

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE CHAPTERS 16.06.060, 18.02.180, 18.04.040, 18.04.060, TO REMOVE CONFLICTS BETWEEN THE MUNICIPAL CODE AND STATE LAW RELATED TO RESIDING IN RECREATIONAL VEHICLES WITHIN MANUFACTURED / MOBILE HOUSING COMMUNITIES

WHEREAS, the City wishes to ensure accuracy in its Municipal Code and consistency with State law; and

WHEREAS, the amendments herein are procedural actions resulting in non-substantive changes respecting use or modification to the environment and are therefore not subject to the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(19); and

WHEREAS, on June 10, 2020, a legal notice was published in *The Olympian* newspaper regarding a public hearing on the proposed amendments to be held before the Olympia Planning Commission (OPC); and

WHEREAS, the OPC reviewed the proposal on July 16, 2020, and recommended that the proposed amendments were consistent with the City's Comprehensive Plan and that they be forwarded to the City Council for consideration; and

WHEREAS, this Ordinance 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 16.06.030(B). Olympia Municipal Code 16.06.030(B) is hereby amended to read as follows:

B. EXTERIOR PROPERTY AREAS

302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and Drainage. Premises shall be graded and maintained to prevent erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
EXCEPTION: Approved retention areas and reservoirs.

302.3 Sidewalks and driveway. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes

which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. For purposes of this section "vehicle" is defined in the Revised Code of Washington Section 46.04.670.

EXCEPTION: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10 Recreational vehicles or other vehicles. No recreational vehicle as defined by the Olympia Municipal Code Chapter 18.02.180 or other vehicles shall be used for the purpose of living, sleeping, cooking or any similar use while parked on publicly owned or private property.

EXCEPTIONS:

1. Recreational vehicles lawfully located in manufactured/mobile communities (as defined in RCW 59.20.030) may be used as a primary residence for the purpose of living, sleeping, cooking or similar uses, provided that that:
 - a. The recreational vehicle has a Recreational Park Trailer or Recreation Vehicle Label provided by Washington State Department of Labor and Industries (Or its equivalent if from another state).
 - b. The total number of residential units within the community/park does not exceed the number established within the land use approval. A recreational vehicle may replace a manufactured or mobile unit, but additional units require land use approval prior.
 - c. A recreational vehicle is not permitted as an accessory living quarter or an accessory dwelling unit to any other primary residence within the community/park.
 - d. The recreational vehicle must comply with all applicable requirements of the International Building and Fire Codes in effect at the time of application.

e. Unless the pad/side is shown on the approved site plan without connection, the recreational vehicle must be connected to the sanitary sewer or an onsite sewage system in compliance with OMC 13.08.090 and all applicable Thurston County regulations.

2. Recreational vehicles may be permitted to be used as a temporary residence, provided the criteria and approvals required in OMC 18.04.060(DD) Temporary Uses are satisfied.

302.11 Cargo containers and semi-trailers.

302.11.1 Cargo containers, except as otherwise permitted by Olympia Municipal Code Title 18 shall not be permitted to be used as storage buildings. Cargo containers which are permitted by the land use regulatory code to be used as storage buildings shall be provided with a foundation system that provides adequate clearance from the ground to prevent deterioration and shall be provided with an anchorage system to prevent sliding or overturning by wind or seismic forces prescribed by the building code.

302.11.2 Semi trailers shall not be used as storage buildings.

302.12 Additional nuisances.

A. Causing or allowing any human or animal waste, poison, poison oak or ivy, or noxious substance to be collected or to remain in any place, street, highway, or alley in the City in a manner which is reasonably offensive to the public; or

B. Obstructing or encroaching upon or rendering unsafe for passage any public highway, private way, street, sidewalk, trail, alley, park, square, driveway, lake, or stream in the City; or

C. Excavating or maintaining on public or private property any hole, excavation or pit which is reasonably dangerous to the public or adjacent property.

Section 2. Amendment of OMC 18.02.180(R). Olympia Municipal Code Subsection 18.02.180(R) is hereby amended to read as follows:

R. DEFINITIONS - SPECIFIC.

Radio Frequency Emissions. Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

Radio, Television, or Communication Tower. A vertical structure that is intended to send or receive radio, or other wireless communications and to serve more than one user or an enterprise whose principal business is such communications. See Antenna.

Ravine. A narrow gorge that normally contains steep slopes and is deeper than ten (10) vertical feet as measured from the lowest point of the valley to the top of the slope.

Rear Yard. See Yard, Rear.

Reasonable Alternative. An activity that could feasibly attain or approximate a proposal's objectives, but with less environmental impact or decreased level of environmental degradation.

Recreation, Active. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

Recreation, Commercial. A facility operated as a business which is designed and equipped for leisure-time activities such as theaters, bowling alleys, museums, aquariums, public and private recreational concessions, miniature golf, archery ranges, and amusement activities such as coin or token-operated machines, rides, or booths to conduct games. (See also Health Fitness Centers and Dance Studios, Golf Courses, Country Clubs, and Riding Stables.)

Recreation, Passive. Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, or similar table games and activities which may involve educating the user.

Recreation Facility. A place designed and equipped for the purpose of sports and leisure-time activities.

Recreational Vehicle. A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick-up campers, camping trailers, tiny-houses on wheels, motor coach homes, converted trucks, ~~or buses, or boats, and boat trailers, and all terrain vehicles.~~

Recreational Vehicle Park. Any lot or parcel of land upon which two or more recreational vehicles sites are located, established, or maintained as temporary living quarters for recreation or vacation purposes, not to exceed 180 days in any one-year period.

Recycling. The process by which waste products are collected and reduced to raw materials and transformed into new products.

Recycling Facility. A facility for the collection and/or sorting and storage of recyclable materials generated from domestic or small business sources, such as bottles, cans, paper, cardboard, aluminum, and plastics. This definition does not include facilities for the processing of recyclable materials, which are classified as an industrial use. Recycling facilities are further divided into two categories: Type I Recycling Facilities include bins or other temporary or permanent facilities for the collection of small quantities of recyclable materials to be sorted and/or processed elsewhere. A Type I facility may be accessory to a primary use, such as a recycling bin at a grocery store parking lot. Type II Recycling Facilities include facilities primarily dedicated to the collection, sorting, or purchase and resale of recyclable materials.

Remodel. The alteration, restoration, reconstruction, addition to, structural modification, change of existing building footprint or internal floor plan that requires city approval or the issuance of any City permit.

Rental, Residence. The temporary rental of a single-family home for personal social events such as a wedding reception, private party or similar activity. (See also Temporary Uses.)

Replat. The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law; or the alteration of any streets or the establishment of any new streets within any such subdivision, but not including conveyances, made so as to combine existing lots by deed or other instruction.

Restaurant. A use providing preparation and retail sale of food and beverages, including coffee shops, sandwich shops, ice cream parlors, fast food take-out, espresso stands, and similar uses. A restaurant may include licensed "on-site" provision of alcoholic beverages for consumption on the premises when accessory to such food service. A "drive-in" restaurant is one where all or a significant portion of the consumption takes place or is designed to take place with the patrons remaining in their vehicles while on the premises. A "drive-through" restaurant is one which has one or more drive-through lanes for ordering and dispensing of food and beverages to patrons remaining in their vehicles, for consumption off the premises.

Restoration. Measures taken to restore an altered or damaged natural feature including:

- a. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- b. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Restrictive Covenant. A restriction on the use of land usually set forth in the deed. [NOTE: Restrictive covenants usually run with the land and are binding upon subsequent owners of the property. However, some restrictive covenants run for specific periods of time.]

Retail Trade. The selling of goods or merchandise to the general public for personal, business, or household consumption. The retail sales establishment is usually a place of business and is engaged in activity to attract the general public to buy goods. The establishment may also buy and receive goods.

Retail sales includes services related to the retail goods. The establishment may process, repair, manufacture, and wholesale some of the products, such as jewelry, baked goods, beverages, apparel, pottery, or consumer electronics, but such processing, repair, or manufacturing must be associated with retail activities, be limited to rear or upper floor areas in the same building, and emit no loud noise or noxious odor. See Industry, Light.

Revision of Application, Minor. A change or correction by an applicant of a proposed project, either voluntarily or to conform with applicable standards and requirements, that does not, in the opinion of the Director, constitute a substantial change requiring reinitialization of the review process and period.

Revision of Application, Substantial. A change or correction by an applicant of a proposed project, either initiated voluntarily by the applicant or to conform with applicable standards and requirements, that in the opinion of the Director requires a new review process and period. For example, a change in a proposal which, as a result of changes in the proposed land use, substantially greater floor area or number of residential units, or substantial relocation of uses or structures, or the like, probably would result in significantly different impacts to the environment, upon public services or facilities, or to neighboring properties or land uses.

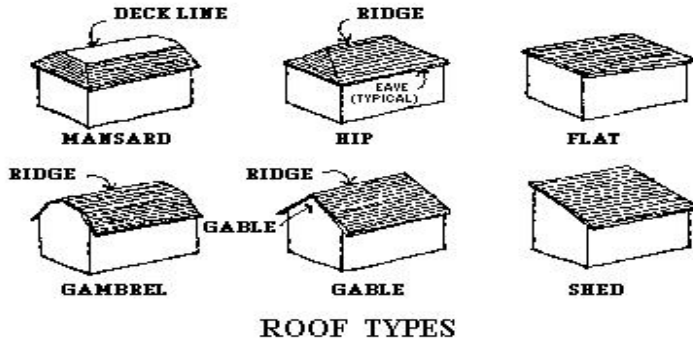
Review Authority. A person, committee, commission or council responsible for review and final action on a land use or development entitlement or permit.

Revolving Sign. See Sign, Animated.

Rezone. A change in the land use classification of a specific area to another use classification.

Right-of-Way - Improved. All of the right-of-way where any portion of it is used for motor vehicle travel.

Rights-of-Way. The right of one to use or pass over the property of another.

**FIGURE 2-6**

Roof. The outside top covering of a building.

Rooming House. See Lodging House.

ROW. Rights-of-ways of public easements, roadways, streets, or other so defined public access locations.
 Rummage Sale. An occasional or periodic market held in an open area or structure which is sponsored by schools, places of worship or other nonprofit organizations.

Run With The Land. A covenant, benefit or restriction of the use of land binding on present and future owners of the property.

Section 3. Amendment of OMC 18.04.040(B). Olympia Municipal Code OMC Subsection 18.04.040(B) is hereby amended to read as follows:

18.04.040 Permitted, conditional and prohibited uses

B. Prohibited and Unspecified Uses. Land uses which are not listed in Table 4.01 as permitted or conditional uses are prohibited. However, the Director of Community Planning and Development may authorize unlisted uses consistent with Section 18.02.080, Interpretations.

In addition to those uses prohibited by Table 4.01, the following uses are prohibited in these districts:

1. All Residential Districts.
 - a. Adult oriented businesses (see Chapter 18.02, Definitions).
 - b. Mobile homes, except in approved mobile home/manufactured home parks or when used as ~~emergency housing or contractors' offices~~ temporary housing consistent with Section 18.04.060(~~EEDD~~), Temporary Uses.
 - c. Habitation of recreational vehicles, except when used as temporary housing consistent with Section 18.04.060(DD) or as permanent housing within a mobile/manufactured housing park as outlined in Section 18.04.060(P) and Section 16.06.030(B).
 - d. Junk yards.
 - e. Uses which customarily create noise, vibration, smoke, dust, glare, or toxic or noxious emissions exceeding those typically generated by allowed uses.
 - f. Secure community transition facilities.

2. All Residential Districts Except RMU. Conversion of residences to a commercial use (not including home occupations).
3. RMU District.
 - a. Home improvement/hardware stores larger than ten thousand (10,000) square feet in size.
 - b. Garden stores.
 - c. Motor vehicle sales.
 - d. Service stations.
 - e. The sale of gasoline.
 - f. Drive-in and drive-through businesses and uses.

Section 4. Amendment of OMC 18.04.060(P). Olympia Municipal Code Subsection 18.04.060(P) is hereby amended to read as follows:

P. MANUFACTURED OR MOBILE HOME PARKS.

The following requirements apply to all manufactured/mobile home parks subject to conditional use approval.

1. Site Size. The minimum size for a manufactured or mobile home park shall be five (5) acres.
2. Utilities. Manufactured or mobile home parks shall be completely and adequately served by City utilities.
3. Lot Sizes. Each space or lot upon which a manufactured or mobile home is to be located shall be at least two thousand five hundred (2,500) square feet in area and have a minimum width of thirty (30) feet, exclusive of common parking areas and driveways.
4. Accessory Buildings. Buildings and structures accessory ~~individual manufactured or mobile homes to the primary residence (manufactured home, mobile home, or recreational vehicle)~~ located on an approved pad within the manufactured / mobile housing park shall be allowed, provided at least fifty (50) percent of the ~~space or lot pad/site remains in open space unencumbered by structures.~~ An accessory roof or awning may be attached to a manufactured or mobile home and shall be considered a part thereof. Automobile parking spaces, which are not computed in the space or lot area, may be covered with a carport.
5. Access. All drives within the park shall be hard surfaced. Sidewalks and paths shall be provided consistent with applicable City Development Standards.
6. Clearance. There shall be at least ten (10) feet clearance between manufactured or mobile homes. Manufactured or mobile homes shall not be located closer than ten (10) feet from any building within the park or from any property line bounding the park.
7. Screening. There shall be sight-obscuring fencing (see Section 18.40.060(D), Fencing), landscaping, or natural vegetated buffers at least eight (8) feet wide on all sides of the park. Such

screening shall contain openings which provide direct pedestrian access to adjoining streets and trails.

8. Open Space. At least five hundred (500) square feet of ground area for each manufactured or mobile home space shall be made available in a centralized location or locations for recreational uses. (See Section 18.04.080(J).) At least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.

9. Lighting. Access roadways and recreational areas shall be provided with general area lighting at no less than five-tenths (5/10) foot candle intensity as measured at ground level.

10. Site Plan. A complete and detailed plot plan shall be submitted to the Hearing Examiner for approval. The plan shall show the locations and dimensions of all contemplated buildings, structures, spaces, driveways and roads and recreational areas. The City may require additional information as necessary to determine whether the proposed park meets all the above mentioned conditions and other applicable provisions of this code.

Section 5. Amendment of OMC 18.04.060(DD). Olympia Municipal Code Subsection 18.04.060(DD) is hereby amended to read as follows:

DD. 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 payment of the fee required by OMC 4.40.010(A).

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

a. No temporary use shall be permitted on public rights-of-way, unless a rights-of-way obstruction permit is authorized by the Public Works Department.

b. Temporary uses not listed in the use table in 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.

c. 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 International Building Code.

d. 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 City 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 any abatement action and costs should the permittee fail to properly clean and repair the property.

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

3. Specific Temporary Use Standards. The following temporary uses are permitted subject to the requirements below.

a. Use of mobile homes, and recreational vehicles as emergency housing during reconstruction of a dwelling following damage sustained from earthquake, fire, storm or other natural disaster, not to exceed the period of reconstruction.

b. A recreational vehicle may be used as temporary housing during the construction of a primary residence, for a period not to exceed twenty four (24) months; provided all of the following criteria are met:

- i. The recreational vehicle must be occupied by the property owner and cannot exceed manufacturer recommended occupant loads/levels. The owner of the property must be the registered owner of the recreational vehicle. The owner shall provide proof of current vehicle registration, insurance, and a valid driver's license.
- ii. Occupancy of the recreational vehicle is limited to the time necessary for construction in which occupation of the primary residence is prohibited by the scope of work and no other residence onsite is available.
- iii. Occupation of the recreational vehicle may not exceed twenty four (24) months. Extensions are not permitted.
- iv. The owner shall provide the building permit number for the construction at the time of application for the Temporary Use Permit and the building permit approval must be conditioned to ensure the recreational vehicle has been vacated, relocated to an approved storage location, and detached from the sewer/septic system prior to occupancy of the primary residence being constructed.
- v. The recreational vehicle must contain at least one internal toilet and at least one internal shower and must include a Recreational Park Trailer or Recreation Vehicle label from Washington State Labor and Industries (or equivalent agency if from another state). The owner shall provide proof of compliance with these requirements with the Temporary Use Permit Application.
- vi. The recreational vehicle must be connected to the sanitary sewer or an onsite sewage system in compliance with OMC 13.08.090 and all applicable Thurston County Regulations for the duration of the occupation and connection to the approved sewer/septic system. The recreational vehicle must be disconnected from the sewer/septic system prior to occupancy of the residence.

~~b.c.~~ One model home per five acres may be constructed in each subdivision prior to final plat approval. Model homes shall contain a functional restroom served by City water. The applicant for a model home permit shall provide adequate parking and emergency access. The Director may authorize appropriate temporary provisions of water and sewer service and other utilities prior to final plat approval. Operation of model homes shall cease when building permits have been issued for ninety (90) percent of the subdivision's lots.

ed. Residences rented for personal social events, such as wedding receptions, private parties or similar activities. No more than six (6) such events may occur during any one (1) year.

de. 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.

4. Violations. At any time when such temporary use is operated in violation of required conditions of this section, or otherwise found to constitute a nuisance, the City may revoke the temporary use permit. The permittee shall be given notice of and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the approval authority, the violation poses a life, health, or safety threat, the temporary use permit may be revoked immediately, and the permittee shall be given the opportunity to request reconsideration and/or appeal.

Section 6. 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 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: