturday collection and are subject to regular monthly fees set forth in OMC 4.24.010C Subsections 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18 or 19.**

**D. STORM AND SURFACE WATER**

At the time of issuance of a building/engineering permit, per OMC 13.16.080, a storm and surface water GFC shall be assessed at the rate of: \$ 1,309/Impervious Unit (2,528 sq. ft.) plus \$ 6.00 per average daily vehicle trip based on the Institute of Traffic Engineers' Trip Generation Manual.

**1. Storm drainage service charges:**

a. Single-Family and Duplex Residential Parcels. All parcels in the city shall be subject to a monthly charge for storm drainage service in accordance with the following schedule:

Single-family parcels with or without accessory dwelling units (Regardless of date approved)	\$ 14.05/utility account
Plats approved after 1990 with signed maintenance agreement	\$ 12.57/utility account
Duplex parcels (Regardless of date approved)	\$ 14.05/unit (\$ 28.10 when billed as a single account)

b. Commercial, Multi-Family, Industrial and Governmental Parcels. A charge per utility account will be established at the time of issuance of a clearing, filling, excavating or grading permit and assessed monthly as follows:

Administrative fee	\$ 13.75 plus:
For parcels developed after January 1990 (Category I)	\$ 5.17 per billing unit or
For parcels developed between January 1980 and January 1990 (Category II)	\$ 10.80 per billing unit or
For parcels developed before January 1980 (Category III)	\$ 13.63 per billing unit

c. For developed parcels without structural impervious areas, the following construction phase charge shall be assessed at the time of issuance of a clearing, filling, excavating or grading permit:

Single-family and duplex zoned	\$ 5.90 per parcel x total number of parcels identified in preliminary plat x 24 months
--------------------------------	---

d. Undeveloped parcels. No charge.

**2. State highway charge:**

Monthly fee for state highway rights-of-way

30% of the storm drainage service charges

**3. Other roadway charges:**

Monthly fee for roadway rights-of-way, other than state highways within the city boundary

**E. RECLAIMED WATER**

1. Occupant turning on water after delinquent shutoff penalty	\$ 10.00	OMC	13.24.330
2. Delinquency notification penalty	\$ 10.00	OMC	13.24.340
3. Service disconnected/reclaimed water reconnect for nonpayment penalty	\$ 25.00	OMC	13.24.340
4. Reclaimed water for commercial construction purposes	\$ 50.00 per month plus consumption charge	OMC	13.24.200
5. Non-emergency after-hours reclaimed water service turn on/shut off	\$ 110.00	OMC	13.24.250

**6. Reclaimed Water Rates**

a. Meter Rates – The monthly charge based upon meter size for all reclaimed water customers follows 4.24.010.A.8. Monthly charges for meter sizes not listed in the schedule shall correspond to the next larger meter size listed.

b. Consumption charges

(1) Indoor use of reclaimed water: 70% of the consumption charges in 4.24.010.A.8.

(2) Outdoor use of reclaimed water: 70% of the consumption charges in 4.24.010.A.8 for Irrigation.

**Section 2. 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 3. Severability.** The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

**Section 4. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 5. Effective Date.** This Ordinance shall take effect thirty days from final passage and publication as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**





## City Council

### Approval of Olympia 2019 Legislative Agenda

**Agenda Date:** 1/8/2019  
**Agenda Item Number:** 6.A  
**File Number:** 19-0031

---

**Type:** decision **Version:** 1 **Status:** Other Business

---

**Title**

Approval of Olympia 2019 Legislative Agenda

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve the proposed 2019 Legislative Agenda for Olympia.

**Report**

**Issue:**

Whether to approve Olympia's 2019 Legislative Agenda.

**Staff Contact:**

Jay Burney, Assistant City Manager, Executive Department, 360.753.8740

**Presenter(s):**

Jay Burney, Assistant City Manager, 360.753.8740

**Background and Analysis:**

On January 11, 2019, Council, staff, and our lobbyist team will meet with our local delegation to discuss our 2019 Legislative Agenda (attached). Staff is proposing the following priorities for Olympia:

- 1) State resources and support to address homelessness, affordable housing, mental health and chemical dependency services.
- 2) Funding for new US 101 Interchange ramps in West Olympia.
- 3) Funding and policy guidance for research and future projects to address Sea Level Rise.
- 4) Funding for new First Responder Regional Training Center.

Staff has also attached a copy of the Association of Washington Cities 2019 Legislative Priorities, which align with several of the proposed Olympia Legislative requests.

---

**Type:** decision **Version:** 1 **Status:** Other Business

---

Staff is seeking approval of the proposed 2019 Legislative Agenda.

**Neighborhood/Community Interests (if known):**

N/A

**Options:**

1. Approve the proposed 2019 Legislative Agenda
2. Modify and approve the proposed 2019 Legislative Agenda
3. Do not approve the proposed 2019 Legislative Agenda and provide staff with feedback on next steps.

**Financial Impact:**

N/A

**Attachments:**

Proposed Olympia 2019 Legislative Agenda  
Association of Washington Cities 2019 Legislative Priorities

# Olympia's 2019 Legislative Agenda

Olympia

## Investing in the Capital City

- Olympia is the front door of Washington's State government.
- As the Capital City, Olympia embraces its role as host to the state.
- We value State employees and visiting citizens who work, shop, and dine in our downtown.

## Olympia City Council

Cheryl Selby, Mayor  
Nathaniel Jones, Mayor Pro Tem  
Jessica Bateman  
Jim Cooper  
Clark Gilman  
Lisa Parshley  
Renata Rollins



## Contact City Council

360.753.8244  
citycouncil@ci.olympia.wa.us

## Administration

Steve Hall, City Manager  
Jay Burney, Assistant City Manager  
Susan Grisham, Executive Assistant

## 2019 Legislative Priorities:

- **State resources and support to address homelessness, affordable housing, mental health and chemical dependency services.**
  - Olympia has the highest percentage of rent-burdened households and the highest concentration of the County's homeless.
- **Funding for new US 101 Interchange ramps in West Olympia.**
  - The Cooper Point Road/Black Lake Boulevard intersection is failing.
  - Addressing congestion in this critical area requires more access from US 101 to West Olympia.
- **Funding and policy guidance for research and future projects to address Sea Level Rise.**
  - Olympia's downtown is vulnerable to widespread flooding, choking vital transportation corridors and closing our business district. The City seeks funding for a demonstration project.
- **Funding for new First Responder Regional Training Center**
  - The City of Olympia joins its partner jurisdictions in a \$4 million request for the design and construction of a Regional Training Center.

## Other Priorities Important to Olympia

### Climate Change

- The City supports bills related to climate/emissions reduction goals, including the governor's climate legislation.

### Solid Waste Legislation

- The City is tracking a number of bills on solid waste, including bills on a statewide plastic bag ban, the Recyclable Materials List, compostable product labeling, and plastic packaging.

### Grants

- The City has an interest in any transportation-related grant funding through the legislative process.

### Prevailing Wage

- AWC is working on legislation related to establishing prevailing wage rates. Proposed new prevailing wage rates for landscape professionals will substantially drive up landscaping contract costs for Olympia and other cities.

### Funding for the Capital Lake/Deschutes EIS Process.

- Local partners hope to finally find a long-term solution. However, to do that an Environmental Impact Statement (EIS) process that engages the public must be completed.

### Condo Liability Reform

- Addressing condo liability can remove barriers to creating more affordable condominiums and expanding available housing options.

### Tiny Homes Appendix

- Adoption of Appednix V of the International Building Code will provide construction guidance of builders interested creating quality-built and safe tiny homes.

### TCOMM 911

- Thurston 911 Communications (TCOMM911) seeks to replace its Public Safety Radio System to meet FCC requirements and better serve local jurisdictions.

### Tying Property Tax Revenue Growth to Population and Inflation

- A primary revenue source for local governments, property taxes, is capped. Tying property tax revenue growth to inflation and population, provides cities the ability to continue to provide essential governmental services.

January 2019

## City Staff Contacts

### City Manager

Steve Hall 360.753.8370  
shall@ci.olympia.wa.us

### Assistant City Manager

Jay Burney 360.753.8740  
jburney@ci.olympia.wa.us

### City Attorney

Mark Barber 360.753.8223  
mbarber@ci.olympia.wa.us

### Strategic Communications Director

Kellie Purce Braseth 360.753.8361  
kbraseth@ci.olympia.wa.us

### Fire Chief

Greg Wright 360.753.8466  
gwright@ci.olympia.wa.us

### Public Works Director

Rich Hoey 360.753.8495  
rhoey@ci.olympia.wa.us

### Police Chief

Ronnie Roberts 360.753.8409  
rroberts@ci.olympia.wa.us

### Parks, Art and Recreation Director

Paul Simmons 360.753.8462  
psimmons@ci.olympia.wa.us

### Community, Planning and Development Director

Keith Stahley 360.753.8227  
kstahley@ci.olympia.wa.us

### Administrative Services Director

Debbie Sullivan 360.753.8499  
dsullivan@ci.olympia.wa.us

### Parking Services

360.753.8017  
parkingservices@ci.olympia.wa.us



olympiawa.gov



Strong cities make a great state. Cities house 65 percent of the state's residents, drive its economy, and provide the most accessible government. The continued success of cities depends on adequate resources and community-based decision-making to best meet the needs of our residents. Preserving local decision-making continues to be one of our core principles.



### Support economic development tools to encourage job creation and economic growth

Washington's cities need additional economic development tools that assist in maintaining, expanding, and modernizing local infrastructure to help spur local private sector investment. By supporting value capture financing, the Legislature can partner with cities and towns to advance our shared goals of building a robust and diverse economy for communities around the state.



### Keep the Public Works Trust Fund in working order

Cities support ongoing investment in the various infrastructure funding programs sponsored by the state. In particular, the Public Works Trust Fund (PWTF) is a crucial funding partner in our efforts to provide the necessary infrastructure for our communities. We seek full funding for the Public Works Board's \$217 million budget, funded from the current stream of loan repayments and the 2 percent of REET dedicated to the account. Additionally, we look to strengthen the program by ending REET fund diversions from the account now instead of waiting until 2023.



### Invest in affordable housing

Communities around the state are facing a housing affordability crisis. Cities support an ongoing \$200 million capital budget investment in the Housing Trust Fund, a \$20 million per year local government revenue sharing proposal, and \$1.5 million per year for reinvestment of the sales tax from the construction of multifamily development. In addition, cities support proposals that remove barriers to affordable housing, including voluntary density and infill development solutions, opportunities for creating shared housing, and addressing condominium liability to expand housing choices.



### Fund a systems approach to correct fish-blocking culverts

AWC and state agency partners are focused on developing and funding a comprehensive statewide approach to fix salmon-blocking culverts. In order to achieve meaningful salmon and orca recovery, cities need ongoing and significant funding to upgrade city culverts. This critical investment will support fish passage by maximizing collaboration with the state's legal obligation to upgrade its culverts, while also addressing other critical needs like stormwater and water quality. Cities support creating a permanent framework to fund systemwide corrections that begins with fully funding the Fish Barrier Removal Board this biennium, including capacity for a grant program in the second half of the biennium. An effective framework also includes a commitment to future investment.



### Provide responsive funding for the Criminal Justice Training Commission (CJTC)

Cities need a responsive funding model for the CJTC to ensure that newly-hired law enforcement officers and corrections officers have timely access to basic training. Cities seek funding for at least 19 Basic Law Enforcement Academy (BLEA) classes per year and at least seven Corrections Officer Academy classes per year in order to meet our public safety needs.



### Address a failing behavioral health system

Cities are experiencing the ramifications of an overwhelmed mental health and drug abuse response system. The state needs to make investments sufficient to improve access to these systems and their success across the state. Cities will work with the state to pursue enhancements and reforms to the behavioral health delivery systems including engaging with mental health transformation proposals, the *Trueblood* settlement, making permanent the mental health co-responder program, and supporting comprehensive opioid response legislation.

Contact:

**Candice Bock**

Director of Government Relations  
candiceb@awcnet.org • 360.753.4137



## City Council

### Approval of the Annual City Council Retreat Agenda

**Agenda Date:** 1/8/2019  
**Agenda Item Number:** 6.B  
**File Number:** 19-0049

---

**Type:** decision **Version:** 1 **Status:** Other Business

---

#### **Title**

Approval of the Annual City Council Retreat Agenda

#### **Recommended Action**

Not referred to a committee.

#### **City Manager Recommendation:**

Move to approve the proposed agenda for the City Council's Annual Retreat.

#### **Report**

##### **Issue:**

The City Council retreat will take place on January 11 and 12, 2019. The retreat facilitator has spoken with each Councilmember and the City Manager about possible topics and priorities for the retreat. Based on those discussions, the facilitator developed a proposed agenda for the retreat.

#### **Staff Contact:**

Steve Hall, City Manager, 360.753.8370

#### **Presenter(s):**

Steve Hall, City Manager

#### **Background and Analysis:**

Annually the City Council holds a retreat to consider priorities for the upcoming year, and discuss other issues or topics of importance to the Council and the community. The 2019 retreat is scheduled for Friday, January 11 from noon - 5 p.m. and Saturday, January 12 from 9 a.m. - 5 p.m. at the Coach House at 221 21st Ave SW in Olympia.

Nancy Campbell has been engaged as the retreat facilitator to assist the Council and staff with the conduct of the meeting. Based upon conversations with Councilmembers and the City Manager, Ms. Campbell developed a proposed agenda for the retreat.

#### **Neighborhood/Community Interests (if known):**

N/A

---

**Type:** decision **Version:** 1 **Status:** Other Business

---

**Options:**

1. Adopt the retreat agenda as proposed
2. Modify and adopt the proposed agenda

**Financial Impact:**

None

# AGENDA

## 2019 OLYMPIA CITY COUNCIL RETREAT

January 11 - 12, 2019

Coach House  
221 21st Ave SW  
Olympia, WA 98501



Friday, January 11

12:00 p.m. - 5:15 p.m.

---

<b>12:00 p.m. - 12:30 p.m.</b> [Working Lunch]	<b>WELCOME ~ RETREAT OVERVIEW ~ GOAL</b> <ul style="list-style-type: none"><li>Retreat Agenda Review</li><li>Preparation for 2019</li><li>Interview Themes</li></ul>	Nancy Campbell, Facilitator Steve Hall, City Manager
<b>12:30 p.m. - 1:30 p.m.</b>	<b>BUILDING ON OUR STRENGTHS</b> <ul style="list-style-type: none"><li>Opening Ice Breaker</li><li>Operating Rules for Today</li></ul>	Nancy Campbell, Facilitator and Councilmembers
<b>1:30 p.m. - 1:45 p.m.</b>	<b>BREAK</b>	
<b>1:45 p.m. - 3:15 p.m.</b>	<b>ALIGNING OUR PURPOSES</b> <ul style="list-style-type: none"><li>Artifact Exercise</li><li>Why this Matters</li><li>Individual and Group Purpose</li></ul>	Nancy Campbell, Facilitator, Staff and Councilmembers
<b>3:15 p.m. - 4:00 p.m.</b>	<b>BREAK</b>	
<b>4:00 p.m. - 5:15 p.m.</b>	<b>MOVING FORWARD</b> <ul style="list-style-type: none"><li>Operating Principles</li><li>Operating Norms</li><li>Meeting Management</li><li>Role in Setting Priorities</li></ul>	Nancy Campbell Facilitator and Councilmembers

---

### ⌘ SOCIAL DINNER ⌘

5:30pm

Water Street Cafe  
610 Water Street SW



# AGENDA

## 2019 OLYMPIA CITY COUNCIL RETREAT



Saturday, January 12

9:00 a.m. - 2:00 p.m.

<b>8:45 a.m. - 9:00 a.m.</b>	<b>ARRIVE, MINGLE, REFRESHMENTS</b>	
<b>9:00 a.m. – 9:45 a.m.</b>	<b>WAYS TO ENGAGE THE COMMUNITY</b>	Nancy Campbell, Facilitator
<b>9:45 a.m. - 10:30 a.m.</b>	<b>ROLES AND RESPONSIBILITIES</b> <ul style="list-style-type: none"><li>• Role of Mayor</li><li>• Role of Mayor Pro Tem</li><li>• Role of Council Advisory Board/Interjurisdictional Liaison</li><li>• Role of Council Committee Chairs</li><li>• Council Role vis a vis:<ul style="list-style-type: none"><li>○ City Staff</li><li>○ Partners and Stakeholders (including Tribal Partners)</li></ul></li></ul> <b>Policy analyst function</b>	All
<b>10:30 a.m. - 10:45 a.m.</b>	BREAK	
<b>10:45 a.m. – 11:15 a.m.</b>	<b>EXECUTIVE SESSION</b> Executive Session Pursuant to RCW 42.30.110(1)(g) – Personnel Matter	
<b>11:15 a.m. - 12:30 p.m.</b>	<b>WALKING TOUR AND LUNCH</b>	Steve Hall, City Manager Councilmembers
<b>12:45p.m. - 1:45 p.m.</b>	<b>COUNCIL COMMITTEE ASSIGNMENTS</b> <ul style="list-style-type: none"><li>• Mayor Pro Tem</li><li>• Council Committees</li><li>• Inter-jurisdictional liaisons</li><li>• Advisory Board Liaisons</li><li>• Annual Calendar</li></ul>	Steve Hall, City Manager Councilmembers
<b>1:45 p.m. - 2:00 p.m.</b>	<b>CONCLUSION AND NEXT STEPS</b>	Nancy Campbell, Facilitator