



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, June 21, 2016

7:00 PM

Council Chambers

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

2.A [16-0779](#) Special Recognition - Debrief on Cascadia Rising

2.B [16-0774](#) Special Recognition - Spotlight on Parks

3. PUBLIC COMMUNICATION

(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 [16-0772](#) Approval of June 14, 2016 Study Session Meeting Minutes

Attachments: [Minutes](#)

4.B [16-0773](#) Approval of June 14, 2016 City Council Meeting Minutes

Attachments: [Minutes](#)

- 4.C [16-0605](#) Approval of Engineering Design and Development Standards (EDDS) 2016 Annual Update Topics and Process
Attachments: [Proposed List of Topics - 2016 EDDS](#)
[Public Involvement Strategy, 050216](#)
[EDDS Schedule for webpage 050416](#)
- 4.D [16-0730](#) Approval of Alley Lighting License Agreements Resolution
Attachments: [Resolution](#)
[Alley Lighting Access Easement Agreement](#)
[Vicinity Map](#)
- 4.E [16-0762](#) Approval of Proposed Scope of Work for Coordinated Response to Homelessness
Attachments: [Coordinated Response to Homelessness Proposal](#)
[Homeless Service Provider Notes](#)
[Letter to ACR Business Consulting](#)
- 4.F [16-0765](#) Update to Procedures for the Evaluation of City Real Property for Reuse and Disposal
Attachments: [Proposed Revisions to Procedures for Evaluation of City Real Property for Reuse and Disposal](#)
- 4.G [16-0776](#) Approval of Amendments to the Operating Agreement with the Washington Center for the Performing Arts, Incorporated (WCPA)
Attachments: [Operating Agreement](#)

4. SECOND READINGS

- 4.H [16-0327](#) Approval of Ordinance Amending Wastewater Regulations for Septic Systems
Attachments: [Ordinance](#)
[LUEC Minutes 6-19-14](#)
[UAC Letter](#)
- 4.I [16-0690](#) Adoption of the 2015 State-Mandated Building Code Revisions
Attachments: [Ordinance](#)
- 4.J [16-0696](#) Approval of Amendment to Ordinance 9.48.160 Relating to Fireworks to Modify the Violation from Misdemeanor to a Civil Infraction
Attachments: [Ordinance](#)
- 4.K [16-0706](#) Approval of Amendment to Ordinance #7006 related to the Operating Budget
Attachments: [Ordinance](#)
- 4.L [16-0707](#) Approval of Amendment to Ordinance #7007 related to the Capital

Budget

Attachments: [Ordinance](#)

- 4.M [16-0708](#) Approval of Amendment to Ordinance #6996 Related to Special Funds

Attachments: [Ordinance](#)

4. FIRST READINGS - NONE

5. PUBLIC HEARING

- 5.A [16-0521](#) Public Hearing on the Low Impact Development (LID) Code Revisions Ordinance

Attachments: [Ordinance](#)

[Overview](#)

[UAC Letter](#)

[Planning Commission Letter](#)

[Hyperlink](#)

- 5.B [16-0754](#) Public Hearing on the Community Development Block Grant (CDBG) Program Year 2016 Action Plan

Attachments: [Att #1 Draft CDBG PY2016 Activities 6.21.16](#)

[Att #2 CDBG Program Milestones 6.21.16](#)

6. OTHER BUSINESS

- 6.A [16-0743](#) Downtown Ambassador Early Morning Clean Team Update

Attachments: [MAY Copy of Human Waste Management DAP](#)

[Human Waste Map Cap. edit](#)

- 6.B [16-0778](#) Approval of an Ordinance Imposing an Excise Tax on Certain Unearned Income of Residents in the City of Olympia

Attachments: [Ordinance to Impose a Tax on Olympia Residents for Certain Unearned Income Draft with Mark Up by Mayor Pro Tem 6-16-16](#)

7. CONTINUED PUBLIC COMMUNICATION

(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 - Debrief on Cascadia Rising

Agenda Date: 6/21/2016
Agenda Item Number: 2.A
File Number: 16-0779

Type: information **Version:** 1 **Status:** Recognition

Title

Special Recognition - Debrief on Cascadia Rising

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive the debrief on the Cascadia Rising exercise. Briefing only; no action requested.

Report

Issue:

Whether to receive a briefing on the recent Cascadia Rising exercise.

Staff Contact:

Greg Wright, Deputy Fire Chief, Fire Department, 360.753.8466

Presenter(s):

Greg Wright, Deputy Fire Chief



City Council

Special Recognition - Spotlight on Parks

Agenda Date: 6/21/2016
Agenda Item Number: 2.B
File Number: 16-0774

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

Title

Special Recognition - Spotlight on Parks

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize 2016 awards and accomplishments received by Olympia Parks, Arts and Recreation

Report

Issue:

Whether to recognize National Parks & Recreation month in July and highlight awards and accomplishments received by the Olympia Parks, Arts and Recreation Department

Staff Contact:

Paul Simmons, Director, Parks, Arts and Recreation, 360.753.8462

Presenter(s):

Paul Simmons, Director, Parks, Arts and Recreation

Background and Analysis:

In advance of National Parks & Recreation Month in July, this special recognition will highlight the following awards and accomplishments received by the Olympia Parks, Arts & Recreation Department in 2016:

- Olympia Parks Stewardship Program
 - Learning Resources Network (LERN) People's Choice Award
 - REI Grant
 - Washington Recreation and Park Association Spotlight Program Award
- WRPA Citizen Citation of Merit - Bob & Bonnie Jacobs
- Olympia Arts in National News - American Craft Magazine

- National Recreation and Park Association (NRPA) - 2016 Gold Medal Award Finalists

Attachments:

None



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601 4th Avenue E.
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City Council

Approval of June 14, 2016 Study Session Meeting Minutes

Agenda Date: 6/21/2016
Agenda Item Number: 4.A
File Number: 16-0772

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

Title

Approval of June 14, 2016 Study Session Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, June 14, 2016

5:30 PM

Council Chambers

Study Session

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

2. BUSINESS ITEM

2.A [16-0705](#) Parks Capital Asset Management Program Update

Parks, Arts and Recreation Director Paul Simmons, Associate Director David Hanna and Parks Maintenance Manager Gary Franks updated the Council on the Capital Asset Management Program (CAMP).

Mr. Hanna discussed why the City uses CAMP and noted it has two parts; assets more than \$5,000 are managed through the Planning and Design process and assets less than \$5,000 are managed through Park Maintenance. He also shared the Maintenance Management Plans which are put in place for each City park. The plans encompass 18 maintenance tasks and five different Service Level definitions for each park.

Mr. Hanna shared performance measurements and monitoring included as part of the 2016 Parks Plan and next steps for workforce management.

Mr. Simmons discussed the outline and goals for the first annual Olympia Parks, Arts and Recreation Performance Report. He noted the report communicates the quality of the work staff are doing and creates a high level of transparency to the Council and to citizens.

Councilmembers asked clarifying questions.

The study session was completed.

3. ADJOURNMENT

The meeting adjourned at 6:25 p.m.



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601 4th Avenue E.
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City Council

Approval of June 14, 2016 City Council Meeting Minutes

Agenda Date: 6/21/2016
Agenda Item Number: 4.B
File Number: 16-0773

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

Title

Approval of June 14, 2016 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, June 14, 2016

7:00 PM

Council Chambers

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

1.A ANNOUNCEMENTS

Mayor Selby noted the Council met earlier in a Study Session.

Mayor Selby acknowledged the tragedy that occurred in Orlando over the weekend. She noted a rainbow flag is flying at half mast at City Hall. Capital City Pride representative Anna Schlecht spoke and thanked the Council for their support of the LGBTQ community.

1.B APPROVAL OF AGENDA

The agenda had an amendment to Item 4.I which had two changes; the dollar amount in number 9 under Budget Items not Previously Presented to Council changed from \$600,000 to \$200,000 and the dollar amount under Financial Impact changed from \$1,272,353 to \$872,353.

The agenda was approved as amended.

2. SPECIAL RECOGNITION

2.A [16-0694](#) Special Recognition - Fireworks Ban Reminder

Fire Marshall Robert Bradley gave the yearly reminder of the fireworks ban in Olympia.

3. PUBLIC COMMUNICATION

The following people spoke: Jim Reeves, Dean Jones, Jim Haley, Kris Tucker, David Shaffert, Brandon Goodman, Bill Wilson, Steve Langer, Michael Dean and Debra Jaqua.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

- 4.A [16-0736](#) Approval of June 7, 2016 City Council Meeting Minutes

The minutes were adopted.

- 4.C [16-0661](#) Approval of the Drinking Water State Revolving Fund (DWSRF) Loan for the Fones Road Booster Pump Station

The contract was adopted.

- 4.D [16-0662](#) Approval of the Drinking Water State Revolving Fund (DWSRF) Loan for the McAllister Wellfield Corrosion Control Facility

The contract was adopted.

- 4.F [16-0702](#) Growth Management Act (GMA) Periodic Review Resolution

The resolution was adopted.

4. SECOND READINGS

- 4.G [16-0660](#) Approval of Appropriation of Transportation Impact Fees for Right-of-Way Acquisition

The ordinance was approved on second reading.

- 4.H [16-0688](#) Approval of Ordinance Regarding Transportation Network Companies

The ordinance was approved on second reading.

4. FIRST READINGS

- 4.B [16-0696](#) Approval of Amendment to OMC 9.48.160 Relating to Fireworks to Modify the Violation from Misdemeanor to a Civil Infraction

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

- 4.E [16-0690](#) Adoption of the 2015 State-Mandated Building Code Revisions

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

- 4.I [16-0706](#) Approval of Amendment to Ordinance #7006 related to the Operating Budget

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

- 4.J [16-0707](#) Approval of Amendment to Ordinance #7007 related to the Capital Budget

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

- 4.K [16-0708](#) Approval of Amendment to Ordinance #6996 Related to Special Funds

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

Approval of the Consent Agenda

Councilmember Hankins 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 Hankins and Councilmember Roe

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A [16-0327](#) Approval of Ordinance Amending Wastewater Regulations for Septic Systems

Water Resources Engineer Diane Utter presented amendments to Olympia Municipal Code Chapter 13.08 and Chapter 18.75.020 regarding septic systems.

Councilmembers asked clarifying questions.

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

- 6.B [16-0747](#) Discussion of a Draft Ordinance Creating a Graduated Income Tax on Wage Earners in the City of Olympia

City Manager Steve Hall reviewed the draft ordinance the Council instructed staff to draft as a potential referendum to be placed on the November 2016 ballot. Mr. Hall noted the variations from the motion and shared the drafting process. He also reviewed the key administrative changes in the draft ordinance which differ from the Opportunity for Olympia petition language along with major policy considerations. He shared the graduated tax table that was developed by staff.

Councilmembers asked clarifying questions and made statements regarding the subject.

Mayor Pro Tem Jones offered suggestions to the draft ordinance language. The suggestions primarily changed the income tax to excise tax and limits taxation to unearned income rather than all income.

Mayor Pro Tem Jones moved, seconded by Councilmember Gilman to accept the work of City staff on the draft income tax ordinance and to amend it with changes as proposed by Mayor Pro Tem. The motion carried by the following vote:

Aye: 4 - Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper and Councilmember Gilman

Nay: 3 - Mayor Selby, Councilmember Hankins and Councilmember Roe

7. CONTINUED PUBLIC COMMUNICATION

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 highlighted the upcoming Olympia Fire Department (OFD) Fire Safety Movie Spectacular on July 2. OFD will present Disney's Planes Fire & Rescue, hosted by the Capitol Theater. In addition to the movie, there will be a street party with popcorn, ice cream and prizes. Community members will be able to meet your local firefighters, tour a fire truck and get autographs from Sparky the Fire Dog and Smokey the Bear.

9. ADJOURNMENT

The meeting adjourned at 10:00 p.m.



City Council

Approval of Engineering Design and Development Standards (EDDS) 2016 Annual Update Topics and Process

Agenda Date: 6/21/2016
Agenda Item Number: 4.C
File Number: 16-0605

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

Title

Approval of Engineering Design and Development Standards (EDDS) 2016 Annual Update Topics and Process

Recommended Action

Committee Recommendation:

Land Use & Environment Committee reviewed and unanimously recommends the proposed 2016 Topics and the Public Involvement and Communication Strategy.

City Manager Recommendation:

Move to approve the 2016 Topics and the Public Involvement and Communication Strategy recommended by the Land Use & Environment Committee.

Report

Issue:

Whether to approve the 2016 Topics and the Public Involvement and Communication Strategy for updating the EDDS.

Staff Contact:

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

Presenter(s):

None - Consent item.

Background and Analysis:

The Engineering Design and Development Standards (EDDS) guide the design and construction of transportation, drinking water, reclaimed water, sewer, storm water, and solid waste collection systems. They are also the technical interpretation of the City's Comprehensive Plan and various utility master plans. The City Engineer is responsible for approving and administering the EDDS.

The EDDS are updated annually to address:

- Changes in the Comprehensive Plan, utility plans, Municipal Code or policy,

- Changes in equipment and materials,
- Improvements in technology, and
- Correcting mistakes found in text and standard drawings.

This year, besides clarifying text and standard drawing notes and updating changes in equipment and materials, the update will address several Policies in the Comprehensive Plan related to:

- Americans with Disabilities Act (ADA) Curb Ramps,
- Franchise Utilities,
- Street Trees, and
- Commercial Streets.

The first attachment summarizes the proposed changes, including why they are needed. The other two attachments show the public involvement and communication strategy and the annual timeline staff follows to update the EDDS.

Neighborhood/Community Interests (if known):

The EDDS provide predictability and consistency in how the City's infrastructure is built. Making timely changes to the EDDS ensures that infrastructure installed meets the most current standards and builds the foundation for the City's vision.

Information related to the proposed changes is available on the City webpage dedicated to the EDDS. Stakeholders are engaged throughout the review and approval process, as shown in the attached public involvement and communication strategy.

Options:

1. Approve the recommendations. Approving the recommendations will allow staff to begin to develop the specific changes and meet the timeframes shown in the attached schedule.
2. Do not approve the recommendations and have staff revise as directed. Not approving the recommendations delays the development of the specific changes and may impact the timeframes shown in the attached schedule.

Financial Impact:

Most of the proposed changes should not result in notable increases to the costs of private development or public work projects. However, a few, such as requiring ADA ramp improvements on a more consistent basis, will cost more to developers and private utilities.

Attachments:

Summary of proposed changes to the EDDS (list of 2016 EDDS topics)

EDDS Public Involvement and Communication Strategy

EDDS Public Involvement and Communication Schedule

EDDS REQUESTED CHANGES LOG 2016 - as of March 10, 2016

EDDS #	Topic	Requested Change and Why	Location in EDDS, OMC, etc.	Submitted By	Notes/Stakeholder Comments
SUBSTANTIVE CHANGES					
1	ADA Requirements	Clarify when ADA ramps are required as part of Streetside Frontage Improvements or utility work, and when existing ones need to be replaced.	2.040, 2.020, 2.070, 3.110	Sophie Stimson, Dave Smith	See list of Future Issues for Frontage Improvements as they relate to Comp Plan Policy PT15.1.
2	Franchise (Private) Utilities (carryover from 2015)	Revise the Franchise Utilities section, as it is out of date and omits some requirements. Address as many of the Comp Plan Policies related to Private Utilities as practicable. Address pavement restoration.	2.060, 4B.175, 4B.195	Fran Eide & Safe Streets Campaign	Comp Plan Policies PU 3.6, 15.1, 15.5, 16.1, 16.3, 16.4, 17.1.
3	Commercial Streets (carryover from 2015)	(1) Clarify what "zoned for commercial land use" means in 4B.03 and how it is applied, and (2) Address when a street is the boundary between two different zones, one commercial and one not.	Ch. 4, 4B.030	Sophie Stimson	
4	Street Trees (carryover from 2015)	Need to address: (1) structural soil specs, (2) tree roots damaging sidewalks,	4H.100, Drawing 4-49; OMC 12.44	Sophie Stimson, Dave Smith, Fran Eide	Related to Comp Plan Policy PN3.5; see also Future Issues.
OTHER CHANGES					
1	Use of term "Stormwater"	Ensure consistent use of term "stormwater" instead of storm sewer, storm main, storm line, storm drainage, etc.	All	Eric Christensen	
2	Applicability of EDDS	Clarify where the EDDS is applicable, to include easements and some infrastructure outside of the ROW.	1.030, 2.010	Steve Sperr	
3	Bonding of Work	Clarify bonding requirements throughout the EDDS. Clarify scenarios, if any, for which deferral of streetside improvements can be bonded.	1.130, 2.030.F, 2.070, at.al.; OMC 17.44.020	Steve Sperr	Coordinate with Bonding For Minor Improvements issues being addressed separately.
4	Telecommunication Facilities on Water Reservoirs	Standardize & regulate the installation and maintenance of cellular antennas on reservoirs, using as a basis the policy/standards being developed by G&O for the Log Cabin Reservoir.	Chapters 2 and 6	Andy Haub	
5	Traffic Impact Analysis	Clarify when a TIA is required, what standards to go by and what types of improvements are required by the results of a TIA.	Chapters 2 and 4; OMC 15.20.060	Fran Eide, Steve Sperr	Add "Olympia's TIA Guidelines" as an Appendix to Chapter 4.
6	Safe Walking Routes	Clarify wording in section 2.040(B)(18).	2.040.B.18	Todd Stamm	
7	General Notes	Update and revise the General Notes standard drawing, clarifying requirements and removing conflicting language.	Drawing 3-1	Ned Holman, Steve Sperr, Ladd Cluff	
8	Submittals for Private Development Work	Consider requiring submittals for certain types of construction (e.g. pervious concrete sidewalk and driveways) and/or materials to be used, for work on public facilities and infrastructure constructed by private development.	Chapter 3	Fran Eide and Steve Sperr	
9	Parks, Arts and Recreation Plan	Reference "the most recent version of the Parks, Arts and Recreation Plan" in the list of referenced Plans in Section 3.010 of the EDDS.	3.01	Steve Sperr	
10	Record Drawings	Adjust standards to reflect current issues. Update OMC 17.44.030 to reflect current standards.	3.065, OMC 17.44.030	Steve Sperr	
11	Easements	Clarify how to determine easement widths when > 20' standard width is needed. Confirm consistency with Drainage Manual.	3.100	Steve Sperr	
12	Roof Drains to Street Gutters	Investigate and determine whether tightline discharge of building roof drains to street gutters should be allowed or regulated by the EDDS.	Chapters 4 and 5	Steve Sperr	
13	Sump Pumps to Street Gutters	Investigate and determine whether tightline discharge of sump pumps in basement (and other low areas) to street gutters should be allowed or regulated by the EDDS.	Chapters 4 and 5	Steve Sperr	
14	Low Impact Development (LID)	Minor, miscellaneous changes to Chapters 4, 5, 10 and perhaps others to address errata and minor issues related to implementation of LID standards that were overlooked or missed during the LID Code Revisions process earlier this year.	Chapters 4, 5, 10	Steve Sperr and Jake Lund	
15	Class B Asphalt	Remove references to Class B asphalt, which is no longer a standard type of asphalt.	Chapter 4 (e.g. 4B.170)	Rolland Ireland	
16	Testing Requirements	Update the material and compaction testing requirements, to be consistent with WSDOT.	4B.200, 4H.040, other sections and/or Chapters?	Rolland Ireland	
17	Illumination	Review mounting heights, spacing and other requirements for Street Lights. Confirm whether "City of Olympia Streetlight Installation Guidelines" is still being used.	4F	Steve Sperr	

EDDS #	Topic	Requested Change and Why	Location in EDDS, OMC, etc.	Submitted By	Notes/Stakeholder Comments
18	Transportation-Related Special Provisions	Update Appendix 5 of Chapter 4 to reflect changes made in the 2016 WSDOT Standard Specifications.	Appendix 5 of Ch. 4	Rolland Ireland	
19	Hammerhead Detail	Review minimum dimensions and other requirement of the Temporary "T" (i.e. "Hammerhead") elements of standard detail 4-5.	Drawing 4-5	Chuck Dower	
20	Bedding and Backfill	Revised and/or clarify pipe zone bedding specification (see WSDOT 9-03.12(3)) and drawing 4-8, to decrease size of crushed rock that can be used. Need to clarify backfill spec as well?	Drawing 4-8; specs in various Chapters	Steve Sperr	
21	Utilities Location Schematic	Review Standard Drawing details, and consider adding additional pipe separation info. Add reference to this Drawing in other Chapters.	Drawing 4-44	Steve Sperr	
22	Street Sign Base Detail	Increase the volume and configuration of the concrete base for street signs, to address increased wind forces from larger signs.	Drawing 4-45	Brian Philamulee	
23	Traffic Control Plans	Add some standard plans to replace the WSDOT ones that we can't use anymore.	Ch. 4 Drawings	Steve Sperr	
24	Stormwater Pond Sign	Add a standard detail into Chapter 5 showing the required information to be included on the sign, as well as where and when it is required.	Chapter 5	Jeremy Graham	
25	Polypropylene pipe	Allow its use for stormwater pipe, and consider allowing its use for sewer pipe. Consider model toxics ordinance regarding PVC pipe as part of this topic.	Chapters 5 and 7	Fran Eide	
26	Pipe sag tolerances & videotaping pipe inspections	Clarify requirements and definition of maximum sag tolerance in sewer and storm sewer pipes. Also revise wording to reflect who should be doing the video inspections and under what standard (see OSPs).	Chapters 5 and 7	Steve Sperr	
27	Underground Detention Systems	Consider pros and cons of allowing certain types of underground stormwater detention systems, depending on location (under parking lots, e.g.).	Chapter 5	Jake Lund	
28	Model Numbers	Check referenced model numbers for water valves, etc. to confirm they are still current	Chapter 6	Ernie Klimek	
29	Toning Wire	Require connection points for toning wire every 500', to avoid loss of signal in longer sections of pipe - i.e. water main and sewer force main.	6.030.D, 7C.030	Ladd Cluff	
30	Sampling Station	Revise specifications to reflect the new standard sampling station, Eclipse #8-SS.	6.105, Drawing 6-18	Meliss Maxfield	
31	Water Conservation	Add wording regarding irrigation systems not watering sidewalks and streets.	6.140	Ned Holman and Meliss Maxfield	
32	Groundwater Monitoring Wells	Edit language in 6.300 to make it consistent with Critical Areas Ordinance in OMC 18.32.	6.300, Drawing 6-27	Donna Buxton	
33	Maximum Sewer Depth	Consider limiting the depth of gravity sewer main and manholes to ___ feet, for maintenance reasons.	Chapter 7	Diane Utter	
34	Saddle Manholes	Update section on saddle manholes, including bypass pumping, and add a standard drawing.	7B.050	Fran Eide	
35	Inside Drop Manholes	Clarify when it can be used, and clean up Standard Drawing.	7B.050, Drawing 7-4A	Fran & Steve	
36	Force Main Drain	Consider deleting requirement for drain, and add requirement for pigging equipment.	7C.060	Steve Sperr	
37	Lift Station Start-up documents	Add the Lift Station Inspection Checklist and S&L Product Start-Up Report forms as Appendices.	Ch7. Appendices	Tom Swartout	
38	OMC 12.02	Revise OMC 12.02 to reflect current name of EDDS, not "Olympia Development Standards" or "Development Guidelines and Public Works Standards".	OMC 12.02, 17.48.020; others?	Steve Sperr	
39	OMC 12.08	Revise to reflect current name of WSDOT Standard Specifications.	OMC 12.08	Steve Sperr	
40	OMC 12.20 (carryover from 2015)	Revise OMC 12.20, titled Street Excavations, to be consistent with the EDDS, as some sections are outdated and/or conflict with the EDDS.	OMC 12.20, 4B.180, 6.170	Steve Sperr	More complex than originally thought; address in 2016
41	Clear Site Triangle in OMC Title 18	Update the definition of Clear Site Triangle in 18.02.180 Definitions, revise the description in 18.40.060B, and replace Figure 40-1 in 18.40.060B. To be consistent with 2015 changes to Clear Site Triangle info in EDDS Ch.4.	OMC 18.02.180, 18.40.060B	Steve Sperr	
42	Parking Lot Design	Update reference in OMC Chapter 18.38 Parking and Loading to address paving and stormwater design standards located in the EDDS Chapter 4 and the City's Drainage Manual	OMC 18.38.220, Chapters 4 (4H.110) and 5	Steve Sperr	See also Parking Lots Future Topic below.
43	Completeness Checklists	Modify applicable Application Content List in OMC Chapter 18.77 as necessary to ensure that changes to the EDDS in 2016 that effect CPD permit applications are also covered under 18.77	OMC 18.77	Steve Sperr	

EDDS #	Topic	Requested Change and Why	Location in EDDS, OMC, etc.	Submitted By	Notes/Stakeholder Comments
HOLD FOR FUTURE CONSIDERATION					
1	Street Connectivity	Set up special Deviation Request requirements, consistent with Comprehensive Plan Goal GT5 and Policy PT5.2, that require the proponent to address specific issues identified in the Comp Plan related to connectivity. Also consider (1) alternative alignments in environmentally sensitive/critical areas, (2) new criteria for examining new street connections, and (3) identifying safety issues and funding solutions to such issues related to newly connected streets.	1.050		Comp Plan Policies PT5.1, 5.2 & 5.4
2	Streetside (Frontage) Improvements (carryover from 2015)	Clarify when they are required, what is required, and intent to achieve sidewalk and planter strip widths on Arterials in Urban Corridors. Clarify when "streetside" vs. utility extensions are required. Consider stronger language for when sidewalk and other ped-related improvements in urban corridors are required (Comp Plan Policy PT15.1).	2.040, 2.020, 2.070, 3.110		Comp Plan Policy PT15.1
3	Alleys (carryover from 2015)	Revise Alley requirement in section 2.040B to be consistent with updated Comp Plan. Revise the current concrete strip standard for residential alleys, as it has not been installed in over 15 years.	2.040.B, Ch.4 Table 2, Drawings 4-4A,B		Deferred until decision is made to discuss when to require alleys for new construction. Comp Plan Policies PT3.4-3.6.
4	Private Utility Easements (carryover from 2015)	Revise requirements for private utility easements, to address when they are required, allowing for adjustment of width based on zoning, etc.	2.050.E		Initiated in 2015; deferred to 2017 due to complicated regulations & need to address utility concerns.
5	LED Streetlights (carryover from 2015)	Revisit lower LED color temperature range for streetlights.	4F.020		Ongoing research and discussion.
6	Parking Lots (carryover from 2015)	(1) Clarify wording in paragraph 3 of the Parking Lot section 4H110. (2) Revise parking lot connection requirements to address connecting adjacent parking lots in 4I.090. (3) Clarify EDDS role in parking lot design/layout, approval and inspection, vs. CP&D in OMC ____?.	4H.110, 4I.090, OMC ____.		Comprehensive Plan issue.
7	Planter Strips (carryover from 2015)	Add standard for planter strip landscaping, addressing (1) number and type of plants, (2) species and diversity of trees, and (3) placement and replacement of trees.	4H		Issue is linked to volume of soil required for plants and trees. Comp Plan Policy PN3.5
8	Traffic Calming	Consider adding some criteria for determining when/if/where to use, especially for RLI Collectors and Local Access Streets.	Ch. 4, Ch. 9		Also, "Install or allow traffic calming..." is stated in Comp Plan Policy PT2.6.
9	Electric Vehicle Charging Stations	Support the use of electric vehicles by encouraging and/or requiring charging stations for larger commercial and residential developments.			Comp Plan Policy PN8.5
10	Fiber Optics Conduit	Establish standards for a City-owned fiber optics conduit system, once policies and regulations regarding such a system are established by City Council action.			Comp Plan Policy PU22
11	Modified Street Designs	Focus on a particular mode instead of "complete streets". Provides direction for master plans.			Comp Plan Policy PT1.13
12	Block Sizing for Arterials	Change current standard of 750 feet to 500 feet, per Comp Plan.			Comp Plan Policy PT4.1
13	Bus Corridors	Designate bus corridors, which influences transportation investments.			Comp Plan Policies PT14.3, 17.4-17.6, 17.8
14	Bike Boulevards/Corridors	Establish standards for bike corridors, using 2016 Bike Corridor pilot project as template.			Comp Plan Policy PT25.4
15	Pedestrian Crossing Islands	Make islands large enough for families cycling together.			Comp Plan Policy PT25.5

Designing Olympia's Future

2016 EDDS Public Involvement & Communication Strategy

Background

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, street, storm water, and solid waste collection systems. They are also the technical interpretation of the City's various Plans. With the adoption of the most recent Comprehensive Plan, updating the EDDS will need to occur over several years because there are topics that require policy guidance and technical research.

The following document outlines a Public Involvement & Communication framework that can be refined every year. It will be adapted based on the topics being addressed and the policy issues being considered.

Stakeholders

City of Olympia

- City Council
- Land Use and Env. Committee
- City Staff
 - Steve Hall, City Manager
 - Rich Hoey, Public Works
 - Andy Haub, Water Resources
 - Mark Russell, Transportation
 - Dan Daniels, Waste ReSources
- Public Works Staff
 - Transp. Planning & Eng.
 - Engineering
 - Water Resources Planning & Engineering
 - Waste ReSources Planning
- Community Planning & Dev.
 - Leonard Bauer, CPD
 - Tim Smith, CPD
 - Shelley Bentley, CPD

- City of Lacey
- City of Tumwater
- Port of Olympia
- LOTT

State Agencies

- Department of Commerce

Special Interest Groups

- Coalition of Neighborhood Assn.
- Olympia Downtown Assn. (ODA)
- West Olympia Business Assn.
- Olympia Safe Streets Campaign
- Capital City Council of the Blind
- Developers, Designers, & Architects
- Olympia Master Builders (residential)
- NW Eco Builders Guild
- Franchise Utilities
- Landscape Architects and Arborists
- Olympias for People-Oriented Places

Advisory Committees

- BPAC
- UAC
- Planning Commission

Other Local Agencies

- Thurston County

Interested Parties

- Bethany Weidner

Objectives

- Public Works will collaborate with CPD and other City Departments to coordinate messages and schedule.
- Demonstrate a commitment to implementing the comprehensive plan by updating the EDDS annually.
- Develop an annual public involvement and communication strategy based on the topics being considered.
- Use the IAP2 Spectrum to define the decision-making process.
- Stakeholders will understand how changes implement the new comprehensive plan.
- Stakeholders will know the schedule of standards being updated and know when and how they can provide feedback.
- Multiple tools will be used to keep stakeholders informed.

Tasks

1. Identify EDDS Spokesperson

Fran Eide, City Engineer, will serve as the spokesperson for the EDDS at City Council and other Public Meetings. Steve Sperr, Assistant City Engineer will be her backup if she is unavailable.

2. Schedule Monthly Project Meetings

The project team will meet every other week to discuss the topics, progress, schedule, and approach to updating the EDDS update. The following people will serve on the project team:

- Debbie Sullivan, Facilitator
- Fran Eide, City Engineer
- Steve Sperr, Assistant City Engineer
- Andy Haub, Water Resources Director
- Sophie Stimson, Transportation Senior Planner
- Leonard Bauer, Deputy Director - CPD

3. Develop an Annual Implementation Schedule

Steve Sperr, Assistant City Engineer will serve as the Project Manager for identifying the scope and schedule of the annual implementation plan for those Comprehensive Plan Policies that relate to the EDDS. The topics and schedule will be selected by collaborating with CPD, Water Resources, Transportation, and Waste ReSources. The topics to be considered will be categorized as new a standard or clarification of an existing standard.

4. Develop Involvement and Communication Strategy for EDDS and Related Policy Issues

An annual public involvement and communication strategy will be designed based on the topics or related policy issues being considered. See “Tool” list below.

5. In Person Meetings with Special Interest Groups & Parties

Based on the topics or policy issues being addressed, staff will reach out to potentially affected parties to discuss the topics and approach.

6. Advisory Committee, Planning Commission, and CNA Briefings

The purpose of the briefings is to keep the Advisory Committees and the CNA up-to-date on the issues, process, and schedule. The Advisory Committees won’t be asked to make a recommendation to Council on specific technical issues. However, they may be consulted on policy issues.

7. City Council and Council Committee Study Sessions and Meetings

Brief Council on policy and technical issues; seek guidance, and final decision on proposed EDDS.

8. Public Hearing

Schedule and advertise public hearing to solicit feedback on proposed changes.

Tools

1. Opt-in Email

Audience: Special Interest Groups, Interested parties, Advisory Committee Members

Purpose: Updates on scope, schedule, upcoming meetings, and deadlines.

2. Direct Mail

Audience: Special Interest Groups and Interested Parties

Purpose: Postcard to kick-off the annual process and communicate where to go for additional information and how to provide feedback.

3. Internet

Audience: City Staff, Advisory Committees, Local & State Agencies, Special Interest Groups, and Interested Parties

Purpose: Main repository for EDDS (current and draft). Highlight annual changes and provide link for giving feedback.

4. Briefings

Audience: Advisory Committees, Planning Commission, and C.N.A

Purpose: Brief Committees, Commission, and C.N.A. on scope, process, schedule, and topics regarding the EDDS update and how it relates to implementing the Comprehensive Plan.

5. Council and Committee Meetings

Audience: City Council

Purpose: Brief Council on policy and technical issues; seek guidance, and final decision on proposed EDDS.

6. Public Hearing

Audience: General Public & Stakeholders

Purpose: Solicit feedback on proposed EDDS

Schedule (see attached)



Designing Olympia's Future

2016 Engineering Design and Development Standards (EDDS) Update Schedule

Updated 5/4/16

Date	Description
January	Launch Annual Update - Initial list of topics and 2016 Schedule posted on EDDS webpage
March 1	DEADLINE: Proposals for topics to address in annual update
March	Proposals reviewed and Proposed Topics recommended 2016 Public Involvement & Communication Strategy drafted
April – May	In-person meetings scheduled with interested parties & C.N.A.
May – June	Draft Proposed EDDS Topics posted on City webpage Stakeholders engaged on Proposed EDDS Topics (continues thru August)
May 19	City Council - Land Use and Environment Committee (LUEC) - Review Proposed Topics and recommend list to full Council - Review Public Involvement & Communication Strategy
June 21	City Council Meeting - Land Use and Environment Committee's Recommendation considered - EDDS Topics finalized
June – August	Public comments reviewed and webpage updated
July 1	DEADLINE: Initial public comments due
September or October	City Council - Land Use and Environment Committee (LUEC) - LUEC reviews draft changes Notice of Public Hearing on Proposed 2016 EDDS
November	Public Hearing City Council – 1st Reading to adopt 2016 EDDS
December	City Council – 2nd Reading and adoption of Final 2016 EDDS Stakeholders notified of Final 2016 EDDS Newly adopted EDDS posted on City website



City Council

Approval of Alley Lighting License Agreements Resolution

Agenda Date: 6/21/2016
Agenda Item Number: 4.D
File Number: 16-0730

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

Title

Approval of Alley Lighting License Agreements Resolution

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the resolution to enter into necessary Alley Lighting License Agreements with private property owners to complete Phase 2 of the Downtown Alley Lighting Project and authorize the City Manager to execute all necessary license agreements.

Report

Issue:

Whether to approve the resolution allowing staff to pursue Alley Lighting Access License Agreements with private property owners.

Staff Contact:

Ladd F. Cluff, PLS, City Surveyor, Public Works Engineering, 360.753.8389

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The City of Olympia entered into a contract with the U.S. Housing and Urban Development Department (HUD) in 2014 to fund Downtown Safety Improvement Projects. The agreement provides federal funds from the Section 108 loan guarantee program. One of the safety improvement projects is to install lighting in the City's downtown core. Staff has identified alleys with heavy pedestrian traffic that experience relatively high amounts of criminal activity for this project.

In November 2014, the Community Planning and Development Department entered into an agreement with the Public Works Department to complete the project.

The license agreements authorize the City to access and use the building area needed to attach the

exterior lighting fixtures. The City will retain ownership of the lighting fixtures. The building owner will be responsible for the electrical payments to Puget Sound Energy.

The City completed Phase 1 of the project in summer 2015. That phase installed lights in seven downtown alleys. Construction of Phase 2 will start in summer 2016 and the City anticipates lighting nine alleys.

Neighborhood/Community Interests (if known):

The project will increase safety by adding lighting to alleyways in the downtown core that are experiencing relatively high levels of criminal activity. As a result, pedestrians will be more likely to use alleys as a means of getting around downtown.

The Downtown Safety Improvement Projects are supported by the Olympia Downtown Association and are of interest community-wide.

Options:

1. Approve the resolution to enter into necessary Alley Lighting License Agreements with private property owners to complete Phase 2 of the Downtown Alley Lighting Project and authorize the City Manager to execute all necessary license agreements.
 - a. Will allow the project to move forward as planned.
 - b. Will improve downtown safety and security.
 - c. Will increase pedestrian options downtown.

2. Do not approve the resolution to enter into necessary license agreements.
 - a. The project would be stopped.
 - b. Could affect the downtown building owner's ability to secure and protect their properties.
 - c. Affects the general public's choices for walking downtown.

Financial Impact:

Section 108 loan funds will be used to complete the alley lighting project downtown.

Attachments:

Resolution
Alley Lighting Access License Agreement (Template)
Vicinity Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, AUTHORIZING THE CITY MANAGER TO ENTER INTO ALLEY LIGHTING ACCESS LICENSE AGREEMENTS IN CONJUNCTION WITH THE DOWNTOWN ALLEY LIGHTING PROJECTS.

WHEREAS, July 15, 2014, the City Council approved Ordinance No. 6917, authorizing the funding for the Downtown Safety Improvements Project; and

WHEREAS, the Downtown Safety Improvements Project provides for the installation of lighting in downtown alleys; and

WHEREAS, the City Council has determined that installing lighting in downtown alleys will reduce criminal activity;

WHEREAS, the alley lighting will be installed on privately owned buildings and maintained by the City; and

WHEREAS, the use of private property requires a license agreement between the City of Olympia and the private property owners; and

WHEREAS, City Council is authorized to enter into license agreements with private property owners;

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

1. The City Manager is authorized to enter into and execute all necessary license agreements and file the aforesaid license agreements with the Thurston County Auditor.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of June, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Noenaker DCA
CITY ATTORNEY

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

Document Title: LIGHTING AND ACCESS LICENSE AGREEMENT
Grantor(s):
Grantee(s): City of Olympia
Legal Description:
Assessor's Tax Parcel Number:

1. **LICENSE AGREEMENT.** This LIGHTING AND ACCESS LICENSE AGREEMENT (“License”) is between _____, a _____, (“Grantor”) and the CITY OF OLYMPIA, a Washington municipal corporation (“Grantee”). Grantor and Grantee are each a “Party,” and together the “Parties” to this License. The Parties agree as follows:

2. **PROPERTY.** This License relates to property legally described as the _____, records of Thurston County, Washington, Assessor’s Tax Parcel Number _____ (the “Property”).

3. **GRANT OF LICENSE.** Grantor grants to Grantee a License over, under, upon, and across the Property for the purpose of installing and maintaining area lighting for the adjacent alleyway.

4. **RIGHTS OF GRANTEE.** Grantee (including Grantee’s contractors, agents, permittees and assigns) is authorized to access, occupy and use the area necessary for connecting exterior lighting to the building’s electrical system and to construct, reconstruct, inspect, maintain and repair the area lighting on Grantor’s building, including to disconnect electrical wiring from Grantor’s building for the purpose of re-connecting to electrical wiring from another source. Construction related activities and improvements shall be limited to the public right-of-way, the building electrical system, and any area of the Grantor that the Grantee needs to access to perform alley lighting work. In the event that Grantor’s property or any private improvements or any other portion of Grantor’s property are disturbed or damaged by Grantee, its contractors, agents, or permittees, Grantee shall, at its own expense and to the extent reasonably practicable,

restore the impacted property or improvements to the same conditions that existed prior to the disturbance or damage.

5. RIGHTS AND OBLIGATION OF GRANTOR. Grantee shall provide Grantor two (2) business days' notice for requests to enter Grantor's building or the Property for the purpose of construction, reconstruction, inspection, maintenance and repair of the lighting on Grantor's building. The Grantor agrees to have the alley lighting connected to Grantor's building and electrical system. Grantor shall be responsible for the electrical consumption payments to the electrical provider.

6. TERM AND OBLIGATION ON TERMINATION. This License shall commence upon execution by Grantor and acceptance by Grantee, and continue until no longer needed by the City. At such time as Grantor needs the area in the alley where the lights are located on the exterior wall to expand or replace Grantor's building (e.g., reconstruct to increase the height of the existing building or replace the existing building with a taller building), and gives notice to Grantee, Grantee shall remove the light(s) from any area that would be covered by the reconstructed or new building. Grantee's obligation to remove the light(s) is contingent on the Grantor actually receiving a building permit for the reconstructed or new building. Grantor agrees to provide the Grantee with sufficient notice to allow the Grantee to enter into necessary contracts to have the light(s) removed and to complete the removal and make any necessary repairs on the Grantee's building due to lighting removal. The notice provided by the Grantor must establish that the Grantor has submitted all necessary permit applications for modifying or replacing its building and shall provide a time frame in which the building modification or replacement will take place. The Parties may, but are not required to, agree that Grantor remove the light(s) as a part of Grantor's building project. Any such agreement shall be a separate, written agreement for such work, but the Grantor is under no obligation to enter into such agreement and the Grantee is responsible for removing the lighting absent such agreement. Grantor shall provide for re-installation of lighting in accordance with this License in the design for modifying or replacing the building that is submitted with permit applications. This License will continue in effect on the modified or new building.

7. INDEMNIFICATION. Grantee shall indemnify and hold Grantor harmless from any and all costs, expenses (including reasonable attorney's fees), damages, claims, fines, and penalties ("Claims"), to the extent arising from the negligent acts of the Grantee, its contractors, agents or permittees or assigns in exercising the rights granted pursuant to this License.

8. SUCCESSORS. This License shall run with the Property and is binding on any and all successors or assignees of either of the Parties.

GRANTOR:

STATE OF WASHINGTON)
) ss
County of _____)

On this _____ day of _____, 20____, before me personally appeared _____ to me known to be the _____ (President, Secretary, Treasurer) of the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that _____ (he/she is) (they are) authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)

Signature
Print Name: _____
Notary Public in and for the State of
Washington, residing at: _____
My commission expires: _____

LIMITED LIABILITY COMPANY

STATE OF WASHINGTON)
) ss
County of _____)

On this _____ day of _____ 20____, before me personally appeared _____ and _____ to me known to be the _____ of _____ L.L.C., a Washington Limited Liability Company that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that _____ (he/she is) (they are) authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)

Signature
Print Name: _____
Notary Public in and for the State of
Washington, residing at: _____

My commission expires: _____

GRANTEE:

Accepted and Approved:
CITY OF OLYMPIA

Approved as to form:

By: _____
Steven R. Hall, City Manager

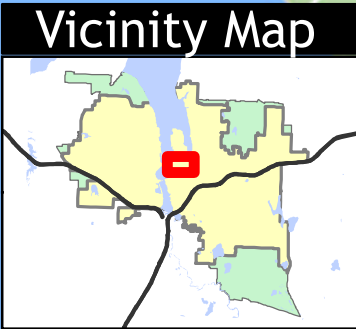
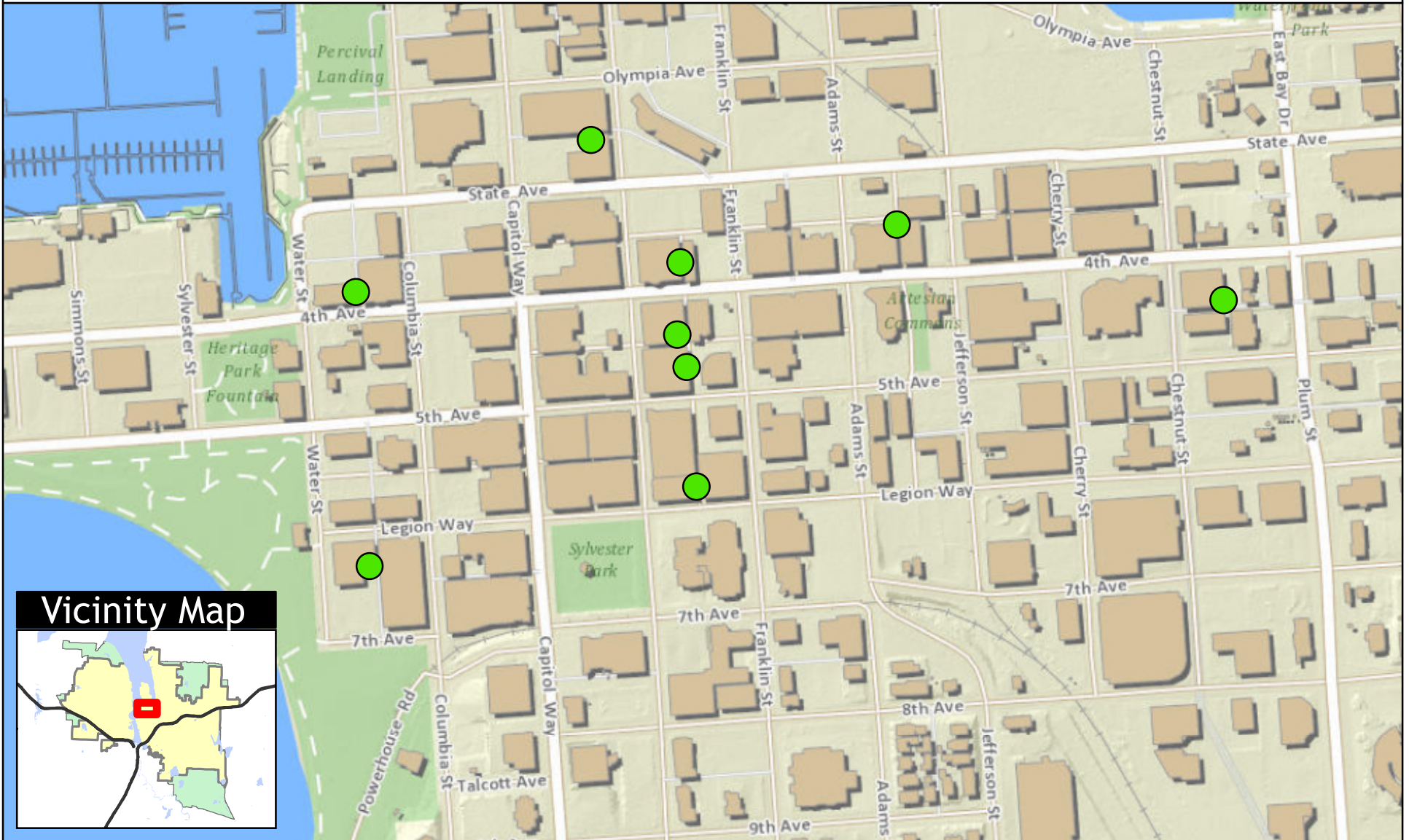
City Attorney

Date: _____



Downtown Alley Lighting, Phase 2

Project Number 1553A



0 200 400
 Feet

1 inch = 400 feet

Map printed 6/7/2016

For more information, please contact:

Jim Rioux, Project Manager

jrioux@ci.olympia.wa.us

(360) 753-8484

Legend

 Site - Alley Lighting

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.





City Council

Approval of Proposed Scope of Work for Coordinated Response to Homelessness

Agenda Date: 6/21/2016
Agenda Item Number: 4.E
File Number: 16-0762

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

Title

Approval of Proposed Scope of Work for Coordinated Response to Homelessness

Recommended Action

Committee Recommendation:

The Land Use and Environment Committee recommended staff forward the proposal to develop a coordinated response to homelessness to City Council for their review and approval.

City Manager Recommendation:

Approve the proposed scope of work to develop a coordinated response to homelessness and direct staff to develop an appropriate professional services agreement with ACR Business Consulting.

Report

Issue:

Whether to contract with ACR Business Consulting to provide homelessness planning services as a possible next step in the Downtown Strategy process.

Staff Contact:

Keith Stahley, Director Community Planning and Development Department 360.753.8227

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The Land Use and Environment Committee reviewed a proposal from ACR Business Consulting to develop a coordinated response to homelessness for Olympia on June 9, 2016.

The City is engaged in the development of a Downtown Strategy. One of the issues that has been repeatedly identified as a concern for the health of downtown is the effect of people living on the streets and alleys of downtown. There are many dedicated and talented people working to respond to homelessness in our community, however, these efforts are not always well coordinated and aligned to maximize the effectiveness of our limited resources. Other cities that have experienced the impacts of homelessness on their downtown have taken proactive steps to encourage greater coordination of resources, communication and a more strategic approach to responding to the

challenges of homelessness.

Mr. Rodriguez is supporting the County's process to update the *Thurston County 10 Year Housing Plan* commonly referred to as the 10 Year Plan to End Homelessness. This experience makes Mr. Rodriguez well positioned to assist the City in efforts to enhance the effectiveness of efforts to manage homelessness and its effects on downtown. The 10 Year Plan has a county-wide focus and staff recommends that the City engage Mr. Rodriguez to refine this effort to focus on Olympia and provide a framework to effectively respond to homelessness in downtown and its impacts on the downtown business and cultural environment through enhanced partnership and coordination with the County, not for profits and private business interests.

Mr. Rodriguez's proposal (**See Attachment**) is broken down into three distinct tasks.

1. Designing a survey instrument and methodology to help to document the number and characteristics of the homeless population in downtown.
2. Review and summarize the existing reports and information related to homelessness in downtown.
3. Develop the scope of work to create an Action Plan process that would lead to a more coordinated response to homelessness in downtown and enhanced coordination with the County, not for profits and private business interests.

As part of the Downtown Strategy process, City Staff and the consultant team has met with a number of homeless service providers located in downtown. This group agreed that there was a need for greater coordination of services in downtown. The notes from the meeting with service providers is included as an **Attachment**.

Included as additional background information is a letter to Mr. Rodriguez from Keith Stahley that outlines the issues and desired outcomes from this process. Mr. Rodriguez's proposal is in response to this letter. Mr. Stahley's letter is included as an **Attachment**.

Neighborhood/Community Interests:

Homelessness and the impacts of homelessness are a concern for the Downtown Neighborhood, Olympia and the region.

Options:

1. Approve the draft scope of work and direct staff to develop an appropriate professional services agreement with ACR Business Consulting to conduct the work outlined therein.
2. Do not approve the draft scope of work to develop a coordinated response to homelessness.

Financial Impact:

Mr. Rodriguez's proposal details \$26,563 of work broken down as follows:

1. Survey Design: \$6,375
2. Date Review \$4,250
3. Action Plan Planning \$15,938

Funding for this work would come from the 2015 Carryover Funds that were set aside for implementation of the Downtown Strategy.

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

Attachments:

Homeless Planning Services Proposal

Homeless Service Provider Meeting Notes

Letter from Keith Stahley Soliciting a Proposal from ACR

CITY OF OLYMPIA

Homeless Planning Services

Submitted on April 22, 2016 by



ACR Business Consulting
416 Washington St SE, Ste 201B
Olympia, WA 98501
(360) 529.6036
www.acrbc.com

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2. Methodology

3. Proposed Work Plan

4. Contract Value

Appendix – Project Team Member Resumes

1. Proposal Cover Letter



April 22, 2016

Keith Stahley, Director Community Planning and Development Department
City of Olympia
Kstahley@ci.olympia.wa.us

Dear Mr. Stahley:

Thank you for the opportunity to submit a proposal to collaborate with the City of Olympia on your housing planning services component of the City's Downtown Development Strategy. As a downtown business owner, Olympia resident, and contractor with Thurston County as the Homeless and Affordable Housing Coordinator, I am invested in the work you all are doing on many levels, and I'm excited to partner with you.

As your letter states, you and your team have performed some preliminary work on this issue and are currently looking for assistance in accomplishing the following:

1. Designing a survey instrument and approach to help document the number and characteristics of the homeless population that lives in and around Olympia's downtown
2. Reviewing, summarizing and synthesizing the existing data and reports relevant to homelessness in the Olympia community
3. Developing an Action Plan that would lead to a more coordinated response to homelessness and its impacts, particularly in the Olympia downtown. This would include a scope of work for a planning process, clear responsibilities, partners, timeframes and regular and ongoing reporting requirements aimed at the following outcomes:
 - a. Expanding housing and shelter opportunities
 - b. Addressing the impacts of homelessness on Olympia's downtown
 - c. Outlining strategy for the broad partnership required among the City of Olympia, County, other cities, not for profits and faith based organizations

The attached proposal outlines a plan to assist the City in accomplishing these objectives. Our firm has considerable expertise in data collection, analysis, and systems planning; and our work with Thurston County surrounding homelessness and affordable housing is of added value to the City for this project. I look forward to working together on this important and meaningful undertaking.

Please contact me directly with any questions:

Post: 416 Washington St SE, Ste 201B Olympia, WA 98501

Email: aaron@acrbc.com

Phone: 360.529.6036

Respectfully,

A handwritten signature in blue ink, appearing to read "Aaron Rodriguez", is written over a light blue rectangular background.

Aaron Rodriguez
Managing Director
ACR Business Consulting

2. Methodology

At ACR Business Consulting (ACRBC) we use 5 Tools to accomplish results for our clients:

1. **Technology** – How is data gathered now, and is it the most informative/user-friendly that it can be? What data is needed to move the team from information gathering to informed decision making?
2. **Financial Management** – How has the initiative been historically funded, and what additional resources exist across multiple channels? Does our proposed budget tell the same story as the narrative? What are the different budget scenarios, and how do they support our intended outcome?
3. **Community Outreach/Awareness** – What is the existing perception and level of understanding by constituents of the challenge/opportunity? What education is needed to increase success and constituent understanding?
4. **Training and Technical Assistance & Support** – What resources are needed to produce lasting system change? How do we support people in using them?
5. **Key Partnerships** – What community resources exist that can support our client in achieving their optimal state of function? How can we better partner with them?

These tools help us identify performance gaps and blocks, focus and support everyone involved, and advise/create long-term strategic direction. From our experience, this approach allow our clients to pragmatically and confidently discover obstacles, design realistic timelines, tasks, and project costs, and deliver the desired solution.

3. Proposed Work Plan

ACRBC estimates approximately 250 hours to accomplish the objectives identified in your request. With a deadline of September 2016 to complete the project, our firm would like to begin work no later than June 1, 2016 with a target delivery date of September 30, 2016.

The tables below outline how we will approach each deliverable, with an estimated hourly allocation. We've also included, in each section, a list of some starting questions that we will explore as we gather the necessary qualitative and quantitative data to be successful. Some additional clarification of expectations may be required prior to establishing a contractual agreement for the work plan.

1. Designing a survey instrument and approach to help document the number and characteristics of the homeless population that lives in and around Olympia’s downtown.

Outlined Approach	Some Starting Questions to Answer	Estimated Hours
<p>We will review prior work performed, determining what was successful and what can be improved. Working with City partners and other identified stakeholders, we will determine what data should be collected. We will review data for relevance and, based on existing data, identify what needs to be updated and what still needs to be collected.</p> <p>With this known “universe” of proposed data, we will design a tool that can be easily facilitated by the City or a 3rd party. Included in this design will be the survey tool and process for its use, estimated resources required to facilitate the survey, realistic timeframes for data collection, and proposed next steps once the data has been collected.</p>	<ul style="list-style-type: none"> ● What information is relevant? ● Is there a current method of measurement? ● What is working and what isn’t? ● What obstacles keep--or may keep--the City from being able to gather the needed information? Is there a pattern? ● What is the flow of information regarding the Downtown Strategy, and what is the process to explain the survey purpose to all stakeholders and participants? ● How does this survey integrate with the Action Plan timeline for the Downtown Strategy? 	60

2. Reviewing, summarizing and synthesizing the existing data and reports relevant to homelessness in the Olympia community.

Outlined Approach	Some Starting Questions to Answer	Estimated Hours
<p>A valuable starting point and first objective to tackle, this will also give us the history necessary to address the other objectives. We will work with the City and other relevant stakeholders to gather data that is identified as most relevant to the City’s goals. This will need to include information from the complete constituent base: homeless community members, housed community members, and downtown businesses - both social service and retail, as examples.</p> <p>Once we review the information provided, we will synthesize it into relevant “buckets” of information to begin to form a map of the challenges, opportunities, and gaps currently existing in addressing homelessness in downtown Olympia. This will inform the design of the survey instrument and Action Plan.</p>	<ul style="list-style-type: none"> ● Who holds the relevant data today? ● What is the best way to organize the data to achieve the desired outcome? ● What is the overall quality of the existing data? ● Who is the audience reading and gaining value from these reports? ● How might this information be useful beyond the Downtown Strategy? 	40

3. Developing an Action Plan that would lead towards a more coordinated response to homelessness and its impacts, particularly in the Olympia downtown. This would include a scope of work for a planning process,

clear responsibilities, partners, timeframes and regular and ongoing reporting requirements aimed at the following outcomes:

- d. Expanding housing and shelter opportunities
- e. Addressing the impacts of homelessness on Olympia’s downtown.
- f. Outlining strategy for the broad partnership required among the City of Olympia, County, other cities, not for profits and faith based organizations.

Outlined Approach	Some Starting Questions to Answer	Estimated Hours
<p>Identify and define the challenges of addressing homelessness that are most relevant to the City of Olympia. Look at all stakeholders, perceptions, assumptions, and expectations that are holding the current state in place. Work with City leadership and relevant stakeholders to design a strategy that would address these challenges. Identify resources currently available <i>and</i> needed, and strategies to acquire needed resources – both financial and professional. Develop an action plan that is relevant to Olympia and overlay it with the County’s 10 Year Plan. Determine where opportunities exist for everyone to work together, and areas where the City must to move forward as a leader and designer of its own “destiny,” so-to-speak.</p> <p>Incorporate the survey tool into the Action Plan. Map this Action Plan into the Downtown Strategy timeline, ensuring appropriate momentum. Outline strategies for engaging the downtown business community, as well as community members both housed and un-housed, in contributing to the solution.</p>	<ul style="list-style-type: none"> ● Is there a “plan” in place today? ● What agencies, businesses and individual stakeholders are solid assets and in alignment with supporting efforts to create a real solution to the homeless problem downtown? ● Which are not in alignment? And are there any consistent/trending reasons why? ● What is the desired timeframe in which to accomplish this Action Plan? Is it the same as the Downtown Strategy? ● Who are the key members from the City to support an Action Plan and enforce accountability? 	<p style="text-align: center;">150</p>

The following expectations of the client by ACRBC are contributing factors in successful completion of this work plan:

- The client’s willingness to provide existing data necessary to perform the scope of work.
- The data provided to ACRBC is accurate to the best of the client’s knowledge.
- There are no extenuating circumstances from the client that affect the project timeline (i.e. key client contact traveling, scheduling challenges, challenges in gathering the necessary data beyond ACRBC control, etc.)
- The client understands that ACRBC will make every effort to complete the project in accordance with the client’s expressed timeframe and budget and will update the client immediately in the event that there are circumstances that will affect ability to do so.

4. Contract Value

Project Objectives	Estimated Hours	Standard Contract Value	City of Olympia Contract Value
I. Survey Design	60	\$7,500	\$6,375
II. Existing Data Review	40	\$5,000	\$4,250
III. Actin Plan Creation	150	\$18,750	\$15,938
Total:	250	\$31,250	\$26,563

As Olympia residents and business owners, invested in this community and in the issue of homelessness and affordable housing, we are extending a reduction in our regular contract price by 15% for this proposed work plan. Any future project work will be evaluated and priced on a per request basis.

- This estimated contract value is ***comprehensive and includes consideration for all reasonable travel, meeting time and expenses incurred by ACRBC to complete this project.***
- ACRBC will provide the client with detailed invoices of work performed and bill the client monthly in arrears.
- If the scope of work exceeds the estimated hours and there are no extenuating circumstances promptly expressed by ACRBC and agreed to by the client, the client will not be responsible for payment for any additional hours incurred.
- All works created by ACRBC for the client are the property of the client. ACRBC will have the right to use the work developed and outcomes achieved for the client for the purposes of marketing.

5. Appendix – Resume

Managing Director / Chief Business Optimizer

ACR Business Consulting

With 13 years of strategic finance, financial management and data analysis experience and 10 years of management experience with start-ups, non-profits and Fortune 500 Companies, Aaron applies a pragmatic, systems-thinking approach to working with people and addressing challenges. He uses strong data analysis and synthesis to form realistic and measurable goals, and empowers clients to understand and act from data patterns and trends. Through sound financial planning, Aaron builds a viable roadmap to stay on course and achieve lasting change. An expert at building organizational capacity, Aaron brings a strong passion for collaboration, critical thinking and community partnerships to assist clients in solving challenges and overcoming uncertainties, with a proven track record of strong results. Recent project highlights:



Thurston County – Homeless and Affordable Housing Coordinator Oct 2015 - Current

- Rethink initiatives for homeless and affordable housing services
- Map service network to better understand gaps and inefficiencies in order to design a more functional system to address present and future data and funding needs
- Develop a county-wide 10 Year Homeless and Housing Action Plan
- Facilitate Point-in-time counts for federal requirements

Anonymously Yours Foundation – Business Strategy Consulting Dec 2014 - Current

- Contracted to provide business development strategy for Compass360 nonprofit CRM
- Develop and implement training and marketing strategy for product rollout
- Support product sales initiatives and design and implement new client processes

The Phoenix Rising School – Interim Executive Director 2011 – 2014

- Successfully launched an independent school with tuition at 70% below the average cost for private school, addressing education inequality that exists in many rural communities.
- Reduced the reliance on a single major donor by \$100,000 annually.
- Designed and implemented a unique monthly giving program, building up to over 200 monthly donors, and a total donor base of more than 400 in a small, rural community.
- Grew community donation funding by over 100% during the contract period to account for almost 40% of the total revenue for the school.

The Yelm Food Cooperative – Interim General Manager 2010 – 2011

- Increased annualized sales by over 75% and membership by over 100% in 14 months.
- Increased annualized net income from \$6,000 to \$32,000 in the first 12 months.
- Expanded the base of volunteers from a consistent 18 to 30 in 12 months.
- Facilitated the implementation of a complete point-of-sale system and database allowing greater data collection to better communicate and serve the needs of the members.

Tacoma Farmer's Markets –Consultant 2008 – 2010

- Designed and implemented a business plan to successfully achieve market expansion from 1 market to 3 over 36 months.
- Despite challenging economic environment, secured a \$60,000 partnership with the City of Tacoma to support strategic market expansions. Presented at City Council meetings and meetings with the Mayor and Council members.
- Leveraged expanded market reach to attract multi-year sponsorships from Multi-Care and Commencement Bank and a strong partnerships with Metro Parks.

YEARS EXPERIENCE: 13

EDUCATION

BBA Finance/Management
Information Systems
The University of Texas at
Austin

ADDITIONAL LEADERSHIP EXPERIENCE

**Grants Distribution
Committee** - Greater
Tacoma Community
Foundation, 2007 - 2010
Board President – Tacoma
Farmers Markets, 2008 -
2010
Board Member – Young
Professionals Network of
Tacoma, 2007 - 2010
Member - Thurston County
Food System Council, 2015

CONTACT INFORMATION:

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www.acrbc.com
www.linkedin.com/in/acrbc
www.facebook.com/ACRBusinessConsulting

DTS Meeting with Social Service Providers February 10 2016

In Attendance:

City of Olympia Staff: *Anna Schlecht, Program Manager; Amy Buckler, Senior Planner; Leonard Bauer, Deputy Director; Jeannine Kempees, Intern*

MAKERS consultants: *Rachel Miller, Peter Steinbrueck, John Owen (by phone)*

Social Service representatives: *See last page*

Part One: What is your relationship to downtown currently?

- *How does downtown Olympia as it is today affect your clients, program, and the social service network as a whole?*
- *What's your relationship with the Transit Center, public spaces, retail core, or other downtown places?*
- *What gaps or barriers are there?*
- *What are your plans, and how might they affect your relationship with downtown?*

Food Bank

- IT transit station import
 - nuanced problem for older clients - dial-a-lift drops off ½ mile away from IT transit
 - lots of clients walk, sidewalk condition is bad
 - Thurston Ave Corridor
 - Franklin and Thurston intersection could use street improvements
 - Consider 4-way stop
 - large trucks important, good infrastructure for that
- building improvements planned
 - face lift
 - energy efficiency
 - goal to blend into the neighborhood
 - historic qualities
 - old port ware house
 - mission picks up trash
 - good neighbors
 - if clients coming from i.e. Rainier, it helps to have other social services nearby

DTS Meeting with Social Service Providers February 10 2016

Mission

- IT's Dial-A-Lift serves lots of seniors
- Dream of better streetscape
- A Ave, Franklin improvements needed
- Expanding services, i.e., Dining, laundry
- Barriers for redevelopment, expansion of site
 - Contaminated soil is a big challenge
 - Frontage, sewer, soil improvements \$700,000
 - Hard to change size of building to meet needs due to requirements (cost)
- Lots of growth (due to population growth)
- Bigger issues at cause of need are not changing
- Social Services are not necessarily one 'glom'

Interfaith

- Clients typically have mental illness, chronic substance abuse
- Lots of people have limited mobility
- Majority of people accessing service are (live) in downtown, and are from Thurston County, not coming from elsewhere
- Emergency shelter balanced w/ housing first (tension)
- Services need to be brought where people are if they are to work (data-driven principle)
- Providence Community Care in Downtown would help
 - Mental health center is currently on Martin Way
 - Banning from bus for behavior often starts downward spiral for clients
 - Need more accessible substance abuse treatment

Capital Recovery

- Mental health, PATH Program, Downtown Ambassadors
- Ambassadors doing good job, but doesn't solve problem
- Fundamental issue
 - "No place for mentally ill to exist."
- Funding barrier
 - Cannot pay staff for the huge need
 - Looking forward to Providence Community Care Center

Providence Community Care Center

- 13 agency partners coming together
- Coordinated care
 - Dr License, Social Security Number, housing, etc.
 - Shower, laundry, walker, needs faster
- Targets adult population, and will coordinate with youth programs (i.e. CYS)
- Current issue is people have to go to '14 places' to get what they need
- Currently working to get people psych drugs faster
 - Takes 2 months now
- Want to be downtown because that's where people who need the services are

DTS Meeting with Social Service Providers February 10 2016

- Providence, BHR, Seamar
 - 3 main mental health services in region not currently in downtown
 - Providence wants to partner
- Barriers
 - Need CIT training with law enforcement
 - Stigmas are a barrier
 - “transient” is not an ‘honest’ term to describe situation of homelessness

Community Youth Services

- Working closely with Oly Parks (including Lt. Jelsick)
- working on program planning for Artesian commons
- most people who use space are under 25
 - stigma is a big issue for them
- There is a gap in service delivery after 5pm-10pm
 - no meaningful things for the youth they serve to do during that time
- youth stuff to do
 - basketball at Well (program limited)
 - Rosie’s Place all day (inside)
 - CYS -limited evening and weekends due to funding
- Job/mentoring/internet
 - 24 programs at CYS for this
 - Serves under 24 years
- Licensed mental health center – CYS
 - Youth experiencing homelessness do not keep appointments well
 - Need to go to them for appointments
- CYS access point “right door for services”
- All agencies in region have had deep conversation in the past 2-3 years
 - Need healthy, brave conversations and leadership to ripen it region wide
 - Need willing and openness
 - Current conversations are political, fear-based

Family Support Services on Capitol Way and State Ave

- 7 agencies sharing space and service delivery
- Family stuff
 - Basic needs, housing, child care, legal, mental health, elders, etc.
- Serve 6000 citizens; 50 employees
- Clients get lots of parking tickets
 - 70% of clients are low income
 - Parking tickets are difficult for clients to pay
- Clients are patrons to downtown businesses (highly)
- Concern about community asking services to leave downtown
- Plan to provide more affordable housing in future
- Not all young people are excited about accessing services – not boon of day
 - Movie theater - makes people feel safe and normal

DTS Meeting with Social Service Providers February 10 2016

Safeplace

- Not only provided for poor
- Many are working poor
- Some are not poor

Senior Center

- Covers whole economic spectrum

(Following review of big picture scenarios & proposals) What Strategies do you recommend?

- *How would the proposals affect your clients, program, and the social service network as a whole?*
 - *How would these proposals promote or prevent displacement? What conditions/precautions should be taken?*
 - *What proposals or strategies should there be regarding services? ...housing? ...affordable commercial space?*
 - *What do we mean by “preserving diversity?”*
 - *What is the right “balance” of housing choices and incomes to strive for?*
 - *What are the special needs populations who may require specialized housing and supportive services?*
 - *How to prevent displacement of vulnerable/low income people?*
 - *Where should housing be located, and should it be dispersed or concentrated in downtown?*
 - *What are the effective tools for achieving the desired outcomes?*
-
- Food bank is a grocery store
 - If keep people of low to moderate income in downtown food bank is key
 - Emphasis the diversity aspect
 - Mix incomes in same buildings to enhance it
 - City/county/other partners need to coordinate/lead
 - Housing levy effort happening
 - Lacey, Olympia, Tumwater
 - Working on it at noon on Fridays
 - Use the mutual funds tax exemption
 - Set aside 20% to encourage that mix
 - Use community property for that, too
 - Where can social services go in these districts?
 - People will say every district is the wrong place
 - Difficult to site, do not want to displace existing services
 - Nice if someone in the City could coordinate facility siting
 - Getting different answers
 - If you do not plan for social services, will be ‘unplanned growth’

DTS Meeting with Social Service Providers February 10 2016

- Do not always want “ghettoizing” services in one district
- City leadership is needed! Always pointing fingers at County and vice versa
- \$800/month is a lot for rent
 - More accessible if have a roommate, but can be difficult because people who do not really know each other end up living together
 - Privacy needed, too
 - \$300-\$400 is more affordable
 - Design spaces for shared income folks that include privacy
 - People getting displaced to Aberdeen, Rainier
- Discussion needs to occur with other stakeholders
- Want to hear from developers themselves
- This meeting is the stage starting
- Conversation hinges on stigma
 - Partly assumptions, need data
- Want to hear about Tumwater, Lacey, outside downtown
 - Low income/affordable housing
 - Where else is it
- The city points to the county, but downtown leads the conversation
- Downtown housing creates opportunity
- Downtown is a regional asset
- Social services clients also rely on downtown assets
- What is a healthy balance?
 - Market forces are powerful
 - Olympia community needs to determine this
- City should (re)look at quality of life ordinances (i.e., sit/lie)
- Need an idea of what you want the balance to be first
- Clarify the vision
 - Richness of community includes all
- Less focus on different types – include a range of income units within all types
- The types do closely inform the income levels though
- New versus rehab is important
 - Zoning helps inform
- Transit, walk issues are important
- Healthy conversation with leadership and broader stakeholders
- Missing pieces to services in downtown
- Important to be downtown for clients
- Worry about displacement
- Fan the diversity possibilities
- Address stigma
- Siting, tools, zoning
- Need for new affordable housing
 - Keep on table

DTS Meeting with Social Service Providers February 10 2016

Downtown Strategy – Social Services Meeting

February 10. 2016

ATTENDEES & ORGANIZATIONS REPRESENTED

PARTICIPANT	AGENCY	SERVICES
1. Ann Rider	Capital Recovery Center	Mental Health Support & Outreach
2. Kris Goddard	Citizen at Large	Volunteer
3. Keylee Marineau	Community Youth Services	Youth & Transition Age Youth
4. Derek Harris	Community Youth Services	Youth & Transition Age Youth
5. Bud Blake	County Commissioner	Thurston Thrives - Housing Team
6. Aaron Rodriquez	County Homeless Coordinator	Coordination of Resources
7. Schellie Slaughter	Family Support Center	Families with Children
8. Pastor Amy Walter	First Christian Church	Urban Church - Shelter Host
9. Meg Martin	Interfaith Works Shelter	Faith Based Shelter
10. Danny Kadden	Interfaith Works Shelter	Faith Based Organization
11. Ella ??	Interfaith Works Shelter	Faith Based Warming Center
12. Jenny Lee	Interfaith Works Shelter	Faith Based Warming Center
13. Leonard Bauer	Olympia CPD	CPD Deputy Director
14. Anna Schlecht	Olympia CPD - Housing Program	DTS Team
15. Amy Buckler	Olympia CPD	
16. Jeannine Kempees	Olympia CPD - Intern	DTS Team
17. Skip Steffan	Olympia Gospel Mission	Faith Based Service Center
18. Jerry Parker	Olympia Planning Commission	Community Planning
19. Jill Severn	Quixote Village & Olympian	Tiny House Community
20. Mary Pontarolo	Safeplace	Domestic Violence Center
21. William Lay	Salvation Army	Faith Based Shelter & Food
22. Chris Quimby	Senior Services for South Sound	Senior Center, Food & Activites
23. Phil Owen	SideWalk	Coordinated Entry
24. Rachel Newman	Citizen at Large	Volunteer
25. Judy Jones	Thurston County Food Bank	Food
26. Robert Coit	Thurston County Food Bank	Food
27. Hillary Soen - or rep	YWCA of Olympia	Women's Programs

March 25, 2016

Aaron Rodriguez
ACR Business Consulting

RE: Homelessness Planning Services

Hi Aaron,

It was a pleasure to meet with you last week. I was glad to learn about your involvement in the update of the County's 10 Year Homeless Housing Plan. I think your involvement in that process presents a unique opportunity to link that regional housing work with an effort to address not just the housing needs, but also the ancillary impacts of concentrations of homelessness in Olympia's downtown.

I need help:

1. Designing a survey instrument and approach to help us document the number and characteristics of the homeless population that lives in and around Olympia's downtown.
2. Reviewing, summarizing and synthesizing the existing data and reports relevant to homelessness in our community.
3. Developing a scope of work for a planning process that would lead towards a more coordinated response to homelessness and its impacts, particularly in our downtown. I envision this in the form of an action plan with clear responsibilities, partners, timeframes and regular and ongoing reporting. This action plan would be directed towards expanding housing and shelter opportunities as well as addressing the impacts of homelessness on our downtown. To be successful it would require broad partnership between the City of Olympia, County, other cities, not for profits and faith based organizations.

This scope would set the stage for next steps coming out of the City's ongoing Downtown Strategy process and should include an estimated cost, key deliverables, methods and opportunities for public involvement and key participants.

I would appreciate a proposal from you to conduct the work outlined above. Previously, I mentioned that we had done some brainstorming around the topic of homelessness. Our notes are included below. I hope they help to further illustrate our objectives. Please let me know if you have questions or need further information to formulate a realistic proposal.

Sincerely,

Keith Stahley, Director
Community Planning and Development Department

Develop a Homelessness Engagement Action Plan

We recognize that much good work has been done over the years by many dedicated people in the private, not for profit and governmental sectors and yet the problem of homelessness has persisted and by some measures grown. Olympia's downtown seems particularly effected.

In the summer of 2015 the City of Olympia commissioned a survey of Downtown business owners to support the development of the Downtown Strategy. This survey confirmed that there are extensive concerns about homelessness and its impacts on our Downtown. These concerns spanned the full spectrum from concern about the impact on the business and cultural environment of downtown to concerns for the welfare of individuals experiencing homelessness. Our objective is to create a more coordinated approach to begin addressing this broader spectrum of concern.

- **Target:** Advance a regional conversation culminating in an action plan/strategy for how regional partners coordinate, communicate and use resources to address homelessness in our community and impacts on the downtown business and cultural environment.
- **Downtown Strategy (DTS):** Homelessness and the impacts of homelessness on downtown and the business and cultural environment have been repeatedly raised in the DTS process. The DTS will gather community input about issues facing downtown and begin to outline next steps to feed into the development of a coordinated homeless strategy.
- **Strategic Priorities/Tactics:**
 - Leadership of elected officials required
 - 360 degree approach social service, business, faith and government represented
 - Joint responsibility
 - Diverse stakeholders involved in conversation
 - Address
 - Housing
 - Continuum of care
 - Impacts on other goals
 - Recognize what has already been done
 - Tell the story with data
 - Address perception vs. reality
- Regional issue that disproportionately affects downtown Olympia
- County is significant partner
- Housing is dispersed region-wide; while social services are concentrated in downtown
- Most planning efforts need to look at the issue and solutions from all perspectives:
 - Social
 - Housing

- Continuum of Care
 - Safety/perceptions of safety
- Environmental
 - Sanitation
 - Impacts of 'camps' on the natural environment
- Economic
 - Impacts to businesses in downtown
 - Impacts on cultural facilities
 - Investment
 - Private property

Next Steps:

- (2016) Develop draft scope of work
- (2016) Choose a strong facilitator
- (2016) Review what's been done (10-yr plan; Social service providers; Thurston Thrives Housing Action Team; United Way, Olympian and League of Women Voters forums; EDC Downtown Business Survey; City's Downtown Project; PBIA/ODA; Downtown Strategy; Action Plan; Parks/Artesian Commons; OPD, etc.)
- (2016) Identify sources of data, and draw out data points that 'tell the story'
 - Problem
 - Impacts
 - Need
- (2016) Share scope with regional partners. Develop shared vision, goals and commitment including time and resources.
- (2016) Coordinate with the County's 10 Year Housing Plan Update
- (2017) Gather data about downtown homelessness to understand the who, what and why of the issue.
- (2017) Prepare and adopt an Action Plan.
- (2017) Form an implementation group of diverse stakeholders that agree to monitor progress toward agreed upon goals and periodically report to key decision makers, stakeholders and the community.



City Council

Update to Procedures for the Evaluation of City Real Property for Reuse and Disposal

Agenda Date: 6/21/2016
Agenda Item Number: 4.F
File Number: 16-0765

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

Title

Update to Procedures for the Evaluation of City Real Property for Reuse and Disposal

Recommended Action

Committee Recommendation:

Move to approve the revisions to the Procedures for the Evaluation of City Real Property for Reuse and Disposal as recommended by the Finance Committee.

City Manager Recommendation:

Move to approve the Finance Committee recommendation for revisions to the Procedures for the Evaluation of City Real Property for Reuse and Disposal.

Report

Issue:

Whether to approve proposed revisions to the Procedures for the Evaluation of City Real Property for Reuse and Disposal.

Staff Contact:

Jay Burney, Assistant City Manager, Executive Department, 360.753.8740

Presenter(s):

None - Consent Calendar item.

Background and Analysis:

In January 2013, Council adopted a set of procedures to aid staff and Council in evaluating potential surplus property to determine the proper disposition, i.e. whether to sell it or re-purpose.

The current procedures are silent on the use of City-owned properties for the advancement of identified City priorities. The proposed revisions would exempt properties identified by Council or staff that help advance City priorities from going through the formal disposition process. The proposed draft revisions are attached.

Neighborhood/Community Interests (if known):

None.

Options:

1. Approve the Finance Committee's recommended revisions to the Procedures for the Evaluation of City Real Property for Reuse and Disposal.
2. Modify the recommended revisions to the Procedures for the Evaluation of City Real Property for Reuse and Disposal and approve as modified.
3. Do not approve the recommended revisions and provide guidance on next steps.

Financial Impact:

None.

Attachments:

Proposed Draft Revisions to Procedures for Evaluation of City Real Property for Reuse and Disposal.

CITY OF OLYMPIA

**PROCEDURES FOR
THE EVALUATION OF CITY REAL PROPERTY
FOR REUSE AND DISPOSAL**

June 21~~December 11~~, 20162

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1.0 DEFINITIONS

When the terms defined here appear in text, they are capitalized.

Disposal	The trade or Sale of Real Property in which the city has a fee interest to a non-City entity.
Easement	A right to use land owned by another party for a special purpose.
Encumbrance	Any claim, lien, charge, or liability attached to and binding on Real Property, including those that affect the physical condition of the property and those that affect title, which may lessen its value, or burden, obstruct, or impair its use but not necessarily prevent transfer of title.
Excess Property	Real Property that a City Department has formally determined it no longer needs for current or future use.
Fully Used Municipal Property	Municipal Use Property that is actively being used for municipal purposes to the fullest capacity possible under any required restrictions on its Municipal Use.
Interim Use	The use of property for a non-municipal use(s) or alternative municipal use on a short term basis during the period of time prior to it being used for its proposed and/or intended future municipal use.
Joint Use	The shared use of City-owned Real Property by two or more departments or by a City department(s) and one or more Public Agencies or private parties.
Jurisdiction	Primary responsibility and authority for Real Property as assigned by ordinance.
Municipal Use	Active or passive use of Real Property to carry out general purposes of the city or to accomplish City goals and objectives.
Public Agency	A federal, state, or local (other than the City of Olympia) government entity, including, but not limited to school districts, port districts, State of Washington, fire districts, or other public development authorities.

Real Property	Land and appurtenances to land, including buildings, structures, fixtures, fences, and improvements erected upon or affixed to the same.
Reuse	The use of an Unused Property or Underutilized Property, after review and assessment of the property's potential uses. Such uses may be facilitated by Transfers, and such uses may entail Interim Uses and Joint Uses.
Sale	The conveyance to a non-City entity of all or a portion of a parcel of Real Property for consideration.
Special Use Property	Real Property owned by the City that contains unique or special provisions, covenants, or restrictions regarding its use and/or sale.
Surplus Property	Excess Property formally designated by the City Council as not needed to carry out any recognized goal or policy of the City.
Transfer	The conveyance to a non-City entity of all or a portion of the rights associated with a parcel of Real Property
Underused Property	Municipal Use property that could support additional and/or more intensive uses without interfering with the primary use of the property.
Unused Property	Property owned by the City that is not currently in Municipal Use and that is not being rented, leased, or otherwise used under an agreement with the City.

2.0 PURPOSE

These procedures establish a uniform evaluation process for the Reuse or Disposal of Real Property owned in fee simple by the City of Olympia (City).

3.0 SUMMARY

Following the standard procedures described below, the City should classify every property under its jurisdiction and review the classifications regularly. When suitable and compatible, additional uses should be considered for properties that are not fully utilized for Municipal Uses. Unused Property should be utilized for municipal purposes to the fullest extent possible, with Interim Uses identified and implemented if the property is needed for a future Municipal Use. Failing identification of a current or future Municipal Use, the following standard procedures for notifying and soliciting proposals from prospective users will be utilized unless

otherwise directed by the City Manager or City Council. Classifications and uses of Real Property owned in fee simple by the City are maintained by the Assistant City Manager.

4.0 SCOPE

These procedures apply only to Real Property where the City owns a fee interest, whether located inside or outside the boundaries of the City. All City departments are subject to these procedures unless superseded by City ordinance, state law, or federal law, or as otherwise directed by the City Manager or City Council.

5.0 GUIDING PRINCIPLES FOR THE REUSE AND DISPOSAL OF REAL PROPERTY

- A. It is the intent of the City to utilize its Real Property in order to further the City's goals and to generally avoid holding properties without an adopted municipal purpose.
- B. Decisions regarding Reuse or Disposal of the City's Real Property should be made on a case by case basis using the guidance in adopted City Policy and should take into consideration current market conditions.
- B.C. Real Property owned by the City that has been identified as a candidate to advance City priorities is exempted from these procedures. Decisions on use of these properties will be made directly by the City Council.
- C.D. So that Real Property decisions are made within a City-wide context, recommendations made to the City Council on such matters should be made by the Assistant City Manager in consultation with Department Directors or their designees. Lead responsibility for analysis of Reuse and Disposal of Real Property is assigned to the Assistant City Manager, unless delegated.
- D.E. Except as otherwise delegated by ordinance, final decisions regarding the disposal of Real Property rights shall be made by the City Council. Any negotiations entered into by the City prior to final authorization by City Council, when needed, shall clearly communicate that the final decision is to be made by City Council.
- E.F. The decision-making process described in these procedures and the resulting decisions will be interpreted and applied in a manner to comply with federal, state, and local laws and regulations.
- F.G. These procedures are intended as guidelines for City decision-making in the Reuse and Disposal of property. No express or implied rights or responsibilities are intended to be created for any party. Failure to comply with these procedures will not give any party the right to change, rescind, or delay any decision or transaction related to exchange of use or ownership of City property or provide any claim for damages or other relief.
- G.H. The Legal Department should be consulted as needed in the process and at a minimum, on the following matters: (a) compliance of proposed Reuse and Disposal actions with local, state, and federal ordinances, statutes, regulations, plans, and policies; (b) the need for environmental analysis, including environmental due diligence, and review required under the State Environmental Policy Act; and (c) the form and substance of any proposed transaction documents.

H.I. These procedures are not intended to supersede those adopted by the City Council that exclusively outline a Reuse or Disposal process for a specific property or type of property. In cases where inconsistencies or conflicts occur between the two, the specific policies adopted by City Council for the property in question shall prevail.

H.J. Nothing in these procedures should be construed as favoring one municipal purpose over another.

6.0 CLASSIFICATION AND REVIEW OF REAL PROPERTY

This section provides guidance on classification, periodic review, and reclassification of Real Property that is owned in fee simple by the City of Olympia.

6.1 CLASSIFICATION

All Real Property owned in fee simple by the City of Olympia should be classified into one of the following categories:

- Fully Used Municipal Property
- Underused Property
- Interim Use Property
- Unused Property
- Excess Property
- Surplus Property, when previously so determined by Council action.

All classification data will be maintained by the Assistant City Manager in the City Property Database. The classification process is to be completed by the end of the calendar year in which these procedures are adopted.

The Fully Used and Underused categories reflect some level of Municipal use. Interim Use reflects a short term use for a property which has a planned future Municipal use. Property in the unused category has no current use, but reflects the possibility of future Municipal Use. The excess category reflects a decision that the property is no longer needed for Municipal Use. The Surplus category reflects the City Council's explicit direction that the City no longer needs the property for any municipal purpose. Special Use Property with unique restrictions or covenants will be notated in the City Property Database.

6.2 PERIODIC REVIEW

After the initial classification effort, the status of each property will be reviewed every two years to consider the suitability of each property for its current use and to consider Reuse or Disposal of Underutilized and Unused Property.

The City Council may request that a specific property be reviewed at a time not normally scheduled.

6.3 REPORTING

For the purposes of maintaining the accuracy of the City Property database, all departments are to report changes in the status of Real Property within 30 days of the change.

A status report of all City property covered by these procedures will be delivered at the first of the year, every two years to the City Council. City Council or the City Manager may request additional status reports as needs arise.

7.0 CHANGES IN EXCESS PROPERTY

When a parcel of the City's Real Property becomes Excess and/or is not needed to advance City priorities, Public Agencies, and the public are to be notified of its availability, and asked to identify their interest in it.

The Assistant City Manager shall determine whether requests and/or proposals for Excess Property uses are feasible and/or sufficient prior to being forwarded to the City Council for review and approval.

7.1 INITIAL NOTIFICATION AND RESPONSE

When a City department determines it no longer has a use for a specific piece of City property, it should complete a *Property Description Change in Use/Need* (Appendix A) and send the form to the Assistant City Manager. The Assistant City Manager will work with other departments to determine if there are other uses for the property. If no other uses are identified internally, the Assistant City Manager will prepare an *Excess Property Notice* (Appendix B). The notice will be distributed as appropriate to Public Agencies, citizens, community groups, or other interested parties. This initial notice should describe the location of the Excess Property; explain its status as Excess Property; briefly describe the Reuse and Disposition Process; explain that this notice is part of the initial stage of determining what the City should do with the Excess Property; generally explain potential alternatives for reuse; and invite comments, suggestions, and recommendations from the public for a period of 30 days after the notice, on what should happen with the Excess Property. The notice should also explain that failure to comment or participate at this stage may preclude further notice at a later stage in the process.

With the *Excess Property Notice*, the Assistant City Manager will also distribute an *Excess Property Response Form* (Appendix C) and an *Excess Property Proposed Use Form* (Appendix D). Respondents will be provided with a 30 day notice to return these forms to the Assistant City Manager. Extensions may be granted depending upon circumstances and are at the sole discretion of the Assistant City Manager.

7.2 EVALUATION OF EXCESS PROPERTY RESPONSES

Upon receipt of the completed *Excess Property Proposed Use Forms*, the Assistant City Manager will analyze the proposed uses and consider any public comments or input received in response to the *Excess Property Notice*.

When evaluating responses to proposed uses of Excess Property, the Assistant City Manager will prioritize proposed uses in the following order:

- 1) Public Agencies
- 2) Non-Profit Agencies
- 3) Community Groups
- 4) Citizens, other interested parties

This priority serves only as a guideline for evaluating responses and formulating recommendations. The final decision on future use and sale of City Real Property rests with the City Council.

The Assistant City Manager may recommend one of several options for Council consideration:

- Establishment of an Interim Use until future Municipal Uses or other uses are identified or implemented
- Transfer of use to a specific non-City entity or organization for a defined Municipal Use or community benefit
- Designation as Surplus property to be sold

7.3 DETERMINATION OF COMPLEXITY

As part of the evaluation process, the Assistant City Manager should classify each proposed Reuse or Disposal decision as “simple” or “complex”. “Complex” decisions may require significant staff analysis or additional public outreach as compared to “simple” projects based on the following factors:

- The potential presence of conflicting proposals
- The type and amount of consideration proposed or necessary for the property
- The estimated fair market value of the property based on an appraisal or other means of determining fair market value
- Change in zoning requirements required by the proposed action
- Possibility of property contamination or clean-up requirements
- Whether the City will retain any Real Property rights
- Community interest in the property

Regardless of any other factor, proposed reuse or disposal decisions will automatically be classified as “complex” if any of the following applies:

- The fair market value of the property exceeds \$750,000 based on an appraisal or other means of determining fair market value
- Property use is restricted by special provisions or covenants, or is proposed to be restricted by special provisions or covenants as a condition of sale
- A “complex” designation has been required by the City Manager or City Council

7.3.1 Simple Decisions

For “simple” decisions, The Assistant City Manager will prepare a *Final Recommendation Report (Final Report)*, which will be circulated as necessary to all Public Agencies, citizen, community groups, or other parties that expressed interest in the Excess Property. A 30 day timeframe will be provided to allow for comments on the *Final Report*. A copy of the *Final Report*, along with a summary of comments received and the necessary conveyance documents will be forwarded to Council for approval.

7.3.2 Complex Decisions

“Complex” decisions require the following additional steps before a final recommendation is sent to City Council for approval:

- The Assistant City Manager or his/her designee will prepare a Public Involvement Plan. The purpose of the plan is to actively solicit and obtain the input of neighbors and the general public on the proposed recommendations for the Excess Property. The public involvement plan is to be tailored to the specific facts, location and complexities of the individual Excess Property.
- The Assistant City Manager will provide a *Draft Preliminary Report*, along with the proposed Public Involvement Plan to the Finance Committee for review and comment. After reviewing the proposed Public Involvement Plan and suggesting changes, the Finance Committee approves the Public Involvement Plan for the particular Excess Property.
- The Assistant City Manager or his/her designee implements the Public Involvement Plan approved by the Finance Committee or full Council.
- After carrying out the public process set forth in the Public Involvement Plan, the Assistant City Manager will prepare a *Final Recommendation Report (Final Report)*. The *Final Report* will incorporate and/or provide a summary of the public comments received through the implementation of the Public Involvement Plan. The *Final Report*

will be transmitted to the full Council for review, at which time a determination on moving forward with the sale of the property is made.

- If the determination is made to move forward with sale of the property, the conveyance documents will be forwarded to Council for final approval.

7.4 CITY COUNCIL PROCEEDINGS

The City Council may hold a public hearing before taking action on any “complex” or “simple” decision, but is not required to do so.

8.0 IMPLEMENTATION AFTER CITY COUNCIL APPROVAL

After the City Council has approved the disposal, the Assistant City Manager or his/her designee will proceed with implementation.

Appendix A

PROPERTY DESCRIPTION CHANGE IN USE/NEED

The Department should provide as much of the following information listed below as possible to the Assistant City Manager with its determination that it no longer has a use or need for a specific piece of City property.

1. Property Name and Address.
2. Legal Description.
3. Tax Parcel I.D. Number(s).
4. Description of Current Property Use.
5. Photograph or aerial photo of property, including current structures, if any.
6. Brief history of the property, including original fund source and the reason the City acquired it. Indicate if any grant monies may be in jeopardy by sale of the property.
7. Copies of ordinance authorizing acquisition, and any amendments or updates to that ordinance(s).
8. Citation of ordinances, statutes and regulations that particularly or uniquely affect or apply to a conveyance of this specific property.
9. Current easements, covenants and restrictions.
10. Recommended easements, covenants and restrictions upon transfer.
11. Knowledge of any current code or ordinance violations or delinquencies.
12. Fund to which sale proceeds would accrue.
13. Rough estimate of market value, expressed as a range of value, and basis for conclusion.
14. Any potential problems associated with the conveyance of the site and/or possible measures to mitigate those problems. Potential problems to consider include: risks to public safety or natural resources from sale to a private party; and contamination risks, known or unknown.

Departments should attach copies of the following documents to this form: Copies of conveyance documents, leases, contracts, easements, title reports, and surveys.

Appendix B

EXCESS PROPERTY NOTICE

Date:

TO:

FROM: Assistant City Manager

SUBJECT: Property Name, Address

The attached described Real Property owned by the City of Olympia is considered excess to the needs of the City. Public Agencies and other potential interested parties are being informed of its potential availability in accordance with the *Procedures for the Evaluation of City Real Property for Reuse and Disposal*.

Further information regarding this property can be obtained from _____ at [phone number]. For questions regarding the City's Excess Property circulation and review process, please call the Assistant City Manager at [phone number].

When completing the attached response form, please indicate your interest in acquiring the property, your needs facilities, utilities or access rights on, through or over the property, or any comments concerning the property's Disposal or Reuse. If you are interested in acquiring the property, an *Excess Proposed Use Form* must be attached to your response and signed by you or the authorized designee of your organization.

All responses must be signed and dated. Responses must be received by

_____.

Appendix C

EXCESS PROPERTY RESPONSE FORM

Date:

PROPERTY NAME, ADDRESS

LEGAL DESCRIPTION

PARCEL I.D. #

Respondent: _____

_____ We have no interest in this property

_____ We are interested in acquiring the property or jurisdiction over it. A completed *Excess Property Proposed Use Form* is attached to this response.

_____ We have facilities on the property or access rights through or across the property as described below (add additional sheets as necessary).

_____ We need facilities on the property or access rights through or across the property as described below (add additional sheets as necessary).

_____ We have the following comments regarding the proposed Reuse or Disposal of this property (add additional sheets as necessary).

Respondent Signature: _____ Agency/Organization: _____

Date: _____

Appendix D

EXCESS PROPERTY PROPOSED USE FORM	
PROPERTY NAME, ADDRESS: _____	
LEGAL DESCRIPTION: _____	
PARCEL I.D. #: _____	
RESPONDENT/ORGANIZATION: _____	
CONTACT PERSON: _____	PHONE: _____
PROPOSED USE: Describe the proposed use for the property, including information on potential improvements, users, terms, etc. (Attach additional sheets as necessary).	
EST. IMPLEMENTATION DATE: _____	EST. COST: _____
EXPECTED TERM OF USE: _____	FUND SOURCE(S): _____
Are funds appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No. If no, when? _____	
BENEFITS TO THE CITY OF OLYMPIA FROM THIS PROPOSAL:	
SUPPORTING POLICIES: List the adopted plans and policies (itemize specific sections in major documents) which supports, or are implemented, by this proposed use:	
_____ Signature of Respondent	_____ Date
_____ Printed or Typed Name	



City Council

Approval of Amendments to the Operating Agreement with the Washington Center for the Performing Arts, Incorporated (WCPA)

Agenda Date: 6/21/2016
Agenda Item Number: 4.G
File Number: 16-0776

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

Title

Approval of Amendments to the Operating Agreement with the Washington Center for the Performing Arts, Incorporated (WCPA)

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve recommended changes to the Operating Agreement between the City of Olympia and the WCPA. City staff and Councilmember liaison to the Washington Center Jeannine Roe, have met with WCPA staff and Board members concerning these changes. All recommend the changes as proposed.

Report

Issue:

Whether to approve the recommended changes to the Operating Agreement between for the WCPA.

Staff Contact:

Steve Hall, City Manager (360) 753-8730

Jane Kirkemo, Administrative Services Manager (360) 753-8499

Presenter(s):

Steve Hall, City Manager

Background and Analysis:

The City of Olympia owns the Washington Center for the Performing Arts. The City has had an agreement for the past 30 years with the (WCPA), a nonprofit organization to operate and market the facility.

The current operating agreement expires in December 2017. Staff had intended to make minor modifications and amendments in 2016 to clarify the relationship of the parties. Those relate to items

of housekeeping, clarity of maintenance responsibilities and the list of hotels for which WCPA receives lodging proceeds.

However, recently WCPA and City staff learning that in order to qualify for State Building for the Arts (BFA) grants, the State is requiring that WCPA have at least a fifteen year lease with the City to operate the Center. This is different than the information we received from the State Department of Commerce in January of this year related to grant eligibility.

The WCPA is currently in the process of applying for BFA grants in 2016 and 2018 to enhance the Center. Without an extended lease with the City, we are told that the WCPA would be ineligible for BFA grants.

Therefore City staff and Liaison Roe, as well as the WCPA staff and Board recommend extending the lease now to allow the grant applications to proceed.

1) Operating Agreement Extension (Section C(1) Term)

The WCPA intends to apply for grants in 2016, (\$649,000) and 2018 (\$635,400). Planned projects include stage rigging, lighting and controls, projector, assisted listening systems and devices, audio enhancements, etc. In addition, the Center needs floor resurfacing, carpets, new theatre seats, painting, restroom upgrades and Wurlitzer control upgrades.

Some of these items are 30 years old. Many are project safety upgrades, operating efficiencies, energy savings and performance enhancements.

WCPA is ineligible for State grants unless the operating agreement extends at least 15 years beyond the expenditure of BFA grant funds.

Proposal: Extend the WCPA Operating Agreement through the year 2034. Include periodic 5 year reviews. The City still has substantial leverage to cancel or terminate the contract earlier for lack of performance per the agreement, if needed.

2) Funding of the WCPA from Hotel Tax Proceeds (Section C(4) Compensation)

The WCPA receives funding from ticket sales, sponsors, special events, other governmental agencies, grants and benefactors.

In addition, the WCPA receives one half of the lodging tax revenues received by the City. Lodging taxes can be used for activities that support tourism like the WCPA, but not for general fund purposes.

Proposal: The current operating agreement contains an outdated list of hotels which WCPA receives ½ of City lodging tax (Exhibit B). Some have changed names, some have been demolished and some new ones are being built.

Remove Exhibit B and modify the section so that WCPA gets ½ the lodging tax proceeds from all

hotels within the Olympia City limits.

3) Maintenance Responsibilities (Section B(2) Maintenance and Repair)

The current operating agreement contains confusing arrangements and responsibility for maintenance and repairs at the Center. Some edits have been made to clarify language and bring the agreement into line with current practice.

Proposal: More work is needed to clarify process and responsibilities. Language in Section B (2) outlines the partner's intent to further clarify the agreement prior to the end of 2017.

4) Housekeeping Changes

A(2) Change notice to terminate from 30 to 90 days

A(2)(b) List of equipment-change to equipment over \$5,000 value

A(7) Change in address of notice to City of Olympia

A(12) Elimination of Nuclear Free Zone requirement

As noted in the agreement.

Neighborhood/Community Interests (if known):

Proposed changes to the contract will allow grant funds and provide clarification which will benefit the Center and its community performance partners as well.

Options:

1. Approve the amendments as proposed.
2. Make additional amendments.
3. Reject the amendments.

Financial Impact:

These amendments will allow WCPA to receive lodging tax funds from all hotels operating within City limits. Clarification of maintenance responsibility will improve efficiency of repair work at the center.

Attachments:

Revised Operating Agreement
Original Operating Agreement

**THE WASHINGTON CENTER OPERATING AGREEMENT
2016 Amendment**

This Agreement is entered into by and between the City of Olympia, a Washington municipal corporation, hereinafter referred to as "City" and the Washington Center for the Performing Arts, Incorporated, a Washington non-profit corporation, hereinafter referred to as "Washington Center" and is effective as of the date of the last authorizing signature affixed hereto.

WITNESSETH:

WHEREAS, the City is the owner of a performing arts theater, hereinafter referred to as the "Center", which is situated upon the real property located in Thurston County, State of Washington, more fully described in Exhibit A attached hereto; and

WHEREAS, the goal of The Washington Center is to operate a quality and financially sound performing arts center to be enjoyed and supported by the entire community; and

WHEREAS, the Washington Center has been organized for the express purpose of occupying, managing and operating the Center as provided by this agreement; and

WHEREAS, both parties desire that the Center be managed and operated as a place for public entertainment, meetings and cultural events in accordance with the provisions, terms and conditions of this Agreement, so that the Center will serve as an economic and cultural stimulant for the community and the people of the City of Olympia and the environs, and so that the City may be relieved of the responsibility of operating the Center,

WHEREAS, the City and the Washington Center first entered into an Operating Agreement dated December 17, 1992, which was thereafter amended in January of 2006; and

WHEREAS the parties wish to update their operating Agreement; and

WHEREAS this updated Agreement shall supersede any and all prior operating agreements between the City and the Washington Center;

NOW, THEREFORE, in consideration of the mutual undertakings and promises contained herein and the benefits to be realized by each party, and in further consideration of the benefit to the general public by the enhancement of the economic climate of the City and its environs to be realized by the performance of this Agreement, and as a direct benefit to the City, the parties agree as follows:

A. RESPONSIBILITIES OF WASH1NGTON CENTER

1. Occupy, Operate and Manage: The Washington Center shall occupy, manage and operate the Center according to the provisions, terms and conditions of this Agreement, and in accordance with all applicable laws as shall relate thereto. The Washington Center shall promote the Center through brochures or other means of advertising designed to attract performances and stage events to the Center and shall schedule, rent and book such performances, exhibits and events to occur at the Center.

Except as specifically set forth herein, the Washington Center shall be solely responsible for the costs of administration and daily operations as the same shall directly relate to such facility's use as a performing arts theater. The Washington Center shall be the sole operator of the facility and shall do all things necessary for such operation, including but not limited to approving or denying requests for the use of said facility, operating concessions, obtaining a liquor license and adopting complimentary ticket policies. The Washington Center shall be solely responsible for the control and security of the Center and all property pertaining thereto.

The Washington Center shall allow the City to tastefully display artifacts and gifts from the City's sister cities, so long as such display does not interfere with the operation of the Center and in co-operation with the Washington Center's own visual art program. The City shall consult with the Center and be responsible for setting up and removing the displays.

Further, the Washington Center shall allow the City use of the Center when it is available and when reserved in advance in accordance with the policy set out in **Exhibit "A"** attached hereto and incorporated herein by reference. The City shall be responsible for all reasonable out-of-pocket expenses incurred by the Washington Center related to said rent-free use of Center.

2. Facility Maintenance:

a. Category 1/General Maintenance: The Washington Center shall be responsible for general maintenance of the Center building and premises including, but not limited to day-to-day janitorial and cleaning services and removal of snow, ice and debris from pedestrian walkways. The Washington Center shall pay for the above mentioned services as part of its annual operating budget.

In addition, the Washington Center shall withhold an amount from each ticket service charge collected, and with those proceeds will carry comprehensive hardware and software maintenance agreements on the Box Office/Data Base computer system.

b. Category 2/Performance Related Maintenance and Repair: The Washington Center shall be responsible for repair and maintenance of Center premises, property and equipment which are considered "performance related". For purposes of this agreement, performance related shall mean such items as the stage rigging system, the sound system, the stage lighting system and other items which uniquely relate to performances within the Center. Olympia and the Washington Center shall establish a list of property and equipment with a value of more than \$5,000 which shall be considered performance related. In addition, The Washington Center shall be allowed to execute emergency repairs to non-performance related components of the structure, and may, following approval by the City's Public Works Facilities Department, perform or cause to be performed any Category 3 maintenance set forth in Section B below as a City responsibility.

c. Category 4/Major Repair and Replacement: The Washington Center shall withhold an amount from each ticket service charge collected, which shall be deposited and retained in a separate account by the Washington Center and designated as the "Equipment Repair & Replacement Fund". These funds are to be used for stage equipment replacement and purchase, carpet replacement, seat repair and replacement, and other major repair and replacement or capital items. In this regard, the Washington Center shall by October 1 of each year submit to Olympia for its concurrence a multi-year capital plan which outlines proposed major capital purchases and/or repairs for the years indicated in said plan. The Washington Center shall obtain City approval, and comply with all applicable bidding and procurement requirements, prior to making any

improvement, alteration, repair or changes to the Center, except for work which qualifies as ordinary maintenance under RCW 39.04.010. All documentation related to such work shall be maintained in compliance with applicable public records requirements. By way of example, work or improvements requiring prior City approval include but are not limited to additions or removal of walls, electrical, plumbing systems or other fixtures.

d. The Washington Center shall perform its maintenance duties hereunder at the same level and in accordance with the same standards the City applies to other City-owned property. This shall include a reasonable program of preventative maintenance.

3. Insurance:

The Washington Center shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with The Washington Center's operation and use of the premises.

The Washington Center shall obtain insurance of the types as describe below:

Commercial General Liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover premises and contractual liability. The City shall be named as an insured on the Washington Center's Commercial General Liability insurance policy using ISO Additional Insured-Managers of Lessors of Premises Form CG 20 11 or substitute endorsement providing equivalent coverage.

The Washington Center shall maintain the following insurance limits:

Commercial General Liability insurance shall be written with limits no less than \$5,000,000 each occurrence, \$6,000,000 annual aggregate.

The insurance policies are to contain, or be endorsed to contain, the following provisions for Commercial General Liability insurance:

a. The Washington Center's insurance coverage shall be primary insurance as respect the City. Any Insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Washington Center s insurance and shall not contribute with it.

b. The Washington Center's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

4. Indemnification: the Washington Center shall indemnify, defend and hold harmless Olympia from any claims, actions, suits or liability whatsoever arising due to the Washington Center's occupancy, management, operation or maintenance of the Center; provided, that this section shall not apply to any claims, actions, suits or liability arising due to defects in the conditions of the building caused by a party other than the Washington Center to perform hereunder.

5. Rules and Regulations: the Washington Center, for information purposes, shall adopt policies, rules and regulations, rental procedure, charges, hours of operation, uses to which the Center may be put, together with sample license agreements and contracts entered into with the performers, concessionaires and so forth.

6. Complimentary Tickets: The rules and regulations adopted by the Washington Center shall specifically address the issue of complimentary tickets or other free entry to performances or events.

7. Fiscal Responsibility: The Washington Center agrees that it shall maintain fiscal records and accounts in accordance with systems and procedures prescribed by law or regulation as applicable to financial affairs of the City. The Washington Center shall, annually, provide an independent audited financial report to the City within 90 days of the end of its fiscal year. The Washington Center shall also submit to the City a quarterly financial report in a form acceptable to the City with cash flow, revenue, and expenditure information for both the operations and capital funds for the Center. In like manner, the Washington Center shall submit to the City an annual activity report that includes facility usage.

Further, the Washington Center shall submit to the City its operating budget for its fiscal year July 1 to June 30 on or before July 1 of each year. In the event the Washington Center changes its fiscal year, the Washington Center shall submit to the City on or before September 1, its proposed budget for the Washington Center's next succeeding fiscal year.

If the Washington Center fails to timely submit any or all reports, plans or budgets, the City shall have the option to withhold payment provided under Section (C)(4) herein until receipt of said report(s) or Budget(s).

8. Books and Records- Inspection: the Washington Center agrees that its books and records pertaining to Center management shall be open and available for examination at all times by the Olympia City Manager, Director of Administrative Services and other City personnel designated by either of them. The City Manager and others designated by him/her shall have the right to enter upon and inspect the premises at any reasonable time.

9. Nonassignable Duties: the Washington Center shall not subcontract or assign to any person, firm or corporation any rights or obligations of the Washington Center under this Agreement.

10. Nondiscrimination: the Washington Center agrees and promises to manage and operate the Center and afford its services to the public on a fair, equal and non-discriminatory basis to all users thereof, and further agrees and promises it will not, on the grounds of race, color, national origin, religion, age, sex, sexual orientation, or gender identity, discriminate against any person or group of person(s) in any manner prohibited by local, state or federal laws and regulations.

11. Equal Benefits: the Washington Center shall comply as a contractor with Olympia Municipal Code Chapter 3.18 and submit an Equal Benefits Compliance Declaration as a part of this Agreement.

12. Clean Clothes: the Washington Center shall comply with the Resolution No. 1545 with respect to purchases made with funds received from the City of Olympia under this Agreement.

B. RESPONSIBILITY OF CITY

1. Fire Insurance: The City shall maintain any and all fire casualty and extended coverage insurance, or self-insurance plan, on the building and its contents in such amount as the City deems appropriate. Any funds derived from such insurance shall be used to repair or replace the damaged items or property; except should said property as a whole be damaged to an extent of over fifty percent (50%) of its value, either party may cancel this Agreement by notice in writing within sixty (60) days of the date of damage. the Washington Center and City hereby release and discharge each other from and against all liability arising either from fire loss or extended coverage or damage caused by any of the perils covered by insurance policies which are in force and effect at the time of such loss or damage, even though such loss or damage may be due to the negligence, acts or neglect of either party. It is expressly understood and agreed that it is the intention of the parties that this provision constitutes a waiver and release of any and all subrogation rights which the insurance companies might have under such insurance policies. It is also agreed that the foregoing shall apply to self-insurance or pooled self-insurance.

2. Category 3 Maintenance and Repair: The City shall perform or cause to be performed by contract all other repair, maintenance or upkeep of the Center property premises and equipment not identified in Section A.2 as Category 1 and Category 2 maintenance, including but not limited to general maintenance repair, repair of all Center heating, ventilating, and air conditioning equipment, the exterior surface of the Center and all roof surfaces.

No later than December 31, 2017, the City and the Washington Center agree to negotiate in good faith, an amended operating agreement to provide improved clarity related to facility maintenance and repair responsibility. This amended agreement will not affect the terms of the lease.

3. Maintenance Funding and Payments: On or about January 1 of any year within the term of this agreement, the City shall allocate an amount equal to \$31,000, and shall deposit this sum in a separate "the Washington Center Maintenance Account", hereinafter referred to as the "Maintenance Account". The amount allocated to the Maintenance Account under this Section shall be considered a part of the compensation paid by the City to Washington Center for the same year pursuant to Section (C)(4) of this Agreement. The Washington Center shall keep records of repairs and maintenance for which payment is made hereunder and shall report same to the City.

C. MISCELLANEOUS TERMS OF AGREEMENT

1. Term: This Agreement shall be in full force and effect until December 31, 2034; provided that the City and the Washington Center shall review this agreement in 2021 and each five years thereafter. If said review does not result in agreed amendments on or before the anniversary date for which said notice is given, the Agreement shall continue in full force and effect as then written for at least another five-year period. Provided further, that either party may terminate this Agreement during its initial term, or after extension thereof, by giving the other party at least one year's notice thereof.

2. Termination: In the event the Washington Center shall fail to perform the terms and conditions of this Agreement, then and in that event, City shall be entitled to terminate this Agreement by giving the Washington Center ninety (90) days written notice by registered or certified mail, return receipt required, at the address provided in Paragraph C. 7. below, of its desire to terminate the Agreement, which notice shall contain a complete and itemized list of all matters in which Center is in default. During said ninety (90) day period, the Washington Center shall be entitled to reinstate itself by correcting such default.

3. Independent Contractor: the Washington Center shall be considered as an independent contractor in the operation of the Center, and this Agreement shall not be construed as creating any form of partnership between City and the Washington Center. Employees of the Washington Center shall not be employees of the City of Olympia.

4. Compensation: The City and the Washington Center agree that the success of the Center is dependent on the Endowment Fund and that, therefore, only the interest of the Endowment Fund is to be utilized to meet any component of this Agreement, and the principal of the Endowment Fund is to be left intact.

In consideration for the services provided herein, the City shall pay or allocate, as provided herein, to the Washington Center during each calendar year of the agreement an amount equal to the 2% Lodging Tax authorized by R.C.W. 67.28.180 and collected by the City from all lodging establishments located within the City limits. Additionally, the City shall pay to the Washington Center interest earnings of the Washington Center Endowment Fund.

The amount of Lodging Tax and interest earnings of the Washington Center Endowment Fund payable to the Washington Center shall be equal to the amount of tax collected and interest earned thereon for the 12 months ending September 30 of the preceding year.

All payments hereunder shall be paid on a monthly basis, based on vouchers submitted by the Washington Center which outline budgeted expenditures included therein.

Compensation shall be limited to those costs incurred for which the Washington Center has not been reimbursed or paid by another source. Further, in no case shall the City reimburse or pay the Washington Center for donated, pro-bono, in-kind or like services.

The Washington Center shall also seek operating grants, endowment funds and contributions from private and public sources.

5. Voluntary Termination: In the event the Washington Center cannot operate the Center within a balanced budget, the Washington Center may terminate this Agreement by giving at least six (6) months advance written notice to the City.

6. Arbitration: In the event that any dispute shall arise as to the interpretation of this Agreement, or in the event of a notice of default as to whether such default does constitute a breach of the contract and if the parties hereto cannot mutually settle such differences, then either party hereto shall be entitled to submit the determination of such matters to arbitration as provided by the laws of the State of Washington, or to seek such relief as may be available by the laws of the State of Washington in the Superior Court for Thurston County.

7. Notices: Any notice herein provided to be given to the City shall be addressed and delivered to the Olympia Administrative Services Director, Olympia City Hall, 601 East 4th Avenue, Olympia, Washington 98501. Any notice to be given to the Washington Center shall be addressed and delivered to the Washington Center, 512 Washington Street SE, Olympia, Washington 98501.



City Council

Approval of Ordinance Amending Wastewater Regulations for Septic Systems

Agenda Date: 6/21/2016
Agenda Item Number: 4.H
File Number: 16-0327

Type: ordinance **Version:** 1 **Status:** 2d Reading-Consent

Title

Approval of Ordinance Amending Wastewater Regulations for Septic Systems

Recommended Action

Committee Recommendation:

The Land Use and Environment Committee recommends approval of the ordinance amending the wastewater regulations for septic systems.

City Manager Recommendation:

Move to approve the ordinance amending Olympia Municipal Code Chapter 13.08 and Chapter 18.75.020 on first reading and move to second reading

Report

Issue:

Whether to approve the ordinance amending Olympia Municipal Code Chapter 13.08 and Chapter 18.75.020 regarding septic systems.

Staff Contacts:

Diane Utter, P.E., Water Resources Engineer, 360.753.8562
Andy Haub, P.E., Director of Water Resources, 360.753.8475

Presenters:

Diane Utter, P.E., Water Resources Engineer
Andy Haub, P.E., Director of Water Resources

Background and Analysis:

About 4,200 septic systems (also known as onsite sewage systems or OSS) are within Olympia and its Urban Growth Area. As Olympia continues to grow, these systems may pose a long-term public and environmental health risk.

The 2007 Wastewater Management Plan and related regulatory changes placed limits on property owners when repairing existing septic systems and installing new ones. With few exceptions, new septic systems are not allowed in the City of Olympia. Some property owners have contacted the City to find a way to build on lots within subdivisions that are far from sewer pipes. The owners have held

these lots for years as an investment. City staff has re-evaluated the regulations enacted after the 2007 Wastewater Management Plan. Staff determined the current regulations unnecessarily restrict development of these lots because they aren't allowed to use septic systems.

The Thurston County Health Department determined in 2013 that contamination due to septic systems in Olympia may be limited to specific locations rather than result in widespread groundwater and surface water contamination. The 2013 Wastewater Management Plan anticipated modifications of the current Olympia Municipal Code (OMC) to allow limited development with septic systems. The amended regulations will still ensure that public and environmental health is maintained. Objective 1B from the Plan reads:

Manage existing and potential OSS so there is no net annual increase in the total number of OSS in Olympia's sewer service area.

Further, Strategy 1B1 from the plan reads:

Refine regulations regarding new OSS and repairs of existing OSS in order to accommodate the limited use of new OSS systems in appropriate circumstances.

Staff presented the proposed amendments to the Utility Advisory Committee (UAC) and the Land Use and Environment Committee in 2014. Both committees recommended forwarding the OMC amendments to Council.

Amending regulations to allow more, but still few, new septic systems will require clear criteria. The proposed amendments are summarized below:

- Allow construction of septic systems on vacant lots larger than 12,500 square feet in existing neighborhoods. The lot must be more than 200 feet from sewer, served by public water, and not in a high risk area for contamination of surface water and groundwater by septic systems.
- Reduce the requirement to connect to sewer in the case of a failing septic system from 300 feet to 200 feet. The City found the 300 foot distance required sewer extensions that were unaffordable to property owners. Reducing the requirement to 200 feet is in alignment with Tumwater and Lacey and WAC 246-272A.
- Provide an appeal process for property owners who are required to connect to sewer due to a septic system failure. This appeal process is required by a state law passed in 2015.

The proposed OMC amendments will be followed by a proposal to Council to expand the City's Septic to Sewer program. The proposal will make it easier and more affordable for property owners to connect to the public sewer. The proposal will likely include:

- City funding and construction of sewer extensions to high-risk areas and to areas where septic systems are failing. Property owners would reimburse the City for a portion of the cost. The City may offer discounts for home owners connecting within two years of the sewer project.
- A monthly payment system for the City's general facility charge and LOTT's capacity development charge for properties converting from septic systems to sewer. This will decrease the up-front cost of sewer connection.

The combination of proposed amendments and the proposed Septic-to-Sewer changes will help the

wastewater utility meet the objective of no net annual increase in septic systems in its service area.

Neighborhood/Community Interests (if known):

Current wastewater regulations regarding septic systems do not facilitate single lot development. Multiple property owners have contacted the City looking for a way to build on vacant lots in neighborhoods served by existing septic systems. Costs of sewer service to those neighborhoods are extremely high.

Options:

1. Approve an ordinance amending Olympia Municipal Code Chapter 13.08 and Chapter 18.75.020 regarding regulations to septic systems. The revisions are consistent with the direction set forth by the 2013 Wastewater Management Plan.
2. Request staff to revise OMC amendments based on Council feedback. This would address Council's concerns, but would delay the OMC amendments consistent with the 2013 Wastewater Management Plan.
3. Do not adopt OMC amendments as presented. This would require staff to re-evaluate regulations regarding septic systems.

Financial Impact:

The City would see increased revenue for the drinking water and storm and surface water utilities by allowing additional houses to be built on vacant lots. This would also result in the collection of impact fees and property taxes.

Attachments:

Ordinance

Excerpt from June 19, 2014 Land Use & Environment Committee meeting minutes

UAC Letter of Support for Septic System OMC Changes

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO WASTEWATER; AMENDING SECTIONS 13.08.000, 13.08.010, 13.08.020, 13.08.050, 13.08.180, 13.08.190, 13.08.230 AND 18.75.020 OF THE OLYMPIA MUNICIPAL CODE; REPEALING SECTION 13.08.120, OF THE OLYMPIA MUNICIPAL CODE; AND ADDING A NEW SECTION 13.08.090 TO CHAPTER 13.08, ARTICLE I OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, approximately 4,200 septic systems, also known as onsite sewage systems or OSS (the Systems), are located within the City of Olympia and its Urban Growth Area; and

WHEREAS, the Systems may pose a long-term public and environmental health risk as Olympia continues to grow; and

WHEREAS, the *2007 Wastewater Management Plan* (the 2007 Plan) and subsequent regulatory changes placed appreciable constraints on repairing existing and installing new septic systems; and

WHEREAS, after a review of the policies and regulations enacted after the 2007 Plan, staff has determined that such policies and regulations may be restricting development unnecessarily; and

WHEREAS, information compiled by the Thurston County Health Department in 2013 reveals that surface and ground water contamination due to septic systems in Olympia is likely to be limited to specific locations, rather than widespread; and

WHEREAS, the *2013 Wastewater Management Plan* (the 2013 Plan) anticipated limited modifications of current regulations to allow limited development with septic systems, while still ensuring that public and environmental health is maintained at an acceptable level; and

WHEREAS, based on the new information from Thurston County along with the 2013 Plan objectives, proposed regulation changes were presented to the Utility Advisory Committee (UAC) in April 2014 and the Land Use and Environment Committee (LUEC) in June 2014; and

WHEREAS, both the UAC and the LUEC recommended that the proposed regulation changes be forwarded to the City Council for consideration; and

WHEREAS, changing the City's regulations to allow more new septic systems will necessitate clear criteria that can be readily implemented; and

WHEREAS, the City Council determines it to be in the best interest of the City of Olympia to amend the current wastewater regulations regarding septic systems;

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

Section 1. Amendment of OMC 13.08.000. Olympia Municipal Code Section 13.08.000 is hereby amended to read as follows:

Chapter 13.08 SEWERS

13.08.000 Chapter Contents

Sections:

ARTICLE I. SEWER CONNECTIONS

13.08.005 Purpose and policy.

13.08.010 Definitions.

13.08.020 Connection required when.

13.08.030 Permit required to open public sewer.

13.08.040 Side Sewer Installation and Maintenance.

13.08.050 ~~Adoption of Wastewater Management Plan.~~

13.08.080 Work in streets or public places.

13.08.090 Sewer connection type.

~~13.08.120 Public notice that connection required--Construction and use--City action upon nonconnection.~~

13.08.150 Tampering with and depositing rubbish in public sewer--Prohibited discharges.

13.08.180 Sewer service outside city limits.

13.08.185 Sewer service outside city limits--Agreements to run with the land.

ARTICLE II. SEWER RATES

13.08.190 Sewer rates--Definitions.

13.08.200 Payment of sewer bills.

13.08.205 Sewer general facility charges.

13.08.210 LOTT capacity development charge--Payment.

13.08.215 Septic to Sewer Program and line extension charges.

13.08.220 Charges become lien on property--Enforcement.

13.08.230 Shutting off water upon default--~~Reconnection charge.~~

ARTICLE III. AREA SERVICE CHARGE

13.08.290 Charges become lien on property.

Section 2. Amendment of OMC 13.08.010. Olympia Municipal Code Section 13.08.010 is hereby amended to read as follows:

13.08.010 Definitions

For the purpose of this Article:

A. "Building sewer" shall mean the same as "side sewer."

AB. "City Engineer" shall mean the City Engineer of the City of Olympia, or his/her designee, who has the duty and authority to enforce the codes and standards adopted by the City Council, as they relate to the development and operation of the City's infrastructure by private development, including other governmental agencies, and City projects.

BC. "Domestic user" shall mean any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit include ~~up to 900 cu.ft. of flow,~~ flows with up to 300 mg/l of Biological Oxygen Demand and 300 mg/l of Total Suspended Solids ~~per month.~~

D. "Downtown Deferred General Facility Charge Payment Option Area" shall mean all properties located within the area bounded by: Budd Inlet to the north; Budd Inlet and Capitol Lake on the west; Sid Snyder Avenue extending between Capitol Lake and Capitol Way, and 14th Avenue extending to Interstate 5 on the south; Interstate 5 on the southeast; Eastside Street on the east, and Olympia Avenue extending to Budd Inlet on the north.

E. "Gravity sewer system" shall mean that portion of the public sewer in which wastewater flows through pipes by means of gravity and the sewer lift stations and force mains that connect the gravity pipes in the system. S.T.E.P. and grinder pump systems, and associated low pressure mains, are not part of the gravity sewer system.

F. "Grinder pump system" shall mean a facility consisting of a holding tank, grinder pump, and pressure piping system for conveying wastewater liquid and solids into the sewer system.

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

H. "Onsite sewage system" shall mean a wastewater system consisting of a tank for settling and digesting wastewater solids that disposes of effluent on the same property that produces the wastewater. This type of system is commonly called a septic system.

~~D.I.~~ "Person" shall mean natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent, or employee. The singular number includes the plural, and the masculine pronoun includes the feminine.

~~E.J.~~ "Premises" shall mean a continuous tract of land, building or group of adjacent buildings under a single control with respect to connection to City sewer and responsibility for payment of fees and rates thereof. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined in this section.

~~F.K.~~ "Publicly Owned Treatment Works or POTW" shall mean a treatment works, as defined by Section 212 of the Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C. Section 1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, including sanitary sewer and storm sewer collection systems, which convey wastewater to a treatment plant.

~~G.L.~~ "Public combined sewer" shall mean that portion of the public sewer system (excluding side sewers) intended to collect both sanitary sewage and stormwater in a single sewer system and located within public rights-of-way or easements and operated and maintained by the City.

~~H.M.~~ "Public sewer" shall mean that portion of the ~~sanitary sewer-wastewater~~ system (excluding side sewers) located within public rights-of-way or easements and operated and maintained by the City.

N. "Septic tank effluent pumping or S.T.E.P. system" shall mean a facility consisting of a tank or tanks for settling and digesting wastewater solids and a pressure piping system for conveying the supernatant liquid into the sewer system. Most of the wastewater solids remain in the S.T.E.P. tank and are removed periodically.

~~I.O.~~ "Side sewer" shall mean that portion of the sewer beginning ~~2-feet~~ outside the outer foundation wall of the ~~a structure, and extending~~ to and including the connection to the ~~public sewer main, STEP tank or grinder system service connection~~. Also referred to as a building sewer or a service lateral.

Section 3. Amendment of OMC 13.08.020. Olympia Municipal Code Section 13.08.020 is hereby amended to read as follows:

13.08.020 Connection required when

1. The owner or occupant of any lands, buildings or premises to which a public sewer is currently or becomes adjacent and available, shall not be required to connect the lands, buildings or premises to the public sewer so long as the property is served by an existing lawfully functioning individual onsite sewage system. In the event any lands, buildings, or premises are served by an individual onsite sewage system which fails to function and cannot be remedied through minor repairs, and there is a public sewer adjacent and available within 300 two hundred (200) feet of the property by way of a public right-of-way or easement, the owner or occupant shall be required to connect the property to the public sewer. All premises within two hundred (200) feet of a public

sewer main shall be deemed to be within the area served by such public sewer. The distance to the public sewer shall be measured from the nearest adequate public sewer, by way of a public right-of-way or easement, to the nearest edge of the property.

In the event lands, buildings, and premises are served by an individual onsite sewage system which fails to function and there is no public sewer ~~adjacent and available~~ within two (200) hundred feet and a replacement individual system cannot be lawfully approved to serve the property, it must nevertheless be connected to the public sewer or the premises shall cease to be occupied. A user can avoid the requirement to connect by discontinuing the generation or discharge of any waste from the site and abandoning the onsite sewage system. The abandonment of the onsite sewage system shall be in accordance with Thurston County Environmental Health regulations.

2. Pursuant to RCW 35.21.940, upon the failure of an on-site septic system for which the City requires a connection to a public sewer system, the owner of such system may appeal the City's recommendation for denial of the permit to repair or replace existing, failing on-site septic systems that:

(a) Were made for a single-family residence by its owner or owners;

(b) Were denied solely because of a law, regulation, or ordinance requiring connection to a public sewer system; and

(c) Absent the applicable law, regulation, or ordinance requiring connection to a public sewer system upon which the denial was based, would be approved.

3. Any such appeal of the City's recommendation in circumstances set forth in subsection 2 shall be to the City's hearing examiner as provided in OMC 18.75.020, who will consider, at a minimum whether:

(a) It is cost-prohibitive to require the property owner to connect to the public sewer system. In complying with this subsection 3(a) the city must consider the estimated cost to repair or replace the on-site septic system compared to the estimated cost to connect to the public sewer system;

(b) There are public health or environmental considerations related to allowing the property owner to repair or replace the on-site septic system. In complying with this subsection (3)(b), the city must consider whether the repaired or replaced on-site septic system contributes to the pollution of surface waters or groundwater;

(c) There are public sewer system performance or financing considerations related to allowing the property owner to repair or replace the on-site septic system; and

(d) There are financial assistance programs or latecomer agreements offered by the city or state that may impact a decision of the property owner to repair or replace the on-site septic system.

A copy of the City hearing examiner's decision shall be provided to the appropriate official at Thurston County for consideration in the County's decision to approve or deny the permit or in consideration of an appeal. Appeal of the final permit decision made by Thurston County shall be made through the appropriate Thurston County appeal process.

4. Within the area to be served by the public sewer of the City as it now exists and as it may be improved and extended in the future, the owner of each lot or parcel of real property, upon which is a building or structure for human occupation or use for any purpose shall, within thirty days of notification by the City for connections to be made therewith, cause a connection to be made between the sewage system and each such building or structure within such lot or parcel.

5. If any connection to the public sewer is not made within the time provided in this Section, the City Engineer or such other employee of the City as the City Council may hereafter designate is authorized and directed to cause such connection to be made and to file a statement of the cost with the City Treasurer, and a check shall be issued under the direction of the City Council by the City Treasurer, and drawn on the sewer fund of the City for the payment of such cost. Such amount, together with a penalty of ten percent (10%), plus interest at the rate of six percent (6%) per year upon the total amount of such cost and penalty, shall be assessed against the property upon which the building or structure is situated, and shall become a lien thereon as provided in this chapter. Such total amount, when collected, shall be paid into the sewer fund.

Section 4. Amendment of OMC 13.08.050. Olympia Municipal Code Section 13.08.050 is hereby amended to read as follows:

13.08.050 ~~Adoption of Wastewater Management Plan~~

~~There is hereby adopted by reference as Exhibit "A" the "City of Olympia Wastewater Management Plan, with 2007 amendments," a copy of which shall be kept on file in the offices of the City Clerk and the Public Works Department. This plan shall be considered a part of this ordinance as though fully set forth herein. Specific substantive requirements of the plan include:~~

~~A. New onsite sewage systems shall be permitted within the city limits only to serve a single family residence, provided:~~

- ~~1. The property being served is an undeveloped lot of record larger than one (1) acre located more than 300 feet from the sewer and the lot existed prior to November 21, 2006;~~
- ~~2. The lot size determination shall include only those portions of a lot unencumbered by flood hazards, wetlands and/or landslide hazards as defined in OMC 18.32;~~
- ~~3. Permitted onsite sewage systems shall be considered interim facilities and must be designed for conversion to the public sewer when sewer becomes available;~~

4. Development of properties with onsite sewage systems shall be in accordance with the Residential Districts' Development Standards for Developments without Public Sewer on Individual Lots, in OMC Section 18.04.080(E)(2).

B. All properties being served by onsite sewage systems and located within the urban growth boundary including those within the city limits shall enter into an appropriate agreement with the City agreeing to connect the residence directly to the public sewer in accordance with the provisions herein, within one (1) year after date of official notice to connect, provided that the sewer is within 300 feet of the property. A user can avoid incurring the charges provided herein by discontinuing the generation or discharge of any waste from the site and capping the wastewater connection. The capping of the wastewater connection must pass City inspection. In addition, the following shall apply to these new onsite sewage systems:

1. Application fees as established by the City Council shall be paid upon the submittal of a signed Onsite Sewage System Agreement requesting use of an onsite sewage system;
2. The cost of the sewer extension shall be borne in whole by the applicant for sewer services, subject to any provisions in effect at the time of connection for latecomer reimbursement;
3. The agreement shall not be executed prior to the time formal application is made for approval of the project for which onsite sewage system is requested. Said agreement shall terminate at the time any project application or approval expires or is revoked for any reason. A new agreement shall also be required for any extension of project applications or approvals, or when in the opinion of the Director of Community Planning and Development a substantial change or addition is made to the project; and
4. Following execution, the agreement shall be recorded by the City in the records of the Thurston County Auditor, at the cost of the applicant.

C. New septic tank effluent pump (S.T.E.P.) systems shall be permitted provided:

1. The property being served is a lot of record existing prior to February 15, 2005 abutting on any street, alley, right-of-way or easement in which there is now located a S.T.E.P. force main; or
2. The property is located within a subdivision vested as of July 2005 in accordance with Section 18.72.060, Determination of Complete Application.

D. New grinder pump systems shall be permitted only to serve properties provided:

1. The property being served is:
 - a. Contiguous to a gravity sewer, but terrain, natural features or other physical barriers prohibit a gravity connection;

b. The property being served is converting from an onsite sewage system to the sewer; or

c. The property being served is undeveloped and terrain, natural features or other physical barriers will prevent the orderly extension of the public sewer including the use of sewage pump stations.

2. All grinder pump sewer systems including the grinder pumps and side sewer shall be purchased, owned, and operated by the property owner.

3. Publicly owned grinder pump force mains shall be permitted only when it is in the City's best interest as determined by the City Engineer and only if the force main will be serving:

a. Existing residential properties where onsite sewage systems have failed or have been determined to be an impending health hazard by the Thurston County Health Department; or

b. Infill development in terrain isolated areas.

The Director of Public Works, or his/her designee, is authorized and directed to prepare a wastewater management plan for the City wastewater conveyance system, in accordance with RCW 90.48.110. The Director of Public Works will also determine the standards for development and improvement of the wastewater system to provide safe and adequate conveyance of sewage to the POTW. A copy of the wastewater management plan shall be kept on file in the offices of the City Clerk and the Public Works Department.

Section 5. NEW SECTION OMC 13.08.090. A NEW SECTION 13.08.090 is hereby added to Chapter 13.08.090 of the Olympia Municipal Code as follows:

13.08.090 Sewer connection type.

The City of Olympia permits only gravity sewer systems, with lift stations when needed, except as follows:

A. New onsite sewage systems shall be permitted within the city limits only to serve a single-family residence or a single-family residence with an accessory dwelling unit, provided:

1. The property being served is an undeveloped lot of record located more than two hundred (200) feet from an available sewer, as determined by the Public Works Director or his/her designee, and the lot is either larger than one (1) acre or is granted an exception to the lot size requirement under Section 5 below; and

2. Permitted onsite sewage systems shall be considered interim facilities and must be designed and constructed to facilitate conversion to the public sewer when sewer becomes available; and

3. Onsite sewage systems for new development within the shoreline jurisdiction, as defined in the Shoreline Master Program, are prohibited, regardless of lot size; and

4. The lot size determination shall include only those portions of a lot unencumbered by streams and important riparian areas, wetlands and small lakes, landslide hazard areas, and their associated buffers as defined in OMC 18.32.

5. Exceptions to the one acre minimum lot size will be considered by the Public Works Director or his/her designee when application is made in writing to the Public Works Director. Application shall be made on forms provided by the City. New onsite sewage systems for undeveloped lots of record smaller than one (1) acre will be evaluated using the following criteria:

a. New onsite sewage systems shall not be permitted on lots located within an area at high risk for onsite septic systems, nor within a marine recovery area, nor within a shellfish protection area, as determined by input from Thurston County Environmental Health; and

b. New onsite sewage systems shall only be permitted on lots served by public water service; and

c. New onsite sewage systems shall not be permitted within two hundred (200) feet of an available sewer as defined in OMC 13.08.020; and

d. New onsite sewage systems shall not be permitted on lots smaller than 12,500 square feet.

6. Each property owner constructing a new residence with a new onsite sewage system located within the Urban Growth Boundary, including those within the city limits, shall enter into an Agreement for Interim Onsite Sewage System with the City, agreeing to connect the residence directly to the public sewer in accordance with the provisions herein within one (1) year after the date of official notice to connect; provided, that an available sewer is within two hundred (200) feet of the property. In addition, the following shall apply to new onsite sewage systems:

a. Recording fees shall be paid upon the submittal of a signed Agreement for Interim Onsite Sewage System; and

b. Following execution, the agreement shall be recorded by the City in the records of the Thurston County Auditor; and

c. Said agreement shall terminate if at any time any project application or approval expires or is revoked for any reason; and

d. Any cost of sewer extension required at the time of connection shall be borne in whole by the property owner.

B. New septic tank effluent pump (S.T.E.P.) systems shall be permitted provided:

1. The property being served is a lot of record existing prior to February 15, 2005, abutting on any street, alley, right-of-way or easement in which there is now located a S.T.E.P. force main; or

2. The property is located within a subdivision vested as of July 2005, in accordance with OMC Section 18.72.060, Determination of Complete Application.

C. Grinder pump sewer systems shall not be installed and used in lieu of the orderly extension of gravity sewers. Grinder pump installation and use shall be subject to the following requirements and/or limitations:

1. New individual grinder pump system use is limited where:

a. A public gravity sewer is contiguous to the property, but terrain, natural features, or other physical barriers prohibit a gravity connection; or

b. For the conversion of onsite sewage systems to public sewer or for infill development only where it is specifically determined by the City Engineer to be in the best interest of the City of Olympia.

2. Grinder pumps and side sewers which are installed as part of a grinder pump sewer system shall be purchased, owned, maintained and operated by the property owner.

3. Grinder pump force mains receiving effluent from more than one property shall be publicly owned and maintained. Publicly-owned grinder pump force mains shall be permitted only where the City Engineer determines it to be in the best interest of the City and construction of a gravity and lift station sewer system is not feasible, provided that:

a. The proponent of the grinder pump force mains can demonstrate that no other feasible alternative is available; and

b. In such cases, the cost of installation of the public grinder pump force mains shall be borne by the proponent; and

c. The installation is in accordance with the Olympia Engineering Design and Development Standards.

4. Grinder pump side sewers and force mains shall not be permitted to discharge to designated Septic Tank Effluent Pump (S.T.E.P.) force mains unless it is determined by the City Engineer or his/her designee to be in the best interest of the City.

Section 6. Repeal of OMC 13.08.120. Olympia Municipal Code 13.08.120 is hereby repealed:

~~13.08.120 Public notice that connection required—Construction and use—City action upon nonconnection~~

~~A.—All premises within 300 feet of a public sewer line by way of a public right-of-way or easement, shall be deemed to be within the area served by such public sewer.~~

~~B.—Within the area to be served by the public sewer of the City as it now exists and as it may be improved and extended in the future, the owner of each lot or parcel of real property, upon which is a building or structure for human occupation or use for any purpose shall, within thirty days of notification by the City for connections to be made therewith, cause a connection to be made between the sewage system and each such building or structure within such lot or parcel.~~

~~C.—Repealed by Ord. 6774.~~

~~D.—If any connection to the public sewer is not made within the time provided in this Section, the City Engineer or such other employee of the City as the City Council may hereafter designate is authorized and directed to cause such connection to be made and to file a statement of the cost with the City Treasurer, and a check shall be issued under the direction of the City Council by the City Treasurer, and drawn on the sewer fund of the City for the payment of such cost. Such amount, together with a penalty of ten percent (10%), plus interest at the rate of six percent (6%) per year upon the total amount of such cost and penalty, shall be assessed against the property upon which the building or structure is situated, and shall become a lien thereon as provided in this chapter. Such total amount, when collected, shall be paid into the sewer fund.~~

Section 7. Amendment of OMC 13.08.180. Olympia Municipal Code Section 13.08.180 is hereby amended to read as follows:

13.08.180 Sewer service outside city limits

A. Property lying within the urban growth boundary and contiguous to the Olympia city limits shall annex to the City as a condition of sewer connection. ~~In the alternative,~~ Alternatively, the City may elect to defer annexation and require execution of an agreement described in subsection B of this section.

B. Property lying within the urban growth area which is not annexed as a condition of sewer service shall be permitted sewer connection only upon entering into an ~~appropriate a~~ Agreement to Annex with the City containing a waiver of protest to annexation and/or power of attorney authorizing annexation at such time as the City determines the property should be annexed to the City. ~~In addition, the following shall apply:~~

~~1. Application fees as established by the City Council shall be paid upon the submittal of a signed Utility Extension Agreement requesting sewer service for property outside the City;~~

~~2. The cost of the sewer extension shall be borne in whole by the applicant for sewer services, subject to any provisions in effect at the time of connection for latecomer reimbursement;~~

~~3. The agreement shall not be executed prior to the time formal application is made for approval of the project for which utilities are requested. The agreement shall terminate at the time any project application or approval expires or is revoked for any reason. A new agreement shall also be required for any extension of project applications or approvals or when a substantial change or addition is made to the project.~~

C. Following execution, such agreements shall be recorded by the City Clerk in the chain of title for such property in the official records of Thurston County.

Section 8. Amendment of OMC 13.08.190. Olympia Municipal Code 13.08.190 is hereby amended to read as follows:

13.08.190 Sewer rates--Definitions

A. A charge for sanitary sewage disposal shall be levied against all accounts and premises connected to a sewer line ~~main~~ or City-maintained community onsite system at the rate set forth in Title 4, Fees and Fines, of this code.

B. For purposes of subsection A, the term "equivalent residential unit" or "ERU" ~~means~~ shall be as follows:

~~1. One separate single-family residence, one single-family residence with accessory dwelling unit, one mobile home, or one mobile home space in a mobile home or trailer park: one ERU; or~~

~~2. One single-family residence with accessory dwelling unit: one ERU; or~~

~~3. One mobile home, or one mobile home space in a mobile home or trailer park: one ERU; or~~

~~24. With respect to residential duplexes, one per single-family unit Duplex: two ERUs; or~~

~~35. With respect to each rResidential structure having more than two single-family residential living units, the number of units times seven-tenths of an ERU per living unit; or~~

~~46. With respect to uses other than residential, one ERU shall be designated for each nine hundred (900) cubic feet for LOTT joint facilities wastewater service charges and seven hundred (700) cubic feet for public sewer charges per month of water consumed or sewage discharged as measured at the source; provided, that for volumes in excess of nine hundred (900) cubic feet per month and seven hundred (700) cubic feet per month, the service charge per one hundred (100) cubic feet shall be~~

computed at the rate of one-ninth of the LOTT ~~joint facilities wastewater service~~ charge, plus one-seventh of the public sewer charge, ~~plus one-ninth of the LOTT equipment replacement charge~~; and

57. With respect to an account consisting of both residential and nonresidential uses, ~~or combination thereof~~, the residential uses shall be charged as set forth in subdivisions 1, 2, or 3 of this subsection B Nos. 1 through 5 and the nonresidential uses shall be charged an additional one ERU, ~~regardless of the number~~; provided, that if the total monthly volume of the account exceeds the number of ERUs computed pursuant to this subsection times nine hundred (900) cubic feet for LOTT ~~joint facilities wastewater service~~ charges and seven hundred (700) cubic feet for local collection charges, the charge per one hundred (100) cubic feet for the account shall be computed at the rate of one-ninth of the LOTT ~~joint facilities wastewater service charge, plus one-seventh of the public sewer charge, plus one-seventh of the public sewer charge, plus one-ninth of the LOTT equipment replacement charge.~~

Section 9. Amendment of OMC 13.08.230. Olympia Municipal Code 13.08.230 is hereby amended to read as follows:

13.08.230 Shutting off water upon default—~~Reconnection charge~~

In the event that any such bill for sewage disposal service rates and charges or connections is not paid by the date established by the Director of Administrative Services as set forth in Chapter 4.24 of this code, the City shall shut off the water furnished to the premises to which the services were rendered or connection made. The water shall not be turned on again until such bill, together with all penalties and interest due thereon has been paid, ~~plus a charge as set forth in Title 4 of this code for shutting off and turning on the water, has been paid~~; provided, however, that such reconnection charge shall not be assessed if the user has already paid a reconnection charge assessed for the same reconnection pursuant to Section 13.04.430.

Section 10. Amendment of OMC 18.75.020. Olympia Municipal Code Section 18.75.020 is hereby amended to read as follows:

18.75.020 Specific appeal procedures

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

1. All Administrative Interpretations/Determinations
2. Boundary Line Adjustments
3. Home Occupation Permits

4. Preliminary Short Plats
5. Preliminary SEPA Threshold Determination (EIS required)
6. Shoreline Exemptions and staff-level substantial development permits
7. Sign Permits
8. Variances, Administrative
9. Building permits
10. Engineering permits
11. Application or interpretations of the Building Code
12. Application or interpretations of the Housing Code
13. Application or interpretations of the Uniform Fire Code
14. Application or interpretations of the Uniform Code for the Abatement of Dangerous Buildings
15. Application and interpretations of the Uniform Code for Building Conservation
16. Land Use (Director) decisions
17. Administrative decisions on impact fees
18. A recommendation to Thurston County to deny a permit to repair or replace existing, failing on-site septic systems that meet the criteria set forth in OMC 13.08.020(2), as required by RCW 35.21.940.

B. SEPA.

1. The City establishes the following administrative appeal procedures under RCW 43.21C.075 external link and WAC 197-11-680 external link:
 - a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11 external link. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the

comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.

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

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

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

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

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

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

i. Findings and conclusions; and

ii. Testimony under oath; and

iii. A taped or written transcript.

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

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

C. Land Use Approval.

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

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

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

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

E. Takings and Substantive Due Process Review and Modifications.

1. The Hearing Examiner is hereby authorized to hear, by way of appeal or upon review of a project permit application, all assertions of project-specific taking of property for public use without just compensation and/or the denial of substantive due process of law, and all challenges to imposition of conditions on a project of a similar nature, whether based on constitutional, statutory or common law. Failure to raise a specific challenge to such condition or exaction shall constitute a waiver of such issue and a failure to exhaust an administrative remedy.

2. In deciding and resolving any such issue, the Examiner may consider all law applicable to the City. Should the Examiner determine that, but for a taking without just compensation or a violation of substantive due process of law, imposition of any such condition would be required by standard, regulation, or ordinance the Examiner shall so state in the decision and so report to the Olympia City Council. In lieu of failing to impose such condition, the Examiner shall first provide the City with due opportunity to provide just compensation. The Examiner shall specify a time period in which the Council shall elect to or not to provide just compensation. Upon notice of the election of the City Council not to provide such compensation, the Examiner is authorized

to and shall, within fourteen (14) days, issue a decision modifying to whatever degree necessary such condition to eliminate the taking or violation of substantive due process.

Section 11. 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 12. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 13. 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:



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8447

Meeting Minutes Land Use & Environment Committee

Thursday, June 19, 2014

5:30 PM

Council Chambers

1. ROLL CALL

Present: 2 - Chair Steve Langer and Committee Member Julie Hankins

Excused: 1 - Committee Member Jeannine Roe

OTHERS PRESENT

Public Works Director of Water Resources Andy Haub
Planning Commissioner Roger Horn
Community Planning and Development (CP&D) Director Keith Stahley
CP&D Program and Planning Supervisor Karen Kenneson
Public Works Director Rich Hoey
Public Works Project Engineer Diane Utter
Assistant City Manager Jay Burney
Executive Senior Program Specialist Bonnie Herrington
CP&D Associate Planner Stacey Ray

2. CALL TO ORDER

Chair Langer called the meeting to order at 5:33 p.m.

3. APPROVAL OF MINUTES

- 3.A [14-0615](#) Approval of June 5, 2014 Land Use and Environment Committee Meeting Minutes

The minutes were approved.

4. COMMITTEE BUSINESS

- 4.A [14-0578](#) Briefing and Discussion about Comprehensive Plan / Action Plan Process

Ms. Ray gave an update on the Action Plan and reviewed the process for identifying performance measures for the Action Plan's five action areas. She discussed considerations critical to identifying effective measures and described measures under consideration by staff.

Ms. Herrington presented examples of graphics currently being developed.

Discussion:

- Poor infrastructure on the Martin Way corridor and addressing problems of economically disadvantaged areas.
- Regulation matches consistent with Comprehensive Plan.
- Current approach being used to measure performance.
- Importance of capturing meaningful statistics.

Mr. Burney answered questions about current projects, plan measurement, and explained measures will be applicable to future projects.

Mr. Stahley discussed how measures will be implemented .

The discussion was completed.

4.B [14-0580](#) Briefing about Parking Improvements, Lot Upgrades, and Rebranding

Ms. Kenneson gave a briefing on the status of parking improvements made over the past several months, and discussed parking lot upgrades, rebranding efforts, and planned future parking initiatives.

Discussion:

- Dealing with abandoned vehicles and car camping in City parking lots.
- A new discounted eastside zone 9-hour permit which will serve as overflow parking for area agencies and businesses.

The discussion was completed.

4.C [14-0571](#) Briefing on Recommended Changes to Waste Water Regulations for Onsite Septic

Ms. Utter discussed the 2007 Wastewater Management Plan and described subsequent regulatory changes which place appreciable constraints on repairing existing septic systems and installing new ones. She detailed results of work done by the Thurston County Health Department in 2013 which revealed surface and ground water contamination due to onsite systems in Olympia may be limited to specific locations rather than widespread. She explained potential and limited modifications of current regulations and how ensuring public and environmental health would be maintained.

Mr. Stahley spoke about difficult situations homeowners have faced and efforts to alleviate some of the financial costs when they convert to sewer.

Mr. Hoey acknowledged Ms. Utter and her outstanding research and work.

The Committee supports changing the City's regulations to allow more, but still few, new onsite systems and recommends the following criteria for implementation:

- **Allow on-site systems to be constructed on vacant lots in existing**

neighborhoods with a predominance of septic systems.

- Reduce the requirement to connect to sewer from 300 feet to 200 feet.
- Modify sewer extension requirements.
- Fund a limited number of small-scale sewer extensions through the Wastewater capital facility program to make it more affordable for residents.
- Allow the City to set up payment plans for City General Facility Charges and potentially LOTT Capacity Development Charges.

The recommendation was completed.

4.D [14-0616](#) Status Reports and Updates

The Committee discussed how to communicate with downtown business owners who are unaware of the Downtown Project.

Mr. Stahley invited Councilmembers to the Planning Commission retreat on June 21, 2014.

Mr. Wilson gave an update on the Downtown Project (DP) and distributed the brochure "Strategic Priority: Champion Downtown" outlining DP goals and opportunities for citizen engagement.

The report was completed.

5. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.



May 28, 2014

Olympia City Council
PO Box 1967
Olympia, WA 98507-1967

Dear Councilmembers:

SUBJECT: Wastewater Municipal Code Changes – Onsite Septic Systems

This letter provides recommendations from the City's Utility Advisory Committee (UAC) to City Council about the proposed wastewater municipal code changes regarding onsite septic systems. The UAC agrees with staff regarding the proposed changes outlined in the presentation to UAC on April 3, 2014.

Wastewater Policies

The 2013 Wastewater Plan recommends changes to Olympia's strict restrictions on the permitting of new onsite septic systems. Only a small number of additional systems would be allowed by the changes, and the UAC supports this approach. The proposed changes are summarized below:

- Allow onsite systems to be constructed on infill, vacant lots in existing onsite septic system dominated neighborhoods with at least five properties with onsite septic systems located within 200 feet of the property. Require an agreement to connect as sewer becomes available.
- Require failed systems to connect to municipal sewer if located within 200 feet of sewer rather than the current threshold of 300 feet. Measure the distance based on the length to sewer pipe needed for connection rather than to the edge of the lot closest to the sewer system.
- Reduce the requirement that onsite septic system conversions to sewer extend the sewer on all property street frontages. Currently, corner lots are required to extend sewer pipes on both street frontages.
- Fund a limited number of small-scale sewer extensions to assist connecting residents (\$150,000/year). Partial reimbursement (\$10,000 per property) to the City would be required, potentially over time.
- Allow for the payment of City General Facility Charges and LOTT Capacity Development Charges for onsite septic system to sewer conversions over time rather than as a lump sum payment at the time of connection. The charges total more than \$8,000 per connection.

Financial Considerations

The financial implications of the proposed changes will be analyzed more fully by staff and include the following considerations:

- City funding for a number of small-scale sewer extension projects to assist residents in converting from onsite septic systems to public sewer. The proposed allocation in the Capital Facilities Plan is \$150,000; some of which will be reimbursed by connecting customers.
- Financing of the City General Facility Charge (GFC) and LOTT Capacity Development Charges (CDC) over time rather than as a lump sum, only for properties converting from onsite septic systems to public sewer. This will result in revenue being delayed and an appropriate fee or interest rate will be charged to compensate the utility.
- By allowing additional permitting for houses on properties that are currently not allowed onsite septic systems, revenue could be increased in the form of GFCs and utility rates.
- By allowing some properties to repair onsite septic systems, rather than connect to public sewer, there may be a decrease in associated utility revenue. However, many of the affected properties have not been connecting to the public sewer under the current regulations.

Recommendations to City Council

The UAC supports the changes to the municipal code regarding the regulation of onsite septic systems as outlined by staff to the UAC on April 3, 2014. We encourage the City Council to proceed when staff has refined the proposed regulatory changes.

Thank you for the opportunity to comment. Please let me know if you have any questions.

Sincerely,



THAD CURTZ

Chair

Utility Advisory Committee

TC/lm

\\calvin\PW Shared Workgroup\UAC\2014- UAC\2014 Correspondence\UAC Letter of Support for OSS OMC Proposed Changes_05-28-14\UAC Letter of Support to City Council for OSS OMC Proposed Changes_05-28-14.docx



City Council

Adoption of the 2015 State-Mandated Building Code Revisions

Agenda Date: 6/21/2016
Agenda Item Number: 4.I
File Number: 16-0690

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

Title

Adoption of the 2015 State-Mandated Building Code Revisions

Recommended Action

Committee Recommendation:

The Land Use and Environment Committee recommends the City Council approve adoption of the 2015 State Building Codes.

City Manager Recommendation:

Move to approve the adoption of the 2015 State Building Codes on second reading.

Report

Issue:

Whether to approve the adoption of the 2015 State Building Codes.

Staff Contact:

Todd Cunningham, Building Official, Community Planning & Development,
Tcunning@ci.olympia.wa.us <<mailto:Tcunning@ci.olympia.wa.us>>, 360.753.8486

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

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

Every three years, the construction code writing organizations update their respective technical and administrative codes. Revised Code of Washington (RCW) Section 19.27 requires that jurisdictions within the State of Washington adopt certain Building, Plumbing, Mechanical, Fire, Energy and Electrical Codes as required by the Washington State Building Codes Council (SBCC). These Codes have been published and adopted by the State Building Codes Council and are scheduled for implementation on July 1, 2016.

On May 19, 2016 the item was presented to the City of Olympia Land Use and Environment Committee for review. The Committee approved the item as presented and moved the item forward

to City Council for consent.

Neighborhood/Community Interests (if known):

As part of the of code adoption process; various construction community groups such as the Olympia Master Builders and the Building Industry Association Washington which include a number of local contracting members have expressed interest in the upcoming code adoption and training. Staff is working with these organizations and design professionals to ensure there is an understanding of the upcoming revisions to the codes as they are adopted. Staff has addressed these interests by ensuring the City of Olympia engages in outreach and invitation to these groups to attend training; we have in turn attended their training programs. Additionally, the City's website is being updated to ensure there is information available pertaining to these newly adopted codes.

Options:

1. Approve the adoption of the 2015 State Building Codes.

2. Do not approve the adoption of the 2015 State Building Codes.

The Codes are mandated by the State on July 1, 2016 as written. If the City does not adopt the codes, they will be implemented as written

Financial Impact:

The associated fiscal impact is included in department budget for 2016

Attachments:

None

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING CERTAIN SECTIONS OF OLYMPIA MUNICIPAL CODE TITLE 16, BUILDING CODE REGULATIONS, BY REPEALING EXISTING INTERNATIONAL CODES AND ADOPTING NEW INTERNATIONAL CODES AS ADOPTED AND AMENDED BY THE STATE OF WASHINGTON AND THE CITY OF OLYMPIA

WHEREAS, the State of Washington requires cities to enact building codes and regulations and to provide for their administration, enforcement, and amendment; and

WHEREAS, the regulation of building and building construction by the City of Olympia (the "City") is necessary to protect the public health, safety, and welfare; and

WHEREAS, the Olympia City Council desires to protect the safety and welfare of the citizens of the City through regulation of construction activities and maintenance of buildings in the City; and

WHEREAS, the City has previously adopted multiple international codes; and

WHEREAS, more recent international codes have been adopted by the State of Washington; and

WHEREAS, the City is required by Revised Code of Washington (RCW), Section 19.27 to adopt these State of Washington Building Codes; and

WHEREAS, City Staff has undertaken a review of the newly adopted international codes as compared to the City's existing codes; and

WHEREAS, City Staff recommends adopting the international codes provided for herein along with certain State and local amendments; and

WHEREAS, City Staff presented the international codes provided for herein along with their amendments to the City of Olympia Land Use and Environmental Committee; and

WHEREAS, the Land Use and Environmental Committee voted to recommend approval of the provisions regulating construction through use of these State adopted codes set forth herein at the Land Use and Environmental Land Committee meeting on May 19, 2016;

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

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

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

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

Section 1. Amendment of OMC 16.04. Olympia Municipal Code Chapter 16.04 is hereby amended to read as follows:

Chapter 16.04 BUILDING CODES

16.04.000 Chapter Contents

Sections:

Article I. BUILDING CODES

- 16.04.010 The "Building Code."
- 16.04.020 Adoption of Referenced Codes -- Purpose.
- 16.04.030 General Requirements for all Referenced Codes.
- 16.04.040 Amendments to the Referenced Codes.
- 16.04.050 Duties and Powers of Building Official -- General.
- 16.04.060 Building Codes, Appeals.
- 16.04.070 Violations, Penalties and Nuisance.

Article II. FIRE DISTRICT

- 16.04.110 Ordinance Creating and Establishing a Fire District.

Article IV. FLOATING BOAT MOORAGE

- 16.04.160 Purpose of regulations.
- 16.04.170 Applicability.
- 16.04.180 Content generally.
- 16.04.190 Definitions.
- 16.04.200 Permit required for construction.
- 16.04.220 Construction materials.
- 16.04.230 Size, spacing and fire protection requirements.
- 16.04.240 Fueling facility requirements.

Article VI. MOBILE/MANUFACTURED HOUSING

- 16.04.390 Definitions.
- 16.04.400 Incorporation of certain WAC provisions -- Nonconforming housing.
- 16.04.410 Installation permit required -- Smoke detectors required when.
- ~~16.04.420 Permit fees.~~
- 16.04.430 Electrical connection permit.
- 16.04.440 Plumbing permit.
- 16.04.450 Permit expiration -- Extension.
- 16.04.460 Use of mobile housing for nonresidential purposes.

Article VII. FLOODPLAIN DEVELOPMENT

16.04.500 Floodplain Development.

Article I. BUILDING CODES

16.04.010 The "Building Code"

This Chapter shall be known as the "Building Code," may be cited as such, and will be referred to herein as "this code." The codes adopted in this Chapter shall be collectively the "Building Code."

16.04.020 Adoption of Referenced Codes – Purpose

A. Pursuant to RCW 19.27.031, the City of Olympia hereby adopts the following codes, as amended by the Washington State Building Code Council, and as thereafter amended by the City of Olympia, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, use and occupancy, location and maintenance of buildings and structures, as well as the installation, repair, replacement or alteration of electrical, mechanical, and plumbing systems along with their associated equipment, appliances, fixtures, fittings and appurtenances thereto, and providing for the issuance of permits and collection of fees, providing penalties for the violation of such codes and each and all of the regulations, provisions, conditions and terms of these code standards, rules and regulations and appendices as noted. One copy of each code shall be on file with the City Clerk and can also be accessed electronically by the following hyperlinks provided within this section.

1. International Building Code Adopted.

The ~~2012~~ 2015 Edition of the International Building Code, hereafter IBC, as adopted by the State Building Code Council in Chapter 51-50 WAC (excluding Chapter 1, Section 101.4.3 "Plumbing"; excluding Chapter 1, Section 105.2 "work exempt from permit", item 3, "Oil Derricks"; excluding Chapter 1, Section 110.3.5 "Exception"; excluding Chapter 1, Section 113, Board of Appeals), as published by the International Code Council, Inc. (ICC), including ICC A117.1-2009 "Accessible and usable buildings and facilities", and the following Appendices are hereby adopted:

Appendix D, Fire Districts

Appendix E, ~~Sections 101 through 106~~

Appendix G, Flood resistant construction

~~Appendix H, Signs.~~

Appendix J, Grading.

2. International Residential Code Adopted.

The ~~2012 Edition~~ 2015 Edition of the International Residential Code, hereafter IRC, as published by the International Code Council, Inc. (ICC), as adopted by the State Building Code Council in Chapter 51-

51 WAC (excluding Chapter 1, Section R112, Board of Appeals, Chapter 11, and Chapters 25 through 42 43), except that Chapter 25, Section P2904 is adopted and the following Appendices are hereby adopted:

~~Appendix A (IFGC), Sizing and Capacities of Gas Piping~~

~~Appendix B (IFGC), Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category-I Appliances and Appliances Listed for Use and Type B Vents~~

~~Appendix C, (IFGC) Exit Terminals of Mechanical Draft and Direct Vent Venting Systems~~

~~Appendix F Radon Control Methods Passive Radon Gas Controls~~

~~Appendix G, Swimming pools, spas, and hot tubs~~

~~Appendix K, Sound transmission~~

~~Appendix Q, Dwelling Unit Fire Sprinkler Systems~~

~~Appendix R, Dwelling Unit Fire Sprinkler Systems~~

~~Appendix S,~~

3. International Mechanical Code Adopted.

The ~~2012 Edition~~ 2015 Edition of the International Mechanical Code, hereafter IMC, as published by the International Code Council, Inc. (ICC), as adopted by the State Building Code Council in Chapter 51-52 WAC (excluding Chapter 1, Section 109, Means of Appeals), is hereby adopted, and includes adoption of the ~~2012 International Fuel Gas Code,~~ the 2015 Edition of the ANSI Z223.1/NFPA 54 National Fuel Gas Code (NFPA-54) and the 2011 2014 Liquefied Gas Code (NFPA 58) except as otherwise specified by the adoption of referenced Codes.

4. Uniform Plumbing Code Adopted.

The ~~2012 Edition~~ 2015 Edition of the Uniform Plumbing Code, hereafter UPC, as published by the International Association of Plumbing and Mechanical Officials (IAPMO), as adopted by the State Building Code Council in Chapters 51-56 and 51-57 WAC (excluding Chapter 1, Section 1.2.4, Appeals, Chapter 12 and Chapter ~~15~~ 14), and the following Appendices are hereby adopted:

Appendix A, Pipe sizing

Appendix B, Notes on combination waste/venting

Appendix I, Installation Standards

5. International Energy Conservation Code/Washington Residential and Commercial Energy Codes Adopted.

Washington State Residential Energy Code, Chapter 51-11R WAC

The 2015 Edition of the Washington State Residential Energy Code including referenced appendix chapters. STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2012 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, RESIDENTIAL PROVISIONS.

Washington State Commercial Energy Code, Chapter 51-11C WAC

The 2015 Edition of the Washington State Commercial Energy Code including referenced appendix chapters. STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2012 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, COMMERCIAL PROVISIONS.

6. Manufactured Home Standards adopted.

The Manufactured Home Standards established by the State of Washington governing the installation of manufactured homes (as set forth in WAC Chapter 296-150M), are hereby adopted.

7. International Fire Code Adopted.

The ~~2012 Edition~~ 2015 Edition of the International Fire Code, herein IFC, as published by the International Code Council (ICC), as adopted by the State Building Code Council in Chapter 51-54 WAC (excluding Chapter 1, Section 108, Board of Appeals), ~~and as published by the International Code Council, Inc. (ICC)~~, and the following Appendices are hereby adopted:

Appendix B, Fire-Flow requirements for Buildings

~~Appendix D, Fire Apparatus Roads~~

Appendix E, Hazard Categories

Appendix F, Hazard Rankings

Appendix G, Cryogenic Fluids-Weight and Volume Equivalents

Appendix H, Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions

Appendix I, Fire Protection Systems-Noncompliant Conditions

8. International Existing Building Code Adopted.

The ~~2012-2015~~ 2015 Edition of the International Existing Building Code, as published by the International Code Council (excluding Chapter 1, Section 112, Board of Appeals), is hereby adopted as the Existing Building Code of the City of Olympia for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and term of said Existing Building Code.

9. The International Swimming Pool and Spa Code Adopted

The 2015 International Swimming Pool and Spa Code, as published by the International Code Council, is hereby adopted regulating the installation of pools and spas including ANSI/APSP/ICC-7 Standards for Suction Entrapment Avoidance.

16.04.030 General Requirements for all Referenced Codes

A. Conflict between Codes

1. Whenever there is a conflict between an adopted code in Section 16.04.020 and the requirements contained throughout the remainder of Chapter 16.04 of the Olympia Municipal Code (OMC), the OMC shall govern.
2. With respect to codes adopted by reference, the hierarchy of codes established in RCW 19.27.031 shall govern, except where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
3. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

B. Permits and Referenced Code Information

1. Ownership. The ownership of a permit inures to the property owner. The Permit Applicant shall be the property owner or his or her authorized agent.
2. Permit expiration -- Extension.
 - a. Every permit issued by the building official under the provisions of this code shall expire and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty days from the date such permit is issued, or if the building or work authorized by such permit is suspended or abandoned for a period of at least one hundred eighty days at any time after the work is commenced. The time period will be measured by the length of time between required inspections. ~~Before such work can be recommenced. Should a permit expire as determined by the building official,~~ a new permit shall first be obtained ~~to do so~~ and the fee therefor paid based on the work left to complete the project for which the permit is issued ~~shall be one-half the amount required for a new permit for such work,~~ provided no substantial changes have been made or will be made in the original plans and specifications for such work. Any new permit shall comply with the provisions of the codes currently adopted at the time of permit issuance. ~~If the suspension or abandonment exceeds one year, a new permit is required.~~
 - b. Any permittee holding an unexpired permit may apply for an extension of time when he or she is unable to commence work within the time required by this section. The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty days

upon a showing by the permittee that circumstances beyond the control of the permittee have prevented action from being taken.

c. A renewal permit fee shall be based on the percentage of incomplete work. All permits expire after eighteen months from the date of issue if the work is not ongoing, yet completed or a permit extension granted.

3. Permit Fees - See OMC Section 4.36.010, building code review and permit fees.

C. Definitions.

1. Definition for Single Room Occupancies to read:

A single room occupancy sleeping unit must be at least 120 square feet and have unencumbered access to both sanitary facilities and a full common kitchen facility.

Sanitary Facilities:

- a. At least one flush toilet, lavatory basin, and bathtub or shower must be supplied for each eight sleeping units.
- b. Each sleeping unit must have access to a flush toilet.
- c. Each sleeping unit must have access to a lavatory basin and bathtub or shower supplied at all times with an adequate quantity of hot and cold running water.
- d. All sanitary facilities must be in proper operating condition and be adequate for personal cleanliness and the disposal of human waste. The facilities must utilize an approvable public or private disposal system.

Space and security:

- a. Each sleeping unit must have 120 square feet of floor space and at least four square feet of closet space.
- b. Exterior doors and windows accessible from the outside must be lockable.

Access:

- a. Residents must be able to access their sleeping unit without passing through another sleeping unit.
- b. Residents must be able to access sanitary and kitchen facilities with no encumbrances that could prevent access. Access to these facilities cannot be through another sleeping unit but may be located in a detached community building located on the same site.

16.04.040 Amendments to the Referenced Codes

A. International Building Code Amendments. The following sections of the International Building Code (IBC), as adopted by this Ordinance, are amended to read as follows:

1. Amend Section 105.2 Work Exempt from Permit, item 1 to read: One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet (18.58 m²).

2. Amend Section 105.2 Work Exempt from Permit, item 2 to read: Fences not over 6 feet (1828.8mm) high.

~~1- 3.~~ Amend Section 110.3.10 Final inspection. The final inspection is to be made after all conditions of SEPA, Hearings Examiner, Design Review, Development Engineering, Stormwater Ordinance and the Tree Ordinance are either complied with or bonded for at a rate of 125% in addition to finish grading; and the building is completed and ready for occupancy.

~~2- 4.~~ Amend Section 111.2 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws and regulations, which are enforced, by the Community Planning and Development Department, the Building Official shall issue a Certificate of Occupancy, which shall contain the following:

- a. The building permit number.
- b. The address of the structure.
- c. The name and address of the owner or the owner's authorized agent.
- d. A description of that portion of the building structure for which the certificate is issued.
- e. A statement that the described portion of the building structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- f. The name of the Building Official.
- g. The edition of the code under which the permit was issued.
- h. The name of the tenant, use and occupancy, in accordance with the provisions of Chapter 3.
- i. The type of construction as defined in Chapter 6.
- j. The design occupant load.
- k. If an automatic sprinkler system is provided, whether the sprinkler system is required.
- l. Any special stipulations or conditions of the building permit.

~~3. 5.~~ Add Subsection ~~903.2.01~~ 903.2 Additional Sprinkler Requirements. There are additional sprinkler requirements in all structures or buildings where the gross square footage, basements included, exceeds 5,000 square feet, or in all structures or buildings more than three stories in height (unless other sections are more restrictive). The area and height increases specified in IBC Sections 504, 506, and 507 shall be permitted. For the purposes of this section, portions of buildings separated by a fire wall may be considered as separate buildings, except that the entire gross floor area of all floors will be used to determine fire sprinkler requirements.

In addition, in all buildings, including single family residences, where the fire perimeter access (as required under OMC 16.32.050) or access roadways for fire apparatus cannot be provided due to design and/or location, fire sprinkler systems may be required.

~~4. 6.~~ Amend Section ~~R110.3~~ 111.2 Certificate issued. After Once the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws and regulations; ~~which that are enforced;~~ by the Community Planning and Development Department; the Building Official shall issue a Certificate of Occupancy, ~~which that shall contain~~ the following:

- a. The building permit number.
- b. The address of the structure.
- c. The name and address of the owner or the owner's agent.
- d. A description of that portion of the building for which the certificate is issued.
- e. A statement that the described portion of the ~~building~~ structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- f. The name of the Building Official.
- g. The edition of the code under which the permit was issued.
- h. The use and occupancy, in accordance with the provisions of Chapter 3.
- i. The type of construction as defined in Chapter 6.
- j. The design occupant load.
- k. If an automatic sprinkler system is provided, whether the sprinkler system is required.
- l. Any special stipulations or conditions of the building permit.

~~5. Amend Table R301.2(a), Climatic and Geographic Design Criteria, as follows:~~

Climatic and Geographic Design Criteria

IRC Table R301.2(1)

SUBJECT TO DAMAGE FROM											
ROOF SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	Weathering	Front Line Depth	Termite	Decay	WINTER DESIGN TEMP (Degrees)	ICE SHIELD UNDER- LAYMENT REQUIRE D	FLOOD HAZARD S	AIR FREEZING INDEX (degrees)	MEAN ANNUAL TEMP (degrees)
25	85	D1	Moderate	12"	Slight to Moderate	Slight to Moderate	22	No	Feb. 17, 1982 plus revised Budd Bay Study		

~~6. Add Section R315.5 Automatic Sprinkler System Requirements. A fully automatic residential fire sprinkler system shall be designed, installed, tested and maintained per N.F.P.A. (National Fire Protection Association) 13, current edition, RCW 18.160 and the approval of the Fire Chief, in all structures subject to this code pursuant to Section R101.2 (including additions and alterations to structures with existing sprinkler systems).~~

B. International Residential Code Amendments. The following sections of the International Residential Code (IRC), as adopted by this Ordinance, are amended to read as follows:

1. Amend Section R105.2 Work Exempt from Permit, item 2 to read: Fences not over 6 feet (1828.8mm) high.

~~2. Amend Section R110.3 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws and regulations, which are enforced, by the Community Planning and Development Department, the Building Official shall issue a Certificate of Occupancy, which shall contain the following:~~

- a. The building permit number.
- b. The address of the structure.
- c. The name and address of the owner or the owners authorized agent.

- d. A description of that portion of the building structure for which the certificate is issued.
- e. A statement that the described portion of the building structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- f. The name of the Building Official.
- g. The edition of the code under which the permit was issued.
- h. The use and occupancy. ~~in accordance with the provisions of Chapter 3.~~
- i. The type of construction as defined in Chapter 6 of the International Building Code.
- j. The design occupant load.
- k. If an automatic sprinkler system is provided, whether the sprinkler system is required.
- l. Any special stipulations or conditions of the building permit.

~~2.3.~~ Amend Table R301.2 (a), Climatic and Geographic Design Criteria, as follows:

Climatic and Geographic Design Criteria

IRC Table R301.2(1)

SUBJECT TO DAMAGE FROM											
ROOF SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	Weathering	Front Line Depth	Termite	Decay	WINTER DESIGN TEMP (Degrees)	ICE SHIELD UNDER-LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX (degrees)	MEAN ANNUAL TEMP (degrees)
25	85 <u>110</u>	D1	Moderate	12"	Slight to Moderate	Slight to Moderate	22 <u>17</u>	No	<u>Sept. 1, 2016</u> plus revised Budd Bay Study	170	51

~~3.4.~~ Add Section ~~R315.5~~ R313.2 Automatic Sprinkler System Requirements. A fully automatic residential fire sprinkler system shall be designed, installed, tested and maintained per N.F.P.A. (National

Fire Protection Association) 13, current edition, RCW 18.160 and the approval of the Fire Chief, in all structures subject to this code pursuant to Section R101.2 (including additions and alterations to structures with existing sprinkler systems).

16.04.050 Duties and Powers of Building Official -- General

The Building official is hereby authorized and directed to enforce the provisions of this code.

The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

16.04.060 Building Codes, Appeals

Appeals under this chapter may be made pursuant to OMC 18.75.

16.04.070 Violations, Penalties and Nuisance

A. It shall be unlawful for any person, firm, or corporation to knowingly erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, change the occupancy, occupy or maintain any building or structure in the City of Olympia, or cause or permit the same to be done, in violation of any of the provisions of this Code. Such a violation shall be a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000) and/or imprisonment not to exceed ninety (90) days or both such fine and imprisonment. Each day shall constitute a separate offense. In the event of 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 for not more than three hundred and sixty-five (365) days or both such fine and imprisonment.

B. As an additional and concurrent remedy, it shall be a civil infraction for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Olympia, or cause or permit the same to be done in violation of any provision of this code. Each day shall constitute a separate civil infraction. Any 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.

C. As an additional and concurrent remedy, it shall be a public nuisance subject to injunction and abatement, for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the City of Olympia, or cause or permit the same to be done in violation of any provision of this Code.

See also OMC Chapter 4.44, Uniform Civil Enforcement.

Article II. FIRE DISTRICT

16.04.110 Ordinance Creating and Establishing a Fire District

The area within the city comprising a Fire District for purposes of this section shall be that area now or hereafter designated on the official zoning map of the city as zoned as bounded by downtown business and as described in the city zoning ordinance.

Article IV. FLOATING BOAT MOORAGE

16.04.160 Purpose of regulations

The purpose of the following sections is to safeguard life, limb, property and the public welfare by regulating floating boat moorage.

16.04.170 Applicability

The provisions of this article shall apply to the construction, alteration, repair and use of a boat marina providing floating boat moorage within the city. There shall be no habitable space or use of any space for living purposes on any portion of a floating boat moorage constructed under the provisions of this chapter. This chapter shall apply only to floating construction located over water. All construction on piling shall conform to the appropriate section of the Building Code.

16.04.180 Content generally

This article sets forth rules and regulations to control floating boat moorage; establishes an administrative procedure for issuance of permits; and provides for approval of plans and inspection of construction.

16.04.190 Definitions

For the purpose of this article:

- A. "Finger float" means a float defining the length of moorage stall, adjoining a single boat stall, and connected to a main float.
- B. "Float system" means a combination of a main float with finger floats connected, either open or covered.
- C. "Main float" means a center or side float connected by a ramp to the shore, being fixed laterally by a system of piling to one side or the other at regular intervals.
- D. "Marina" means a basin or safe anchorage providing moorage for small vessels, especially one at which provisions, supplies and fuel may be obtained.

16.04.200 Permit required for construction

No person shall do any construction without first having obtained a building permit from the building official.

16.04.220 Construction materials

- A. Covered moorage roof covering shall be noncombustible material.
- B. Floating structures and floats shall be of material type allowed by the building code.

16.04.230 Size, spacing and fire protection requirements

- A. Maximum length of a roof covering over any float system shall be four hundred feet as measured along a main float; provided, that not less than seventy-five percent of the exterior walls are open. Maximum area of any covered moorage shall not exceed twelve thousand square feet.
- B. The minimum separation of float systems with covered moorage shall be not less than the nominal length of two mooring slips or twenty feet, whichever is larger.
- C. Approved fire extinguishers and water for firefighting purposes as required by section 16.32.080 shall be installed.

16.04.240 Fueling facility requirements

- A. Fueling floats shall be constructed of gas-resistant flotation material and shall be isolated from float systems.
- B. All fuel lines shall be provided with flexible connections from the shore to floating facilities.
- C. Approved fire extinguishers shall be provided near fuel dispensers.
- D. Gangplank access from shore to fuel floats shall be within one hundred seventy-five feet of fuel dispensers.

Exception: Where fire protection systems approved by the Fire Chief are provided, distance limitations in this section may be modified.

- E. Fresh water taps shall be available on fuel floats.
- F. Water for firefighting purposes shall be as required by the International Fire Code.

Article VI. MOBILE/MANUFACTURED HOUSING

16.04.390 Definitions

The following words shall be defined as follows:

- A. "Facia" "Skirting" means a type of wainscoting which encloses the lower part of the mobile home, covering wheels and undercarriage.
- B. "Footing" means that portion of the support system that transmits loads directly to the soil.

C. "Ground set" means the installation of mobile homes with crawl space elevation three inches or more below elevation of exterior finished grade.

D. "Main frame" means the structural component on which is mounted the body of the mobile home.

E. "Mobile/manufactured housing" means a residential unit on one or more chassis for towing to the point of use and designed to be used with a foundation as a dwelling unit on a year-round basis, and which bears an insignia issued by a state or federal regulatory agency indicating that the mobile/manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of manufactured home. A commercial coach, recreational vehicle and motor home are not a mobile/manufactured home.

F. "Pier" means that portion of the support system between the footing and the mobile home, exclusive of caps and shims.

G. "Recreational vehicle" is a structure

1. built on a single chassis,
2. four hundred square feet or less when measured at the largest exterior horizontal projections,
3. self-propelled or permanently towable by a light-duty truck and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

H. "Support system" means a combination of footings, piers, caps and shims that will, when properly installed, support the mobile/manufactured home.

16.04.400 Incorporation of certain WAC provisions -- Nonconforming housing

A. The following sections of Chapter 296-150B, Washington Administrative Code (WAC), as now or hereafter amended, are incorporated by reference herein:

296-150C Commercial coaches.

296-150F Factory-built housing and commercial structures.

296-150I Manufactured home installer training and certification program.

296-150M Manufactured homes.

296-150T Factory-built temporary worker housing structures.

B. All mobile/manufactured housing installed in the city before June 1, 1983, which does not comply with the requirements set forth in this article are deemed to be nonconforming.

Nonconforming mobile/manufactured homes will be allowed to remain at their existing locations without complying with the provisions of this chapter. Each person proposing to move a mobile/manufactured home, including nonconforming mobile/manufactured homes, to another location, including a location on the same site if footing locations will be different than the original location, must first obtain a permit from the Department of Public Works as required by this chapter. All such mobile/manufactured homes shall be made to comply with all requirements of this chapter prior to their establishment or use on the new site.

16.04.410 Installation permit required -- Smoke detectors required when

A. The owner or the installer of the mobile/manufactured home(s) must obtain an installation permit from the City Community Planning and Development Department before installing mobile homes that will be used as a residence in a mobile home park.

1. A dealer may not deliver a mobile/manufactured home until the owner or installer has obtained an installation permit for the mobile home. An application form for an installation permit shall be obtained from the Community Planning and Development Department.
2. The applicant shall pay at the time of application a permit fee prescribed by the approved fee schedule.

B. Smoke Detectors. All mobile/manufactured homes not constructed to HUD standards shall have or be provided with an approved smoke detector, conforming to the Building Code Standard No. 43-6. The detector shall be mounted on or near the ceiling at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Detectors not factory installed may be either self-contained or plug in types so that no alteration of the mobile housing is required for their installation.

16.04.420 Permit fees

Permit fees shall be paid in accordance with the following fee schedule:

Temporary use (single wide)	\$	50.00
Temporary use (double wide)	\$	75.00
Permanent use (single wide)	\$	100.00
Permanent use (double wide)	\$	125.00
Permanent use (triple wide)	\$	150.00
Add-a-room (premanufactured addition)	\$	50.00
Temporary commercial use (single)	\$	100.00
Permanent commercial use (double)	\$	125.00
Permanent commercial use (triple)	\$	150.00

~~Plan check fee of sixty-five percent of permit fee will be required for commercial use only.~~

16.04.430 Electrical connection permit

The electrical connection permit to the mobile/manufactured housing shall be per the ordinance adopting the National Electrical Code as codified in Chapter 16.04.

16.04.440 Plumbing permit

The plumbing permit shall be secured for the hookup to the city sewer or septic tank and the installation inspected as provided in the Plumbing Code.

16.04.450 Permit expiration – Extension

~~A. — Every permit issued by the building official under the provisions of this code shall expire and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty days from the date such permit is issued, or if the building or work authorized by such permit is suspended or abandoned for a period of at least one hundred eighty days at any time after the work is commenced. Before such work can be recommenced, a new permit shall first be obtained to do so and the fee therefor shall be one-half the amount required for a new permit for such work, provided no substantial changes have been made or will be made in the original plans and specifications for such work. If the suspension or abandonment exceeds one year, a new permit is required.~~

A. Every permit issued by the building official under the provisions of this code shall expire and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty days from the date such permit is issued, or if the building or work authorized by such permit is suspended or abandoned for a period of at least one hundred eighty days at any time after the work is commenced. The time period will be measured by the length of time between required inspections. Should a permit expire as determined by the building official, a new permit shall first be obtained and the fee therefor paid based on the work left to complete the project for which the permit is issued, provided no substantial changes have been made or will be made in the original plans and specifications for such work. Any new permit shall comply with the provisions of the codes currently adopted at the time of permit issuance.

~~B. — Any permittee holding an unexpired permit may apply for an extension of time when he is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty days upon a showing by the permittee that circumstances beyond the control of the permittee have prevented action from being taken. All permits expire after eighteen months from the date of issue if the work is not yet completed. The renewal permit fee will be based on the percentage of incomplete work.~~

B. Any permittee holding an unexpired permit may apply for an extension of time when he or she is unable to commence work within the time required by this section. The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty days upon a showing by the permittee that circumstances beyond the control of the permittee have prevented action from being taken.

16.04.460 Use of mobile housing for nonresidential purposes

A. Mobile/manufactured housing shall not be used for nonresidential purposes. All nonresidential structures shall meet the factory built commercial structure standards prescribed in RCW 43.22.490, as now or hereafter amended.

B. The placement of factory built commercial structures for temporary or permanent use may be for nonresidential purposes when approved by the Director and permitted by the building official.

C. The use must comply with the use district in which it is placed.

Article VII. FLOODPLAIN DEVELOPMENT

16.04.500 Floodplain Development

All development within a designated floodplain located in the City of Olympia shall comply with OMC Chapter 16.70 and the construction specifications detailed in IBC Appendix G, Flood resistant construction, and the amended IRC Section R322 Flood-Resistant Construction.

Section 2. Amendment of OMC 16.06. Olympia Municipal Code ## is hereby amended to read as follows:

Chapter 16.06 PROPERTY MAINTENANCE CODE

16.06.000 Chapter Contents

Sections:

- 16.06.010 International Property Maintenance Code adopted -- Purpose & Administration.
- 16.06.020 Definitions
- 16.06.030 General Requirements
- 16.06.040 Light, Ventilation and ~~Occupancy~~ Occupancy Limitations
- 16.06.050 Plumbing Facilities and Fixture Requirements
- 16.06.060 Mechanical and Electrical Requirements
- 16.06.070 Fire Safety Requirements
- 16.06.080 Referenced Standards

16.06.010 International Property Maintenance Code adopted –Purpose & Administration

A. PURPOSE

The International Property Maintenance Code, 2006 2015 edition, as published by the International Code Council, and herein amended by the City of Olympia, is hereby adopted as the Property Maintenance Code of the City of Olympia for the following purposes: (1) regulating and governing the conditions and maintenance of all property, buildings, and structures; (2) providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; (3) authorizing the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and (4) providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, penalties, conditions and terms referred to, adopted, and made a part hereof, as fully set out in this Ordinance.

B. ADMINISTRATION - GENERAL

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Olympia, hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life

safety, a reasonable level of safety from fire and other hazards, and for safe and a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare ~~in so far~~ insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

C. APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101 . Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern. Where there is a conflict between general requirements and specific requirements, the specific requirements shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code, or a previous regulation or code under which the structure or premises was constructed, altered or repaired, shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility ~~which that~~ is required under this section to be removed from, or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated authorized agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, ~~International Fuel Gas Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, Uniform Plumbing Code, and NFPA 70 (the currently adopted edition of the National Electrical Code)~~ the ICC Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of Olympia ~~Unified Development code~~ Municipal Code.

Except as otherwise specifically stated, where conflicts occur within this Property Maintenance Code, or between the provisions of this Property Maintenance Code and the Building Code Codes, Fire Code Codes, Existing Building Code, Energy Code, Residential Code, Electrical Code, Zoning Code, or other regulations of the City, the more restrictive shall apply.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations ~~which that~~ are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Section 16.06.080 and considered part of the requirements of this code to the prescribed extent of each such reference. ~~Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.~~

102.7.1 Conflicts. ~~Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.~~

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.9 Application of references. ~~References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.~~

102.10 Other Laws. ~~The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.~~

D. PROPERTY MAINTENANCE INSPECTION

103.1 General. The Community Planning and Development Department is responsible for property maintenance inspection.

103.2 Appointment. ~~The Code Official shall be appointed by the appointing authority.~~ The Director of the Community Planning and Development Department shall be the chief appointing authority for the Department.

103.3 Code Official. In accordance with the prescribed procedures of this jurisdiction, the Director ~~Code Official~~ shall ~~have the authority to appoint a code official,~~ other related technical officers, inspectors and other employees as delegated by the appointing authority.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set forth in Olympia Municipal Code Section 4.36.010 (Building Code review and permit fees) ~~as it may be amended from time to time currently enacted or as amended.~~

E. DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code. The code official shall have authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose

of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

~~104.2~~ Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

~~104.3~~ 104.2 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. ~~All reports~~ Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

~~104.3.1~~ 104.2.1 Initial Inspection and Enforcement. An initial enforcement inspection shall be undertaken against buildings or properties whenever the code official has reason to believe that a violation of this code exists; or a complaint is filed with the department by any person.

~~104.4~~ 104.3 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

~~104.5~~ 104.4 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

~~104.6~~ 104.5 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

~~104.7~~ 104.6 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records, as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

F. APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, and the modification is in compliance with the intent and purpose of this code and that such modification does not lesson health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative material or method of construction has been approved and complies

with all other codes adopted by the City of Olympia. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with all other codes adopted by the City of Olympia and the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternate was not approved.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

105.5 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

G. VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be subject to the following:

- a. On first offense, the violation shall constitute a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000), and/or imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. 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.

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 title or the terms or provisions of a Notice of Violation issued under OMC Chapter 16.06. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

- i. First offense: Class 3 (\$50), not including statutory assessments.
- ii. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
- iii. 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 Civil Enforcement.

c. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The costs of any action taken by the City of Olympia on such premises, including but not limited to attorney's fees, contractors, engineers and all other costs of any kind, shall be charged against the real property upon which the structure is located and shall be a lien on such real property in accordance with the procedures set forth in Section 110.3 of this code.

106.4 Violation penalties. Any person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

H. NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

If the whereabouts of any of such person is unknown and the same cannot be ascertained by the code official in the exercise of reasonable diligence, and the code official makes an affidavit to that effect, then the serving of such complaint or order upon such persons may be made either by personal service or by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building involved in the proceedings, and mailing a copy of the complaint and order by first class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.

107.5 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

107.6 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.

107.7 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

I. UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, healthy, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one-half the original design value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the

support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its intended use and occupancy.

7. The building or structure is neglected, damaged dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to enter the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing systems, or otherwise is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical systems, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on site after the demolition or destruction of the building or structure or whenever the building of any structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located to and shall be a lien against the upon such real estate property upon which the structure is located and such costs will be recoverable pursuant to the provisions of this code.

~~108.2.1 Standards for securing buildings. To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked, or shuttered to prevent third party entry.~~

~~If openings are damaged so they cannot be secured using normal building amenities, they shall be secured by covering with 7/16 inch minimum thickness structural panel cut to fit over the building opening and secured with #10 wood screws with fender washers.~~

~~The screws shall penetrate the wood framing by a minimum of 1-1/4 inches and the screws shall be spaced around the perimeter of the opening at a distance of no more than 12 inches on center.~~

108.2.1 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnections of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in section 102.3 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, owner's authorized agent or occupant of the building or structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Sections 107.1, 107.2 and 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

108.7 Record. The code official shall file a report of investigation of unsafe conditions stating the occupancy of the structure and the unsafe condition.

J. EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as

follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

K. DEMOLITION

110.1 General. The code official shall order the owner or the owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so ~~old~~, deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary ~~unsanitary~~ or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years that the building or structure has become dangerous as defined in this code, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the code official.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

110.3 Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

If the party responsible under Section 102.2, or other sections of this Code, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building structure or premises, the building code official may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished.

The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the building code official, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification by the Clerk of the City of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in Revised Code of Washington 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the Building Demolition and Nuisance Abatement revolving fund of the City. ~~If the dwelling, building, structure, or premises is removed or demolished by the code official, the code official shall, if possible, sell the materials of such dwelling, building, structure or premises, and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the code official, after deducting the costs incident thereto.~~

The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials, ~~at the highest price obtainable~~. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

L. MEANS OF APPEAL

111. Means of Appeal. Any person adversely affected or aggrieved by a decision of the code official or a notice or order issued under this code may appeal to the hearings examiner pursuant to the Olympia Municipal Code Chapter 18.75, provided that a written application for appeal is filed within fourteen (14) days after the day the decision, notice or order was served. An appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

16.06.020 Definitions

A. GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this section.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code , International Fire Code , Olympia Zoning Code, International Plumbing Code , International Mechanical Code , State Energy Code, International Fuel Gas Code, International Existing Building Code, or the ICC Electrical Code (NFPA 70), such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

B. GENERAL DEFINITIONS

- ~~1.~~ 1. Anchored. Secured in a manner that provides positive connection.
- ~~1.~~ 2. Approved. Approved by the code official.
- ~~2.~~ 3. Basement. That portion of a building which is partly or completely below grade.
- ~~3.~~ 4. Bathroom. A room containing plumbing fixtures, including a bathtub or shower.
- ~~4.~~ 5. Bedroom. Any room or space used or intended to be used for sleeping purposes, in either a dwelling or sleeping unit.
- ~~5.~~ 6. Code Official. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.
- ~~6.~~ 7. Condemn. To adjudge unfit for occupancy.
8. Cost of such demolition or emergency repairs. The cost of shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to the demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to the demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.
- ~~7.~~ 9. Department. The City of Olympia Community Planning and Development Department.
10. Detached. When a structure element is physically disconnected from another and that connection is necessary to provide a positive connection.

- ~~11.~~ Deterioration. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.
8. ~~12.~~ Director. The Director of the City of Olympia Community Planning and Development Department.
9. ~~13.~~ Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- ~~10.~~ ~~14.~~ Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.
- ~~11.~~ ~~15.~~ Equipment Support. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.
- ~~16.~~ Exterior Property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- ~~12.~~ ~~Extermination.~~ The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, and trapping or by any other approved pest elimination methods.
- ~~13.~~ ~~17.~~ Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- ~~14.~~ ~~18.~~ Guard. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
- ~~15.~~ ~~19.~~ Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
- ~~20.~~ Historic Building. Any building or structure that is one or more of the following:
1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in National Register of Historic Places.
 2. Designated as historic under an applicable state or local law.
 3. Certified as a contributing resource within National Register or state or locally designated historic structure.

- ~~16.~~ 21. Housekeeping Unit. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.
- ~~17.~~ 22. Imminent Danger. A condition which could cause serious or life-threatening injury or death at any time.
- ~~18.~~ 23. Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- ~~19.~~ 24. Inoperable Motor Vehicle. A vehicle which cannot be driven upon the public streets for reason including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.
- ~~20.~~ 25. Labeled. ~~Devices, equipment, appliances,~~ Equipment, or materials or products to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and ~~by whose label-labeling either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose. the manufacturer attests to compliance with applicable nationally recognized standards.~~
- ~~21.~~ 26. Let For Occupancy or Let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.
27. Neglect. The lack of proper maintenance for a building or structure.
- ~~22.~~ 28. Occupancy. The purpose for which a building or portion thereof is utilized or occupied.
- ~~23.~~ 29. Occupant. Any individual living or sleeping in a building, or having possession of a space within in a building.
- ~~24.~~ 30. Openable Area. That part of window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- ~~25.~~ 31. Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- ~~26.~~ 32. Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

- ~~27-~~ 33. Person. An individual, corporation, partnership or any other group acting as a unit.
34. Pest Elimination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.
- ~~28-~~ 35. Premises. A lot, plot or parcel of land, easement or public way, including any structures thereon.
- ~~29-~~ 36. Public Way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
- ~~30-~~ 37. Rooming House. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.
- ~~31-~~ 38. Rooming Unit. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
- ~~32-~~ 39. Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
- ~~33-~~ 40. Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
- ~~34-~~ 41. Strict Liability Offense. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.
- ~~35-~~ 42. Structure. That which is built or constructed or a portion thereof.
- ~~36-~~ 43. Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- ~~37-~~ 44. Toilet room. A room containing a water closet or urinal, but not a bathtub or shower.
45. Ultimate deformation. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.
- ~~38-~~ 46. Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

~~39.~~ 47. Workmanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

~~40.~~ 48. Yard. An open space on the same lot with a structure.

16.06.030 General Requirements

A. GENERAL

301.1 Scope. The provisions of this section shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this ~~section~~ chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

B. EXTERIOR PROPERTY AREAS

302.1 Sanitation. ~~All exterior~~ 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. ~~All premises~~ 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.

302.11 Cargo containers and ~~semitrailers~~ 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.

303.1 Swimming pools. Swimming pools shall be maintained pursuant to the swimming pool spa and hot tub code, state building codes and other applicable federal, state and local laws. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

C. EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe Conditions. The following conditions shall be determined to be unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundation is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit share;

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of deterioration or that are not capable of supporting all nominal loads and load effects;

6. Foundations systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. ~~All siding~~ Siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. ~~All metal~~ Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and ~~all~~ surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification. Buildings shall ~~be provided with~~ have approved address identification. ~~The address numbers identification shall be legible and~~ placed in a position to be plainly legible and visible from the street or road fronting the property. ~~These numbers~~ Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or ~~alphabet~~ alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) ~~high with~~ in height with a minimum stroke width of 0.5 inches (12.7 mm).

Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of private road and the building cannot be viewed from the public way, a monument pole, or other sign or means shall be used to identify the structure. Address identification shall be maintained.

304.4 Structure members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, dampness, and loose or rotting ~~materials.~~ materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. ~~All cornices,~~ Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. ~~All overhang~~ Overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal

or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, port and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. ~~All chimneys,~~ Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. ~~All exposed~~ Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special ~~Special~~ knowledge or effort and shall have a lock throw of not less than 1 inch (25MM). Such deadbolt locks shall be installed according to the manufacture's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

D. INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the loads effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to the foundation is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and similar surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, mold and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

E. COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the components or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings.

1. Soils that have been subjected to any of the following conditions:

1.1 Collapse of footing or foundation system;

1.2 Damage to footing, foundation, concrete or other structural element due to soil expansion;

1.3 Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

1.4 Inadequate soil as determined by a geotechnical investigation;

1.5 Where the allowable bearing capacity of the soil is in doubt; or

1.6 Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

2.1 Deterioration;

2.2 Ultimate deformation;

2.3 Fractures;

2.4 Fissures;

2.5 Spalling

2.6 Exposed reinforcement; or

3. Aluminum that has been subjected to any of the following conditions:

3.1 Deterioration;

3.2 Corrosion;

3.3 Elastic Deformation;

3.4 Ultimate deformation;

3.5 Stress or strain cracks;

3.6 Joint fatigue; or

3.7 Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

4.1 Deterioration;

4.2 Ultimate Deformation;

4.3 Fractures in masonry or mortar joints;

4.4 Fissures in masonry or mortar joints;

4.5 Spalling;

4.6 Exposed reinforcement;

4.7 Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

5.1 Deterioration;

5.2 Elastic deformation;

5.3 Ultimate deformation;

5.4 Metal fatigue; or

5.5 Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

- 6.1 Ultimate deformation;
- 6.2 Deterioration;
- 6.3 Damage from insects, rodents, and other vermin;
- 6.4 Fire damage beyond charring;
- 6.5 Significant splits and checks;
- 6.6 Horizontal shear cracks;
- 6.7 Vertical shear cracks;
- 6.8 Inadequate support;
- 6.9 Detached, dislodged or failing connections; or
- 6.10 Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

E F. HANDRAILS AND GUARDRAILS

~~306.1~~ 307.1 Handrails and Guardrails- General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than ~~thirty~~ 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 34 inches high or more than 38 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

EXCEPTIONS:

1. Guards shall not be required where exempted by the adopted building code.
2. Guards may be of other heights when allowed by the adopted building code or other historical codes.

F. G. RUBBISH AND GARBAGE

~~307.1~~ 308.1 Accumulation of rubbish or garbage. ~~All exterior~~ Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

~~307.2~~ 308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

~~307.2.1~~ 308.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

~~307.2.2~~ 308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

~~307.3~~ 308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

~~307.3.1~~ 308.3.1 Garbage facilities. The owner of every dwelling shall supply ~~one~~ both of the following: an approved mechanical food waste grinder in each dwelling unit; ~~an approved incinerator unit in the structure available to the occupants in each dwelling unit;~~ or an approved leakproof, covered, outside garbage container.

~~307.3.2~~ 308.3.2 Containers. The operator of every establishment producing garbage shall provide, at all times, cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

G. H. EXTERMINATION

~~308.1~~ 309.1 Infestation. ~~All structures~~ Structures shall be kept free from insect and rodent infestation. ~~All structures~~ Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest extermination, proper precautions shall be taken to prevent reinfestation reinfestation.

~~308.2~~ 309.2 Owner. The owner of any structure shall be responsible for pest elimination ~~extermination~~ within the structure prior to renting or leasing the structure.

~~308.3~~ 309.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination ~~extermination~~ on the premises.

~~308.4~~ 309.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination ~~extermination~~ in the public or shared areas of the structure and exterior property.

If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination ~~extermination~~.

~~308.5~~ 309.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

EXCEPTION: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination ~~extermination~~.

16.06.040 Light, Ventilation and Occupancy Limitations

A. GENERAL

401.1 Scope. The provisions of this section shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this section.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

B. LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

EXCEPTION: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least equivalent to a 60 watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

C. VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1

EXCEPTION: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

EXCEPTIONS:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

D. OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm)

EXCEPTIONS:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts, and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Area Room Area. Every living room shall contain at least 120 square feet (11.2. m²) and every bedroom shall contain at least 70 square feet (6.5 m²).

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

EXCEPTIONS: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section; the plumbing facilities and water-heating facilities requirements of Section 16.06.050; the heating facilities and electrical receptacle requirements of Section 16.06.060; and the smoke detector and emergency escape requirements of Section 16.06.070.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 mm²) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

16.06.050 Plumbing Facilities and Fixture Requirements

A. GENERAL

501.1 Scope. The provisions of this section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.

B. REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet isolated. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. ~~At least~~ Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Uniform Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

C. TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

EXCEPTION: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

D. PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official require the defects to be corrected to eliminate the hazard.

E. WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Uniform Plumbing Code.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an

approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110oF (43oC). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

F. SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacture's installation instructions. Grease inceptors and automatic removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official upon request.

G. STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

16.06.060 Mechanical and Electrical Requirements

A. GENERAL

601.1 Scope. The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this section.

B. HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the ~~International Plumbing Code~~ Uniform Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

EXCEPTION: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

EXCEPTIONS:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the ~~International Plumbing Code~~ Uniform Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

EXCEPTIONS:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activity.

602.5 Room temperature measurements. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

C. MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

EXCEPTION: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to fuel the supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

D. ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code (NFPA 70). Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low voltage fuses, luminaries, ballasts, motor and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code and the National Electrical Code (NFPA 70).

E. ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with

a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

F. ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with American Society of Mechanical Engineers (ASME) A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A 17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.1.1 Elevators, Escalators and Dumbwaiters shall comply with the State Department of Labor and industries inspection and operation requirements.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

EXCEPTION: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

G. DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

16.06.070 Fire Safety Requirements

A. GENERAL

701.1 Scope. The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this section.

B. MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

702.2 Aisles. The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

702.4 Emergency escapes openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

C. FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

D. FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.1.1 Automatic sprinkler system. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.1.2 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152mm) high and words in letters not less than 2 inches (51mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

704.2 ~~Smoke alarms. Single and multiple-station smoke alarms.~~ Single or multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3, and maintained in Groups R-2, R-3, and R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

- ~~1. On the ceiling or wall outside each separate sleeping area in the immediate vicinity of bedrooms.~~
- ~~2. In each room used for sleeping purposes.~~

~~3.— In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.~~

~~Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.~~

704.2.1 Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Section 704.2.1.1 through 704.2.1.4. Interconnection and power source shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided the that existing smoke alarms comply with requirements that were in effect at the time of construction.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.2.1.1 Group R-1. Single-or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.

2. In every room in the path of the means of egress from sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.2 Groups R-2, R-3, R-4 and I-1. Single-or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of the bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent

levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.2.1.1 or 704.2.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096mm) horizontally from permanently installed cooking appliances.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829mm) horizontally from a permanently installed cooking appliance.

704.2.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

704.2.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnections of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.2.3 Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with a battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

~~704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.~~

~~EXCEPTION: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not serviced from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.~~

704.2.4 Smoke detection system. Smoke detectors listed in accordance with UL268 and provided as part of the buildings fire alarm system shall be an acceptable alternative to single and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm shall comply with all applicable requirements in Section 907 of the International Fire Code.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the International Fire Code.

~~704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.~~

EXCEPTIONS:

- ~~1.— Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.~~
- ~~2.— Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes, exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.~~

16.06.080 Reference Standards

This section lists the standards that are referenced in various sections of this code. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the sections or sections of this code that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

Standard Reference Number	Title	Referenced in Code Section Number
<u>ASME A17.1/CSA B44 2013</u>	<u>Safety Code for Elevators and Escalators</u>	<u>606.1</u>
<u>ASTM F1346-91 (2010)</u>	<u>Performance Specifications for Safety Covers and Labeling Requirements for all Covers for Swimming Pools, Spas and Hot Tubs.</u>	<u>303.2</u>
<u>ICC IBC 15</u>	<u>International Building Code</u>	<u>102.3, 201.3, 401.3, 702.3</u>
<u>ICC IEBC 15</u>	<u>International Existing Building Code</u>	<u>305.1.1, 306.1.1</u>
<u>IFC 15</u>	<u>International Fire Code</u>	<u>201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2</u>
<u>IFGC 15</u>	<u>International Fuel Gas Code</u>	<u>102.3</u>
<u>IMC 15</u>	<u>International Mechanical Code</u>	<u>102.3, 201.3</u>
<u>UPC 15</u>	<u>International Plumbing Code</u>	<u>201.3, 505.1, 602.2, 602.3</u>
<u>IRC 15</u>	<u>International Residential Code</u>	<u>102.3, 201.3</u>
<u>NFPA 25-14</u>	<u>Standard for the Inspection, testing and maintenance of Water-based Fire Protection Systems</u>	<u>704.1.1</u>
<u>NFPA 70-14</u>	<u>National Electrical Code</u>	<u>102.4, 201.3, 604.2</u>
<u>ICC EC-03</u>	<u>ICC Electrical Code TM Administrative Provisions</u>	<u>201.3, 604.2</u>
<u>IBC-03</u>	<u>International Building Code ®</u>	<u>201.3, 401.3, 702.3</u>
<u>IEBC-03</u>	<u>International Existing Building Code™</u>	<u>101.3, 102.3, 201.3</u>
<u>IFC-03</u>	<u>International Fire Code ®</u>	<u>201.3, 702.1, 702.2, 704.1, 704.2</u>
<u>IMC-03</u>	<u>International Mechanical Code ®</u>	<u>201.3</u>
<u>IPC-03</u>	<u>International Plumbing Code ®</u>	<u>201.3, 505.1, 602.2, 602.3</u>
<u>IZC-03</u>	<u>International Zoning Code®</u>	<u>102.3, 201.3</u>

Section 3. Amendment of OMC 16.32. Olympia Municipal Code Chapter 16.32 is hereby amended to read as follows:

**Chapter 16.32
FIRE CODE**

16.32.000 Chapter Contents

Sections:

- 16.32.020 Definitions.
- 16.32.045 Inspection fee -- Assessed.
- 16.32.046 Inspection fee -- Payment obligation.
- 16.32.047 Inspection fee -- Collection procedure.
- 16.32.048 Inspection fee -- Applicability.
- 16.32.050 Access roadways for fire apparatus.
- 16.32.053 Chapter 9, Section 904 amended.
- 16.32.060 Flammable liquid storage.
- 16.32.070 Liquefied petroleum gas storage.
- 16.32.080 Add Section 905.11, International Fire Code -- Standpipe Systems in Marinas.
- 16.32.090 Deletions.
- 16.32.095 Adoption of codes of National Fire Protection Association.
- 16.32.100 Enforcement.
- 16.32.110 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction.
- 16.32.120 International Fire Code , Appeals.
- 16.32.130 Add Subsection 3001.3 Compressed Natural Gas to International Fire Code Section 3001.
- 16.32.140 Amendment of Section 903.2.7 of the International Fire Code .

16.32.020 Definitions

For the purposes of this chapter:

- A. Corporation Counsel. Whenever "corporation counsel" is used in the International Fire Code , it means the city attorney of the city of Olympia.
- B. Jurisdiction. Whenever "jurisdiction" is used in the International Fire Code , it means the city of Olympia.
- C. For the purpose of this chapter, whenever the term "bulk storage" is used in the International Fire Code , it means a single or multiple container exceeding 124 gallons (472.3L) water capacity.

16.32.045 Inspection fee -- Assessed

The fire chief, or his or her designee, is authorized to assess a base rate for inspections made of commercial and multifamily buildings under International Fire Code Chapter 1, Section 104 . The base rate shall be

assessed at the time the inspection is made. The initial amount of said base rate shall be based on the following formula for each building or occupancy as determined by the fire chief or his or her designee:

(Square Foot Factor)* multiplied by (Degree of Difficulty Factor)** multiplied by (Base Rate)*** = Inspection Fee

*Square Foot Factor:

#1	=	0 - 1,000 Sq. Ft.
#2	=	1,001 - 3,000 Sq. Ft.
#3	=	3,001 - 10,000 Sq. Ft.
#4	=	10,001 - 40,000 Sq. Ft.
#5	=	40,001 - 80,000 Sq. Ft.
#6	=	80,001 Sq. Ft. or higher

** Degree of Difficulty Factor:

#1 - Low. Basic fire inspection on fire extinguishers, exiting, combustible storage, minimal International Fire Code knowledge.

#2 - Medium. Basic (1) plus knowledge on hood/duct systems, fire extinguishing systems, fire alarm systems. Considerable knowledge on International Building Code , International Fire Code , and their adopting ordinances, National Fire Protection Association 13 (Installation of Sprinkler Systems), National Fire Protection Association 72 (National Fire Alarm Code), National Fire Protection Association 96 (Ventilation Control and Fire Protection of Commercial Cooking Operation).

#3 - High. Extensive knowledge of (1) and (2) plus International Building Code , International Fire Code , National Fire Protection Association, National Electrical Code, International Mechanical Code , and their adopting ordinances. Special hazards, flammable and combustible liquids, special systems (CO2-Carbon Dioxide Extinguishing System).

*** Base Rate = \$39.00 commencing January 1, 2009. Commencing January 1, 2010 and each year thereafter on January 1, the Base Rate shall be increased by the Seattle CPI-W (June) for the previous year, but no less than two percent (2%). Such Base Rate increases shall be rounded up to the nearest dollar.

This fee shall cover the initial inspection and one follow-up visit. Any additional follow-up inspections necessitated by noncompliance and inspections for which no fee is specifically indicated, shall be billed at \$85.00 per hour.

16.32.046 Inspection fee -- Payment obligation

The obligation to pay the fee assessed in Section 16.32.045 shall fall to the tenant or the owner of the building as determined pursuant to an inspection accounts process established by the Olympia Fire Department.

16.32.047 Inspection fee -- Collection procedure

The fees established in Section 16.32.045 shall be billed directly to the party responsible by the director of administrative services. For accounts delinquent for more than 30 days, the director is authorized to assess a monthly fee of \$5.00 or one percent, whichever is greater, and may revoke the business license of the party responsible after giving that party an informal hearing to show cause why the license should not be revoked; or the director may use any other lawful means to collect the obligation, including the use of collection agencies.

16.32.048 Inspection fee -- Applicability

Sections 16.32.045 through 16.32.048 shall equally apply to buildings owned or leased or otherwise used by other governmental jurisdictions and to buildings generally for which a business license has not been procured, insofar as such buildings are within the coverage of the International Fire Code . Collection of the fees from said jurisdiction shall be accomplished by any available legal means.

16.32.050 Access roadways for fire apparatus

A. Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways constructed to the standards contained in the Development Guidelines and Public Works Standards adopted by reference in this code, and capable of supporting the imposed loads of fire apparatus and having a minimum of 13' 6" of vertical clearance. All required roadways in excess of 150' that dead end shall have a turnaround area with a minimum inside radius of 30' with a minimum of 20' unobstructed roadway measured from any point on the perimeter. In addition, all required access roadway grades shall conform to the following:

1. Positive transition grades shall be no greater than ten percent in 20' measured at any point. Steeper grades in 20' behind the sidewalk may be allowed if profiles are submitted to the engineering and fire departments for approval, including a design grade that will allow clearance for fire apparatus.
2. Negative transition grades shall be no greater than eight percent for a distance of 12'. Steeper grades in 12' behind the sidewalk may be allowed if profiles are submitted to the engineering and fire departments for approval, indicating a clearance for fire apparatus.
3. Roadway and driveway surfaces shall be all weather (one layer of asphalt over approved base per City of Olympia Engineering Design Standards) prior to the commencement of vertical combustible construction.

Exception: When there are not more than two group R, Division 3 or M occupancies, as defined in the building code, the requirement of this section may be modified when, in the opinion of the chief, firefighting or rescue operations would not be impaired.

B. The required width of access roadways shall not be obstructed in any manner, including parking vehicles, NO PARKING/FIRE LANE signs and/or other appropriate notice prohibiting obstructions may be required and shall be maintained.

C. The access roadway shall be extended to within 150' of all portions of the exterior walls of the first story of any building. Where the access roadway cannot be provided, approved fire protection system or systems shall be provided as required and approved by the chief.

D. Where fire protection systems approved by the chief are provided, the clearances required in this section may be modified.

E. The chief shall have the authority to require an increase in the minimum access widths where such width is not adequate for fire or rescue operations.

F. Access width requirements:

1. Twenty (20) feet:

- a. All commercial development - no exceptions.
- b. Three or more single family.
- c. More than two duplexes.
- d. Apartment buildings.

2. Fifteen (15) feet:

- a. Two or fewer single family or two duplexes.

3. Twelve (12) feet:

- a. Under certain conditions, the Olympia Fire Department, at its discretion, will allow a reduction in access.

4. Turn-around required:

- a. When required:

- i. Three single family dwellings or more.
 - ii. Three duplex structures or more.
 - iii. Apartment buildings.
- b. Thirty-foot inside radius with 20-foot minimum width for streets/driveways in excess of 150 feet.

Where their standards cannot be met due to impracticality, the Fire Chief may allow fixed fire protective systems to substitute for required roadways and turn-arounds.

16.32.053 Chapter 9, Section 904 amended

For installation of commercial type food heat processing equipment that produces grease laden vapors, NFPA 96 and the most current adopted Edition of the International Mechanical Code, 2012 Edition shall be used, to include hood and ducts, spacing from combustibles including shaft enclosures, and fire extinguishing systems.

1. All new installations, reinstallations or retrofits shall conform to the requirements of FM300 or NFPA 17A.
2. In no case shall a dry chemical suppression system be installed, reinstalled, altered or expanded.
3. Where a conflict occurs between NFPA 96 and the International Mechanical Code, the more restrictive applies.

16.32.060 Flammable liquid storage

The areas referred to in Chapter 57, Section 5704.2 of the International Fire Code where storage of flammable or combustible liquids in outside aboveground tanks is prohibited are established as follows: All use districts as defined in the zoning ordinance of the city, except UW urban waterfront districts, LI-C light industrial commercial districts and I industrial districts; provided that aboveground tanks for collection of used motor oil from the public may be permitted in any zone when in compliance with WAC 212-51 and approved by the fire department.

16.32.070 Liquefied petroleum gas storage

The areas referred to in Chapter 61 of the International Fire Code where the bulk storage (single or multiple containers greater than 500 gallons water capacity) of liquefied petroleum gas is prohibited are established as follows: All use zones as described in the zoning ordinance of the city, except UW urban waterfront districts, LI-C light industrial commercial districts and I industrial districts.

16.32.080 Add Section 905.11, International Fire Code -- Standpipe Systems in Marinas

The following standards are added as supplements to the International Fire Code, ~~2012 Edition~~ 2015 Edition, Chapter 36, and shall be the standard for installation of standpipe systems in marinas:

1. All portions of floats exceeding 250 feet in distance from the point of fire apparatus access shall be provided with an approved dry standpipe system, installed in conformity with NFPA 14 and Chapter 36 of the International Fire Code, ~~2012 Edition~~ 2015 Edition.
2. Hose stations shall be provided at 150-foot intervals, with the most remote station a maximum of 75 feet from the end of the float. Each hose station shall be provided with two 2-1/2 inch standpipe valves with 2-1/2 inch to 1-1/2 inch reducers with caps. Installation of fire hose is not mandatory at standpipe locations. All hose station risers shall be galvanized steel.
3. Each standpipe system shall be provided with a minimum of two 2-1/2" Fire Department connections. The Fire Department connection shall be located on the shore end of the first floating dock.
4. Piping shall be minimum schedule 40 class and shall be sized to deliver 300 GPM at 65 psi residual pressure at the most remote station with a delivered pressure of 150 psi at the Fire Department connection.
5. Sectional valves shall be provided at the change of direction of each float and at each hose station. The valve shall be downstream of the hose station.
6. Each hose station shall be provided with a 4A 40 BC fire extinguisher.
7. An alarm system shall be provided, with manual fire alarm station at each hose station, visual and audible devices and shall be extended to an approved alarm receiving agency. All covered moorage in excess of 5,000 square feet shall be provided with automatic detection.
8. Pressure test. The system shall be pretested by the installing company prior to final test witnessed by the Olympia Fire Department. The system must withstand 200 psi for two hours. The final test will determine if rated flow can be supplied at most remote hose station.

16.32.090 Deletions

The following sections are deleted from the International Fire Code, ~~2012 Edition~~ 2016 Edition, and shall not be considered part of the Olympia fire code: Appendix A; Appendix C; Appendix D, 907.3; Appendix J.

16.32.095 Adoption of codes of National Fire Protection Association

In addition to other provisions of this chapter, fire alarm systems shall be governed by NFPA 72.

16.32.100 Enforcement

The International Fire Code shall be enforced by the chief of the fire department or his/her authorized representatives including a fire marshal, assistant fire marshal, and fire inspectors.

16.32.100 Enforcement

The International Fire Code shall be enforced by the chief of the fire department or his/her authorized representatives including a fire marshal, assistant fire marshal, and fire inspectors.

16.32.110 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 Civil Enforcement.

16.32.120 International Fire Code , Appeals

Appeals under this chapter may be made pursuant to OMC 18.75.

16.32.130 Add Subsection 3001.3 Compressed Natural Gas to International Fire Code Section 3001

3001.3 Compressed Natural Gas. The areas referred to in Section 3001 of the new International Fire Code where the bulk storage of compressed natural gas is prohibited are established as follows: All zones as described in the zoning ordinance of the city, except UW urban waterfront districts, LI-C light industrial commercial districts, and I industrial districts.

16.32.140 Amendment of Section 903.2.7 of the International Fire Code

OMC Section 16.32.140. Amendment of Section 903.2.7 . Section 903.2.7 of the International Fire Code is hereby amended to read as follows:

903.2.7 Group R. Except as provided in Section 903.2.7.1 below, an automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

903.2.7.1 . Group R-3. Automatic Sprinkler System Requirements. A fully automatic residential fire sprinkler system shall be designed, installed, tested and maintained per N.F.P.A. (National Fire Protection Association) 13D, current edition, RCW 18.160 and the approval of the Fire Chief, in all Group R-3 structures (including additions and alterations to structures with existing sprinkler systems) when:

(a) the structures are constructed within subdivisions in which internal streets are required to be constructed in accordance with the provisions of Chapter 4, Standard Plan 4-2J of the Engineering Design and Development Standards, as the same were amended in December, 2006, except as provided below; and

(b) the application for subdivision approval for the subdivision in which the structure is located became vested by operation of law on or after December 1, 2006.

EXCEPTIONS:

- a. Detached carports and greenhouses
- b. Sheds and auxiliary structures under 200 square feet and not used for human habitation.

Section 4. Amendment of OMC 16.40.080. Olympia Municipal Code Section 16.04.080 is hereby amended to read as follows:

16.40.080 Standpipe requirements

In occupancies three stories or more but less than 150 feet in height, except Group R Division 3(6), including basement levels, wet standpipes may serve to supply fire sprinklers when properly sized for that service. Standpipe outlets shall be provided with 2 ½ inch to 1 ½ inch reducer caps. Caps shall be provided with a 1/8 inch drilled weep hole.

Section 5. Amendment of OMC 16.40.090. Olympia Municipal Code Section 16.04.090 is hereby amended to read as follows:

16.40.090 Sprinkler System Standards

- A. Three (3) sets of shop drawings including three (3) copies of details of the double check detector check assembly, riser diagram and sectional of structure, shall be submitted to the City of Olympia for review and approval prior to commencement of installation. The contract value shall be affixed to the plans as well as a copy of the maintenance contract.
- B. A plan check fee shall be paid to the City of Olympia at the time plans are submitted.
- C. The required fire protection systems permit must be obtained from the city prior to commencement of work. If a contractor starts work without a permit, a stop work order will be issued until such permit is secured. If a contractor continues to work without a permit, a citation will be issued with a fine of up to \$500.00 per day for every day the contractor works without a permit.
- D. When a building is required to be provided with a fire sprinkler system, said system shall cover all areas of the structure including concealed spaces, vaults and exterior combustible appurtenances.
- E. Mixed use buildings shall be designed to NFPA 13 Standards throughout.
- F. The final acceptance of any sprinkler shall be subject to performance of all required testing and inspections during installation and performance tests in conjunction with fire alarm acceptance tests. No Certificate of Occupancy shall be granted for the structure until satisfactory acceptance tests are accomplished.
- G. A double check detector check assembly is required on all sprinkler systems. The double back flow may be inside the building. If the back flow assembly is inside the building, the water main lateral for the system shall be approved by the Engineering Department, including plan submittal. The outside stem & yoke (OS&Y) valves shall be provided with electrical tamper supervision tied into the building fire alarm system. Exception: OS&Y valves in vaults may be supervised with a chain and lock.
- H. All systems, except residential systems, shall be provided with a yard or wall PI control valve which is easily accessible. The wall PI valve shall be 30" to 42" above exterior grade level.
- I. Floor control valves, with electrical tamper supervision and flow switches, are required on structures of two or more levels. Basements and/or parking areas are considered levels. All valves shall be no more than 6 feet high from finish floor height.
- J. The fire department connection (FDC) shall be located within 40 feet of the nearest fire hydrant. The FDC, if remote from the building, shall be provided with a ball drip valve below the freeze line. The FDC shall be located 30" to 42" above finished grade.
- K. All drains and test valves shall be piped to discharge to the exterior in a safe location. A remote inspector test valve shall be provided on wet and dry systems.
- L. All wet systems shall be provided with riser mounted water flow detection devices and dry systems shall be provided with pressure switches.

- M. All systems shall be installed as prescribed in NFPA 13, 13D, 13R, 2010 Editions.
- N. All electrical components shall be compatible with the fire alarm system voltage, including the water flow bell.
- O. The sprinkler system shall cause a water flow alarm indicating the floor or origin.
- P. All systems will require witness of underground flushing and hydrostatic tests for underground piping. Interior pipe inspection must be performed prior to cover. All inspections require a minimum of 48 hours' notice prior to inspection.
- Q. All hydraulic calculated systems shall have the following information on the plans at time of submittal:
1. Water supply information including graph showing availability versus system demand;
 2. Hydraulic reference points;
 3. System design criteria;
 4. Actual calculated requirements; and
 5. Hydraulic calculation sheets.
- R. All hydraulic calculated systems shall start calculations with a minimum 7 psi at the furthest remote head. A 10% minimum safety factor is required for calculated systems.
- S. Hydraulic calculation plates shall be permanently affixed to each system riser.
- T. Valves on connections to water supplies, sectional control valves, and other valves in supply pipes to sprinklers shall be supervised only by the following methods:
1. Central station, proprietary, remote station signaling service.
 2. Valves locked in the open position, when valves are accessible to the public.
- U. Systems serving R-1 and R-2 occupancies (13-R Systems) shall have protection in bathrooms ~~with combustible fixtures, (except powder rooms and water closets)~~, closets exceeding 24 square feet, and covered patios or decks.
- V. Fire sprinkler systems serving one and two family dwellings (13-D systems) in addition to NFPA 13-D Standards shall have protection in all bathrooms (except powder rooms and water closets), closets greater than 24 square feet or in which the smallest dimension is greater than 36 inches, and at least one sprinkler head in the garage (additional heads in garage may be required for extra-large or tandem garages). Townhomes protected with 13-D systems shall also have covered decks protected with a dry side wall head.

Section 6. Amendment of OMC 16.44.080. Olympia Municipal Code Section 16.44.080 is hereby amended to read as follows:

16.44.080 Fire alarm center monitoring

A. Where provisions of this chapter require extension of a fire alarm system, it shall be by one of the following methods:

1. Approved digital alarm communication systems;
2. Approved radio signal transmission.

B. All structures or buildings which are ~~7,500~~ 5000 square feet or more in total floor area, that are required to have fixed fire protection systems, shall have the fire alarm system connected to an approved fire alarm center as set forth in this section.

Section 7. Amendment of OMC 16.44.130. Olympia Municipal Code Section 16.44.130 is hereby amended to read as follows:

16.44.130 Occupancy requirements

Fire alarm systems shall be provided in all occupancies as specified in this section and as requested in Section 907 , IFC (except Section 907.3) in all structures which exceed ~~7,500~~ 5000 square feet gross floor area. Manual stations may be deleted or the required number lessened at the discretion of the fire chief or his representative.

The requirement for automatic fire detector devices may be waived, if not otherwise required by the International Building Code , when the building is fully protected by an approved automatic fire extinguishing system equipped with the water flow alarm connected to the building fire alarm system.

For the purpose of this subsection, portions of buildings separated by an area separation wall as defined in the International Building Code shall not define separate buildings.

Section 8. 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 9. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 10. 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:



City Council

Approval of Amendment to Ordinance 9.48.160 Relating to Fireworks to Modify the Violation from Misdemeanor to a Civil Infraction

Agenda Date: 6/21/2016
Agenda Item Number: 4.J
File Number: 16-0696

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

Title

Approval of Amendment to Ordinance 9.48.160 Relating to Fireworks to Modify the Violation from Misdemeanor to a Civil Infraction

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the Ordinance amendment to OMC 9.48.160 on second reading.

Report

Issue:

Whether to approve the Ordinance amending OMC 9.48.160 relating to fireworks to change the violation from a misdemeanor to a civil infraction.

Staff Contact:

Robert Bradley, Fire Marshal, Assistant Fire Chief
360.753.8458

Presenter(s):

Robert Bradley, Fire Marshal, Assistant Fire Chief

Background and Analysis:

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

The citizens of Olympia made it clear to the City that they supported a fireworks ban. The ban was put in place by the City Council using state language stating violators being subject to a misdemeanor. For the last three years the Fire and Police Departments have enforced the ban through educational intervention. Changing the violation of the ban from a Misdemeanor to a Civil Infraction gives the Olympia Police Department a more realistic tool for enforcement. Olympia Police Department is in agreement to this amendment.

Neighborhood/Community Interests (if known):

The CNA was provided with a presentation.

Options:

1. Approve the amendment to OMC 9.48.160 to change the violation from a misdemeanor to a civil infraction.
2. Do not approve the amendment to OMC 9.48.160 to change the violation from a misdemeanor to a civil infraction.

Financial Impact:

N/A

Attachments:

Proposed Ordinance with modifications.

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, REDUCING THE PENALTY FOR THE DISCHARGE OF CONSUMER FIREWORKS IN THE CITY IN OLYMPIA AND AMENDING OLYMPIA MUNICIPAL CODE SECTION 9.48.160

WHEREAS, the Olympia City Council determines it to be in the best interest of the City of Olympia to reduce the penalty for the discharge of consumer fireworks in the City from a misdemeanor to a civil infraction;

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

Section 1. OMC 9.48.160 of Olympia Municipal Code Chapter 9.48 is hereby amended to read as follows:

9.48.160 Fireworks

A. The definitions set forth below shall govern the construction of this chapter:

"Consumer Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and not included within the definition of display fireworks or small firework devices, as set forth in this section.

"Display fireworks" means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and includes, but is not limited to, salutes containing more than 2 grams (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks" and are classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation at 49 C.F.R. Sec. 172.101 as of June 13, 2002, and including fused setpieces containing components which exceed 50 mg of salute powder.

"Fire nuisance" means anything or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay, or a hindrance to the prevention or extinguishment of fire.

"Importer" includes any person who for any purpose other than personal use:

- (1) Brings fireworks into this state or causes fireworks to be brought into this state;
- (2) Procures the delivery or receives shipments of any fireworks into this state; or

(3) Buys or contracts to buy fireworks for shipment into this state.

"License" means a nontransferable formal authorization which the Chief of the Washington State Patrol, through the Director of Fire Protection, is authorized to issue under this chapter to allow a person to engage in the act specifically designated therein.

"Licensee" means any person issued a fireworks license in conformance with this chapter.

"Local fire official" means the chief of a local fire department or a chief fire protection officer or such other person as may be designated by the governing body of a city or county to act as a local fire official under this chapter.

"Manufacturer" includes any person who manufactures, makes, constructs, fabricates, or produces any fireworks article or device but does not include persons who assemble or fabricate sets or mechanical pieces in public displays of fireworks or persons who assemble consumer fireworks items or sets or packages containing consumer fireworks items.

"Permit" means the official authorization granted by a city or county for the purpose of establishing and maintaining a place within the jurisdiction of the city or county where fireworks are manufactured, constructed, produced, packaged, stored, sold, or exchanged and the official authorization granted by a city or county for a public display of fireworks.

"Person" includes any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

"Public display of fireworks" means an entertainment feature where the public is or could be admitted or allowed to view the display or discharge of display fireworks.

"Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging display fireworks.

"Retailer" includes any person who, at a fixed location or place of business, offers for sale, sells, or exchanges for consideration consumer fireworks to a consumer or user.

"Small firework devices" means those devices commonly referred to as trick and novelty devices, including such items as snakes, glowworms, trick noise makers, party poppers, snappers or pop-its, paper caps containing not more than 25/100 grams of explosive compound for each cap, trick matches or similar devices. Such term also includes combustibles used in auto burglar alarms.

"Special effects" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere, and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production, or live entertainment.

"Wholesaler" includes any person who sells fireworks to a retailer or any other person for resale and any person who sells display fireworks to public display licensees.

B. RCW Chapter 70.77.

1. The following sections of RCW Chapter 70.77 relating to the manufacture, importation, possession, sale, discharge, display or transportation of fireworks are adopted by reference as though fully set forth in this chapter, to the extent not in conflict with the Olympia Municipal Code:

RCW 70.77.255 (1)-(3)	RCW 70.77.295
.260	.401
.265	.405
.270	.410
.280	.415
.285	.420
.290	.435
	.450
	.480
	.510
	.515
	.520
	.525
	.530
	.535
	.545

C. International Fire Code. The provisions of Chapter 33 of the International Fire Code as incorporated by reference in Section 16.04.020 of the Olympia Municipal Code shall be considered supplemental to the

provisions of RCW Chapter 70.77 as adopted by reference in subsection B unless a conflict exists, in which case, the provisions of RCW Chapter 70.77 as adopted in subsection B shall prevail.

D. Sales, possession and discharge of fireworks.

1. Small firework devices may be sold and used at all times.
2. Consumer fireworks shall not be sold or discharged in the city.
3. The sale, use and possession of display fireworks or any other type of fireworks not otherwise regulated by Section 9.48.160 of the Olympia Municipal Code shall be unlawful unless sold, possessed or used in accordance with the provisions of Chapter 70.77 of the Revised Code of Washington.

E. Fireworks permits. Any person, firm or corporation intending to sell, possess or discharge display fireworks within the City, shall be required as a condition of such sale, possession or discharge, to secure from the City Fire Marshal a permit for such activities. The fee for such permits shall be effective for the full calendar year in which the permit is secured. The City Fire Marshal is directed to issue such permits only if the applicant is in compliance with the terms of this chapter and Chapter 70.77 of the Revised Code of Washington upon application and payment of the permit fee. For public displays the basic fee shall be twenty-five dollars (\$25) with an additional twenty-five dollars (\$25) for each hour of inspection above one hour, with a one hundred dollar (\$100) maximum fee.

F. Fireworks--Unlawful sales. Any person, firm or corporation selling consumer fireworks in the City at any time shall be guilty of a misdemeanor.

G. Fireworks--Unlawful transfer. Any person who knowingly sells, transfers or agrees to sell or transfer within the City any display fireworks to any person who is not a fireworks licensee as provided for in Chapter 70.77 of the Revised Code of Washington shall be guilty of a gross misdemeanor.

H. Fireworks--Unlawful possession or discharge. It shall be unlawful for any person, within the City of Olympia to:

1. Possess display fireworks which are not authorized to be in the possession of a licensee pursuant to Chapter 70.77 of the Revised Code of Washington. Possession of less than one pound of said unauthorized display fireworks, exclusive of external packaging, shall constitute a misdemeanor and possession of one pound or more of said non-authorized display fireworks, exclusive of external packaging, shall constitute a gross misdemeanor. For purposes of this subsection, the term "external packaging" means any materials that are not an integral part of the operative unit of the fireworks.

2. Discharge consumer fireworks in the City. Violation of this subsection shall constitute a ~~misdemeanor~~ civil infraction.

3. Discharge or otherwise use any fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another. A violation of this subsection shall constitute a gross misdemeanor.

4. To allow rubbish to accumulate in any premises in which fireworks are stored or sold or to permit a fire nuisance to exist on such premises. A violation of this subsection shall constitute a misdemeanor.

Section 2. 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 3. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 4. 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:



City Council

Approval of Amendment to Ordinance #7006 related to the Operating Budget

Agenda Date: 6/21/2016
Agenda Item Number: 4.K
File Number: 16-0706

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

Title

Approval of Amendment to Ordinance #7006 related to the Operating Budget

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve amending Ordinance #7006 on second reading.

Report

Issue:

Whether to approve the amendment to Ordinance #7006

Staff Contact:

Dean Walz, Fiscal Services Director, Administrative Services Department, 360.753.8465

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

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

To change the budget the Council must approve an ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change is made between the quarterly updates with separate ordinances approved by the council. These ordinances do not officially amend the budget ordinance, but does provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

No separate ordinances were passed since the adoption of Ordinance #7006 relating to the Operating Budget.

Budget Items Not Previously Presented to the Council:

- 1) Appropriation of a two-year grant from the Center for Court Innovation in the amount of \$200,000 for the operation of a Community Court.
- 2) Appropriation of \$61,288 for the Water Street site clean-up assessment, funded for a grant from the Department of Ecology.
- 3) Appropriation of \$35,000 to purchase additional parts for Fire Department contracted services to repair and maintain equipment of other fire agencies. This is funded by revenue to be received from those agencies.
- 4) Appropriation of \$750 for defensive driving program within the Police Department, funding provided by a grant from the Washington Cities Insurance Authority.
- 5) Appropriation of \$14,080 for critical incident training within the Police Department, funding provided by a grant from the Criminal Justice Training Center.
- 6) Re-appropriation of \$10,535 for the K-9 program. Funding is from funds received from the Halloran Foundation in previous years. The budgets lapsed and need to be re-appropriated.
- 7) Appropriation of \$700 for energy programs. Funding is from Puget Sound Energy rebate programs.
- 8) Appropriation of \$350,000 for information technology improvements to financial systems. Funding is from existing resources within an Information Technology Improvement special account not previously appropriated.
- 9) Appropriation of \$200,000 for repair of the HVAC system at the Washington Center, funding provided by existing resources (fund balance) of the major maintenance fund. The City is scheduled to replace the HVAC system at the Washington Center for the Performing Arts in the summer of 2017. However, on Friday May 13, 2016 the chiller failed causing the City to seek a temporary repair. The repair includes placing a temporary repair on the roof and paying a monthly rental fee. The cost for this work is estimated at \$200,000 through December 2016.

Neighborhood/Community Interests (if known):

None noted.

Options:

- 1) Approve ordinance amending Ordinance #7006.
- 2) Do not approve the amending ordinance. The budget items not previously presented to the Council would not be authorized.
- 3) Modify the ordinance and direct staff to make appropriate changes to the ordinance to be presented on second reading.

Financial Impact:

Total appropriation increase of \$872,353. Funding for these appropriations noted above.

Attachments:

Ordinance

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO BUDGETS, FINANCE, AND SALARIES, AND AMENDING ORDINANCE NO. 7006.

WHEREAS, the Olympia City Council held a public hearing and considered public testimony on the 2016 preliminary budget on November 17, 2015, as required by law; and

WHEREAS, the Olympia City Council passed Ordinance No. 6998 approving the 2016 budget on December 15, 2015; and

WHEREAS, the Olympia City Council amended Ordinance No. 6998 by passage of Ordinance No. 7006 on April 19, 2016; and

WHEREAS, throughout the year, updates are required to recognize changes relating to budgets, finance, and salaries; and

WHEREAS, the following amendments need to be made to Ordinance No. 7006;

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

Section 1. 2016 Budget. The budget for the calendar year 2016 is hereby adopted in the amounts and for the purposes as shown below; and the following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the City Treasury hereinafter named.

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
General, Regular Operations	\$1,716,500 <u>\$1,727,035</u>	\$67,744,155 <u>\$68,055,273</u>	\$69,460,655 <u>\$69,782,308</u>	\$-
General, Special Sub-Funds				
Special Accounts	266,720 <u>616,720</u>	1,105,660	1,372,380 <u>1,722,380</u>	-
Development Fee Revenue	-	3,037,211	3,037,211	-
Parking	588,207	1,518,700	1,926,475	180,432
Washington Center	5,000	320,872	325,872	-
Municipal Arts	400	50,000	50,400	-
Equip & Facilities Reserve	200,000	1,205,526 <u>1,206,226</u>	1,205,526 <u>1,406,226</u>	-
Total General Fund	2,576,827 <u>3,137,362</u>	74,982,124 <u>75,293,942</u>	77,378,519 <u>78,250,872</u>	180,432
4 th /5 th Avenue Corridor Bridge Loan	2,306	554,673	556,979	-
LTGO Bond Fund - 2006 Parks	-	1,191,750	1,191,750	-
UTGO Bond Fund - 2009 Fire	-	1,198,140	1,193,731	4,409
City Hall Debt Fund - 2009	962	2,420,156	2,421,118	-
2010 LTGO Bond - Street Projects	-	438,667	438,663	4
L.O.C.A.L. Debt Fund - 2010	1	178,281	178,282	-
2010B LTGO Bonds - HOCM	-	420,688	420,688	-
2013 LTGO Bond Fund	-	671,675	671,675	-
Water Utility O&M	-	12,328,250	12,328,250	-
Sewer Utility O&M	86,382	18,853,133	18,939,515	-

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
Solid Waste Utility	-	10,547,363	10,528,483	18,880
Storm Water Utility	53,861	5,137,826	5,191,687	-
Water/Sewer Bonds	15,285	2,040,532	2,028,566	27,251
Stormwater Debt Fund	-	103,311	103,219	92
Equipment Rental	-	2,138,767	2,138,087	680
TOTALS	\$2,735,624	\$133,205,336	\$135,709,212	\$231,748
	\$3,296,159	\$133,517,154	\$136,581,565	

Section 2. Administration. The City Manager shall administer the budget, and in doing so may authorize adjustments within the funds set forth in Section 1 above, to the extent that such adjustments are consistent with the budget approved in Section 1.

Section 3. Salaries and Compensation. The salaries and compensation for the City of Olympia employees for the calendar year 2016 shall be as set forth in the "Supplementary Information" section of the 2016 Adopted Operating Budget document, or as the same may be amended by the City Manager as part of his administration of the budget pursuant to Section 2 above.

Section 4. Benefit Cost Sharing. The City Manager is authorized to modify and establish benefit cost sharing for City employees; and such programs may be based, in part, on an employee's start date with the City.

Section 5. 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 6. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 7. 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:



City Council

Approval of Amendment to Ordinance #7007 related to the Capital Budget

Agenda Date: 6/21/2016
Agenda Item Number: 4.L
File Number: 16-0707

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

Title

Approval of Amendment to Ordinance #7007 related to the Capital Budget

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve amending Ordinance #7007 on second reading.

Report

Issue:

Whether to approve the amendment to Ordinance #7007

Staff Contact:

Dean Walz, Fiscal Services Director, Administrative Services Department, 360.753.8465

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

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

To change the budget the Council must approve an ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change is made between the quarterly updates with separate ordinances approved by the Council. These ordinances do not officially amend the budget ordinance, but does provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

No separate ordinances were passed since the adoption of Ordinance #7007 relating to the Capital Budget.

Budget Items Not Previously Presented to the Council:

- 1) Appropriation of \$79,250 for clean-up assessment at the State Avenue old DOT site, funded by a grant from the Department of Ecology.
- 2) Appropriation of \$600,000 for the Port Stormwater Diversion Project, funded by a grant from the Port of Olympia.

Neighborhood/Community Interests (if known):

None noted.

Options:

- 1) Approve ordinance amending Ordinance #7007.
- 2) Do not approve the amending ordinance or re-allocation of budget. The budget items would not be authorized.
- 3) Modify the ordinance and direct staff to make appropriate changes to the ordinance to be presented on second reading.

Financial Impact:

Total appropriation increase of \$679,250. Funding for these appropriations noted above.

Attachments:

Ordinance

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO THE CAPITAL FACILITIES PLAN FOR THE YEARS 2016 – 2021, AND AMENDING ORDINANCE NO. 7007.

WHEREAS, the Olympia City Council adopted the “Capital Facilities Plan” for years 2016 through 2021 by passing Ordinance No. 6997 on December 15, 2015; and

WHEREAS, the Capital Facilities Plan is periodically amended to recognize additional revenue and/or appropriations, as provided for in RCW 36.70A.130(2)(a)(iv); and

WHEREAS, the Olympia City Council amended Ordinance No. 6997 by passage of ordinance 7007 on April 19, 2016; and

WHEREAS, the following amendments need to be made to Ordinance No. 7007;

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

Section 1. That certain document entitled the "Capital Facilities Plan," covering the years 2016 through 2021, a copy of which will be on file with the Office of the Director of Administrative Services and available on the City’s web site, is hereby adopted as the Capital Facilities Plan for the City of Olympia and is incorporated herein as though fully set forth.

Section 2. Upon appropriation by the City Council of funds therefor, the City Manager shall be authorized to prepare plans and specifications, to take bids, and to make expenditures for the projects set forth in the CFP during the year for which said projects are scheduled; provided, however, that any award of bids and execution of contracts for construction shall be approved as provided in OMC Chapter 3.16.

Section 3. It is anticipated that the funding source and the construction schedule for projects identified in the CFP may be changed over the next year. Such changes shall not constitute an amendment to the Comprehensive Plan for purposes of RCW 36.70A.130.

Section 4. The Director of Administrative Services is hereby authorized to bring forward into fiscal year 2016 all appropriations and allocations not otherwise closed, completed, or deleted from prior fiscal years' capital budgets.

Section 5. The following appropriations are hereby made:

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
Impact Fee Fund	\$2,704,596	\$ -	\$2,704,596	\$-
SEPA Mitigation Fee Fund	78,501	-	78,501	-
Parks & Recreational Sidewalk, Utility Tax Fund	-	2,409,750	2,409,750	-
Real Estate Excise Tax Fund	744,400	1,200,000	1,944,400	-

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
Capital Improvement Fund	69,600	10,794,757 10,874,037	10,864,387 10,943,637	-
City Hall Construction Fund	50,000	-	50,000	-
Water CIP Fund	700,000	7,730,000	8,430,000	-
Sewer CIP Fund	1,311,700	741,300	2,053,000	-
Storm Water CIP Fund	586,000	1,159,700 1,759,700	1,745,700 2,345,700	-
TOTALS	\$6,244,797	\$24,035,507 \$24,714,787	\$30,280,334 \$30,959,584	\$0

Section 6. 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 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 five (5) 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 Amendment to Ordinance #6996 Related to Special Funds

Agenda Date: 6/21/2016
Agenda Item Number: 4.M
File Number: 16-0708

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

Title

Approval of Amendment to Ordinance #6996 Related to Special Funds

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve amending Ordinance #6996 on second reading.

Report

Issue:

Whether to approve an amendment to Ordinance #6996

Staff Contact:

Dean Walz, Fiscal Services Director, Administrative Services Department, 360.753.8465

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

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

To change the budget the Council must approve an ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change is made between the quarterly updates with separate ordinances approved by the Council. These ordinances do not officially amend the budget ordinance, but does provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

No separate ordinances were passed since the adoption of Ordinance #6996 relating to the Special Funds Budget.

Budget Items Not Previously Presented to the Council:

1. Appropriation of \$10 within the Lodging Tax Fund to correct an error in Ordinance 6996 passed in December 2016. This change increases the amount of lodging tax to be used to support the Washington Center. Funding is from existing resources in the Lodging Tax Fund.
2. Appropriation of \$20,000 to the Park Stewardship Program, funded by a grant from REI.

Neighborhood/Community Interests (if known):

None noted.

Options:

- 1) Approve ordinance amending Ordinance #6996.
- 2) Do not approve the amending ordinance.
- 3) Modify the ordinance and direct staff to make appropriate changes to the ordinance to be presented on second reading.

Financial Impact:

Total appropriation increase of \$20,010. Funding for these appropriations noted above.

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, APPROPRIATING FUNDS WITHIN VARIOUS SPECIAL FUNDS AND AMENDING ORDINANCE NO. 6996.

WHEREAS, the Olympia City Council passed ordinance 6996 on December 15, 2015, appropriating funds within various special funds, and;

WHEREAS, the following amendments need to be made to Ordinance No. 6996;

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

Section 1. The following appropriations are hereby made:

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
HUD Fund	\$-	\$463,265	\$463,265	\$-
Fire Equipment Replacement Fund	-	125,500	120,000	5,500
Lodging Tax Fund	-	650,000 650,010	566,188 566,198	83,812
Parks & Recreational Sidewalk Utility Tax Fund	91,725	489,403 509,403	581,128 601,128	-
Parking Business Improvement Area Fund	10,000	100,000	110,000	-
Farmers Market Repair & Replacement Fund	10,000	-	10,000	-
Hands On Children's Museum	-	434,688	434,688	-
Equipment Rental Replacement Reserve Fund	-	1,547,660	1,201,101	346,559
Unemployment Compensation Fund	-	210,500	210,500	-
Insurance Trust Fund	50,000	1,501,880	1,551,880	-
Workers Compensation Fund	140,000	1,550,000	1,690,000	-
Washington Center Endowment Fund	-	4,709	4,709	-
TOTALS	\$301,725	\$7,077,605 \$7,097,615	\$6,943,459 \$6,963,469	\$435,871

Section 2. 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 3. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 4. 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:



City Council

Public Hearing on the Low Impact Development (LID) Code Revisions Ordinance

Agenda Date: 6/21/2016
Agenda Item Number: 5.A
File Number: 16-0521

Type: public hearing **Version:** 1 **Status:** Public Hearing

Title

Public Hearing on the Low Impact Development (LID) Code Revisions Ordinance

Recommended Action

Committee Recommendation:

Following a six-week public comment period, the Planning Commission recommended moving forward with approval of the ordinance to amend Olympia's development regulations for low impact development.

City Manager Recommendation:

Hold a public hearing, and then move to approve the recommended ordinance on first reading and forward to second reading.

Report

Issue:

whether to hold the public hearing and then move forward with the LID ordinance.

Staff Contact:

Laura Keehan, Senior Planner, Public Works Water Resources, 360.753.8321
Nicole Floyd, Senior Planner, Community Planning and Development, 360.570.3768

Presenter(s):

Laura Keehan, Senior Planner, Public Works Water Resources

Background and Analysis:

Washington State Department of Ecology (Ecology) requires the City of Olympia to evaluate our various codes and regulations in order to "make LID the preferred and commonly used approach to site development." The City must adopt the new rules no later than December 31, 2016 to ensure compliance with our Western Washington Phase II Municipal Stormwater permit.

Ecology defines LID as "a stormwater and land use management strategy that strives to mimic natural hydrologic processes such as infiltration, filtration, and evaporation of precipitation." Additional background information about the LID code update project is in the attached overview.

In 2014, staff began drafting proposed LID-related updates to Olympia's development regulations. Specifically, this includes Olympia's Drainage Design and Erosion Control Manual (DDECM), the Engineering Design and Development Standards (EDDS), and the Olympia Municipal Code (OMC).

During fall 2015, the Utility Advisory Committee (UAC) reviewed staff's proposed LID technical and policy recommendations (see UAC letter). The Planning Commission then reviewed UAC's recommendations along with draft code language. Planning Commission recommended approval with minor modifications (see Planning Commission letter) and to forward it to City Council. Staff made Planning Commission's suggested change, as well as modified some areas of the proposed codes based on public comments and legal review.

Neighborhood/Community Interests (if known):

Regardless of the LID mandate, our community has a strong interest in environmentally sensitive design and LID. The code revisions build upon neighborhood, development and community interests in environmental protection and sustainable development. The new code will guide development practices in Olympia for years to come.

A six-week written public comment period ran from May 10 to June 20, 2016. No written comments were received between May 10 and June 9 (in time to attach to this staff report). Comments received after June 9 will be distributed to Council members at the public hearing.

Options:

Following consideration of public testimony:

1. Approve the low impact development code ordinance as proposed. New LID code will take effect December 1, 2016 prior to the permit compliance deadline.
2. Direct staff to modify the LID code provisions as determined by Council and return in July 2016 with a revised ordinance.
3. Do not approve the low impact development code amendments. This would cause the City to be out of compliance with the Western Washington Municipal Stormwater Permit.

Financial Impact:

The Storm and Surface Water Utility will experience added costs associated with long-term inspection and maintenance of LID facilities. Community Planning and Development will see increases in staff time associated with permitting and construction inspection of facilities. Developers and property owners may also experience new costs associated with implementation of these regulations.

Attachments:

LID Ordinance

LID Overview

UAC Letter

Planning Commission Letter

Hyperlink to LID webpage

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO LOW IMPACT DEVELOPMENT STORMWATER REGULATIONS; ADOPTING THE OLYMPIA DRAINAGE DESIGN AND EROSION CONTROL MANUAL (2016); AND AMENDING CHAPTERS 2, 3, 4, 5, AND 9 (HEREIN THE 2016 LOW IMPACT DEVELOPMENT AMENDMENTS) OF THE OLYMPIA ENGINEERING DESIGN AND DEVELOPMENT STANDARDS; AMENDING CERTAIN SECTIONS OF CHAPTERS 13.16, 16.04, 16.48, 16.54, 16.60, 17.20, 18.02, 18.04, 18.06, 18.36, 18.38, 18.64 AND 18.75 OF THE OLYMPIA MUNICIPAL CODE; AND REPEALING CHAPTER 16.54 OF THE OLYMPIA MUNICIPAL CODE.

WHEREAS, the Federal Clean Water Act sets a national goal to “restore and maintain the chemical, physical, and biological integrity of the nation’s water” and prohibits the discharge of pollutants from any point source; and

WHEREAS, the U. S. Environmental Protection Act initiated NPDES Phase II requirements under the Federal Clean Water Act for small municipal separate storm sewer systems in 2003; and

WHEREAS, the Washington Department of Ecology issued NPDES Phase II stormwater permits for Western Washington municipalities in 2007 with the most recent permit issuance in 2013; and

WHEREAS, the NPDES Phase II permit requires permittees to revise development codes and standards to make low impact development the preferred and commonly-used approach to development; and

WHEREAS, the NPDES Phase II permit requirements include adoption of stormwater regulations equivalent to the *Stormwater Management Manual for Western Washington*; and

WHEREAS, City of Olympia staff conducted a multiyear process to revise Olympia’s development standards and regulations to support low impact development approaches and techniques; and

WHEREAS, City of Olympia staff conducted a multiyear process to revise the Olympia Drainage Design and Erosion Control Manual to comply with the *Stormwater Management Manual for Western Washington*; and

WHEREAS, the Olympia Planning Commission received a briefing on the proposed low impact development code revisions on January 4 and January 25, 2016, held a public hearing on February 1, 2016, and deliberated on February 22, March 7, and March 21, 2016; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended amendments to the Olympia Municipal Code authorizing the low impact development code revisions; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), the City issued a Determination of Non-significance on the low impact development code revisions on January 4, 2016; and

WHEREAS, no appeal of the SEPA Determination of Non-significance was submitted; and

WHEREAS, this Ordinance is consistent with the City of Olympia Comprehensive Plan policy to “Establish regulations and design standards for new developments that will minimize impacts to stormwater runoff, environmentally sensitive areas, wildlife habitat, and trees”; 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, on June 21, 2016, the City Council held a public hearing to consider testimony on the proposed low impact development code revisions and held a written public comment period from May 10, 2016 until June 21, 2016; 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

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

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

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

Section 1. Amendment of Olympia Engineering Design and Development Standards. 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 "Olympia Engineering Design and Development Standards, with ~~2015~~2016 low impact development amendments," 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 2. Amendment of 13.16.010. Olympia Municipal Code Section 13.16.010 is hereby amended to read as follows:

13.16.010 Definitions

The following words, when used herein, shall have the following meanings unless the context clearly indicates otherwise:

- A. "Billing unit" means two thousand five hundred twenty-eight feet of impervious surface development on a parcel.
- B. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system.
- C. "Conveyance" means any catch basin, curb, gutter, ditch, man-made channel, storm drain, or road with a Storm Drainage System.
- D. "Developed parcel" means any parcel which has been altered from a natural state with or without a permit from the city. This includes clearing, grading or filling, whether or not that work accompanies excavation and construction.

E. "Drainage Design and Erosion Control Manual," or "the Manual" means the ~~2009~~2016 Edition of the Olympia Drainage Design and Erosion Control Manual for Olympia, as the same may be amended from time to time.

F. "Duplex parcel" means a parcel which has been developed and constructed for the purpose of providing habitat for two-family dwelling units on a single property parcel and has and continues to be used solely for that purpose.

G. "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include but are not limited to sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

H. "Illicit discharge" means any direct or indirect non-stormwater discharge to the city's storm drain system, except as expressly allowed by this chapter.

I. "Impervious surface" means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

IJ. "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances:

- a. Owned or operated by the City;
- b. Designed or used for collecting or conveying stormwater.

A municipal separate storm sewer system does not include combined sewers or a publicly owned treatment works.

JK. "Nonresidential parcel" means a parcel which has been developed for any purpose other than a single-family dwelling unit or duplex and includes, among others, all multifamily apartments and condominiums with three or more units and all property owned by governmental and nonprofit entities.

KL. "Non-stormwater discharge" means any discharge, to a storm drain system, that is not composed entirely of stormwater.

LM. "Parcel" means any area of land within the city of Olympia which is deemed a distinct property as identified by the county assessor, whether or not the parcel is considered taxable.

MN. "Publicly Owned Treatment Works" or "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned.

NO. "Single-family residential parcel" means a parcel which has been developed and constructed for the purpose of providing a habitat for a single-family dwelling unit with or without an accessory dwelling unit, and has and continues to be used solely for that purpose.

OP. "Storm drainage system" means all manmade and natural systems used for the collection, conveyance and disposal of rainfall, from the land. The storm drainage system may include lands outside of the city, but such lands will only be subject to this code when they are annexed to the city or by interlocal agreement with the governmental entity in which the property is located. The storm drainage system includes all streets, ditches, pipes, and appurtenances, wetlands, streams, whether intermittent or perennial, ponds, lakes, creeks, rivers, tidelands, or outfalls subject to runoff flows from the land area of the city.

PQ. "Undeveloped parcel" means any parcel which has not been altered from a natural state by logging, clearing or grading within twenty-five years or by any act as defined under "developed parcel" above.

QR. "Utility" means the city of Olympia's storm and surface water utility, which operates and maintains storm or surface water drains, channels and facilities or outfalls for such waters and the rights and interests in other properties relating to the system.

Section 3. Adoption of Olympia Drainage Design and Erosion Control Manual. Olympia Municipal Code Section 13.16.017 is hereby amended to read as follows:

13.16.017 Drainage design and erosion control manual – Adopted

A certain document entitled Drainage Design and Erosion Control Manual for Olympia, ~~2009-2016~~ Edition ("the Manual") is adopted by reference as though fully set forth herein. One copy of the Manual is to be placed and held in the office of the director of administrative services for the city and be available to the public.

Section 4. Amendment of 16.04.040. Olympia Municipal Code Section 16.04.040 is hereby amended to read as follows:

OMC 16.04.040 Amendments to the Referenced Codes

A. International Building Code Amendments. The following sections of the International Building Code (IBC), as adopted by this Ordinance, are amended to read as follows:

Section 105.2

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

6. Sidewalks and driveways, and other impermeable surfaces such as patios, decks and sport courts, not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route provided the surface area does not exceed 200-800square feet.

Section 5. Amendment of 16.48.050. Olympia Municipal Code Section 16.48.050 is hereby amended to read as follows:

OMC 16.48.050 Exemptions

The following shall be exempt from the provisions of this chapter:

- A. Projects requiring approval of the Director under the zoning ordinance, and/or by the Hearing Examiner and City Council, provided that grading on such projects shall take place only after approval and shall be in accordance with such approval, and the criteria and information requirements of this chapter;
- B. Clearing in emergency situations involving immediate danger to life or property or substantial fire hazards;
- C. Clearing on a parcel or contiguous parcels in one ownership less than ~~20,000~~ 7,000 square feet in size for the purpose of exploration and investigation, construction, landscaping and/or associated improvements for a single-family or duplex residence. Such exemption shall not be applicable when the above-mentioned grading activity would directly involve or be within 300 feet of critical areas as outlined in OMC 18.32. Such areas include, but are not limited to; shoreline areas, critical areas such as wetlands, and, streams, creeks, and landslide hazard areas. Additionally, such exemption shall not be applicable when the work is within 1,000 feet of important habitats and species as outlined in the Critical Area Regulations and parcels where the predominant slope is in excess of 20 percent;
- D. Clearing within a maximum of ~~30'~~ 10' (when required for construction and associated landscaping) of the perimeter of the building line, and any area ~~proposed~~ to be graded for driveway and septic purposes, of a single single-family or duplex dwelling ~~to be constructed as indicated on the plot plan submitted to the building official within an application for a building permit on parcels consisting of 20,000 or more square feet;~~
- E. The removal of dead trees or of diseased or damaged trees which constitute a hazard to life or property;
- F. Clearing done under authority of an approval issued pursuant to RCW Chapter 76.09 when, in the opinion of the city building inspector, such work involves commercial Christmas tree harvesting pursuant to a continuing harvesting and reforestation program and the land shall not be converted to a use other than Christmas tree production;

G. Clearing practices associated with normal agricultural crop operations, excluding timber cutting not otherwise exempted;

H. Stockpiling and handling of earth material associated with commercial quarry operations licensed under the authority of the State Department of Natural Resources and the State Open Mining Act of 1970.

Section 6. Amendment of 16.48.060. Olympia Municipal Code Section 16.48.060 is hereby amended to read as follows:

OMC 16.48.060 Permit application –Requirements –Processing – Conditions of issuance

A. An application for a clearing permit shall be submitted on a form provided by the city. Accompanying such form shall be a general plot plan which shall include the following information:

1. a. General vicinity map,
 - b. Property boundaries indicating extent and location of proposed clearing activities, and major physical features of the property (i.e., streams, ravines, etc.),
 - c. Location and dimensions of buffer areas to be maintained or established, and location and description of proposed erosion-control devices or structures,
 - d. Identification and location of all trees (including their critical root zone), that are to be removed, retained and protected;
2. As determined at the discretion of the building official, other information as deemed appropriate to this chapter may be required in instances related to geological hazard, shoreline protection, tree, vegetation and soils protection and replacement or project scope;
3. An application fee as adopted in Title 4 of this code will be assessed at time of permit issuance.

B. The building official upon receipt of an application shall confer with the city environmental review officer and other city personnel as may be appropriate, and make a decision within 20 working days from the date of submission of a completed application, unless an extension is authorized by the applicant.

C. Any permit granted under this chapter shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended by the building official for one 6 month period.

Approved plans shall not be amended without authorization of the building official. The permit may be suspended or revoked by the building official because of incorrect information supplied or any violation of the provisions of this chapter.

D. ~~No work shall commence until permit notice is posted by the city on the subject site and 2 other locations for a period of 10 days prior to commencement of grading activities.~~

E. An application penalty fee triple that assessed by subsection (A)(3) of this section shall be assessed for any grading or clearing conducted prior to issuance of a permit required by this chapter. This application penalty fee shall be in addition to any penalty assessed under Section 16.48.120.

F. ~~The building official, or designee may and is authorized to impose such permit conditions as deemed necessary and appropriate to require site work to maintain existing topography by limiting mass site grading, ensure that aAny grading or clearing, or both, are to be are consistent with policies of limiting hydrologic changes to a site and the vicinity. Site disturbances that change the ground elevation within 100' of neighboring structures, protected critical areas or their buffers, soil and vegetation protection areas, and bodies of water should be minimized to the greatest extent possible. At minimum, except as necessary to achieve access compliant with City standards or to construct approved stormwater facilities, such conditions shall ensure that:~~

~~1. Resulting changes in ground elevation within 100 feet of an adjoining parcel shall not exceed four (4) feet;~~

~~2. Resulting changes in ground elevation within 100 feet of protected areas such as critical area buffers, soil and vegetation protection areas, and bodies of water, shall not exceed four (4) feet;~~

~~3. Changes in ground elevation of no more than 50% of any development site's total area shall exceed four (4) feet; and~~

~~4. Impacts to neighboring properties, protected areas, and overall hydrology are minimized.~~

Section 7. Repeal of OMC 16.54. Olympia Municipal Code Chapter 16.54 is hereby repealed in its entirety:

Chapter 16.54

TREE PROTECTION AND REPLACEMENT FOR GREEN COVE BASIN

16.54.000— Chapter Contents

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16.54.010 Purpose

Whereas rapid growth, the spread of development, and increasing demands upon natural resources have the effect of encroaching upon, despoiling or eliminating many of the trees and other forms of vegetation and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to existing and future residents of the city; and whereas the city council finds (1) that trees and woodland growth protect public health through the absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, through their cooling effect in the summer months and insulating effects in winter, through their positive impact on global climate change; (2) that trees and woodlands provide for public safety through the prevention of soil erosion, siltation and flooding; (3) that trees and woodlands are essential to the general welfare of the city by maintaining the natural beauty and the irreplaceable heritage for existing and future city residents; and (4) that Olympia can promote urban forestry practices which will preserve or enhance trees on public and private lands as they transition from natural areas into an urban environment. Therefore, the purposes of this chapter are:

- A.—To provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located in this city in order to preserve and enhance the city's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees;
- B.—To protect trees and woodlands of this city for their economic support of local property values and to preserve and enhance the Pacific Northwest's natural beauty;
- C.—To minimize the adverse impacts of land disturbing activities on surface drainage, soil erosion, air quality, sedimentation and pollution of natural waterways, in order to minimize the public and private costs for stormwater control and treatment, utility maintenance and removal of pollution from our natural waterways;
- D.—To promote site planning, construction practices and horticultural practices that are consistent with the reasonable use of property;

E.—To provide for the paramount public concern for these natural resources in the interest of a healthier and safer place in which to live and to promote the general welfare of the residents of this city;

F.—To implement the goals and objectives of the Washington State Environmental Policy Act; and

G.—To implement the goals and objectives of the city's comprehensive plan.

16.54.020 Definitions

All words in this chapter shall have their customary dictionary definition except as specifically defined herein.

A.—"Agriculture" is the use of land for the primary purpose of deriving income from growing plants or trees on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another use and only incidentally for growing trees or plants for income.

B.—"Buildable area" is that portion of a parcel of land wherein a building, parking and other improvements may be located and where construction activity may take place. Buildable areas shall not include streams, flood hazard areas, geologically hazard areas or wetlands as defined in Section 18.76.030. For the purpose of calculating required minimum tree density, existing and newly dedicated city rights-of-way shall not be included.

C.—"Caliper" is the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured 6" above the ground for up to and including 4" caliper size and 12" above the ground for larger sizes.

D.—"City" is the city of Olympia, Washington.

E.—"Clearing" is the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not mean landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of the trees.

F.—"Commercial nursery or tree farm" is a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.

G.—"Critical root zone" is the area where the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one foot for every dbh inch of tree.

H.—"Crown" is the area of a tree containing leaf or needle bearing branches.

I.—"Diameter at breast height (dbh)" is a tree's diameter in inches at 4-1/2' feet above the ground. On multistemmed or trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4-1/2' above the ground.

J.—"Grading" is any excavation, filling or combination thereof.

K.—"Ground cover" is trees less than six inches dbh and other vegetation.

L.—"Hazard tree" is any tree with a combination of structural defect and/or, disease, (which makes it subject to a high probability of failure), and a proximity to persons or property which makes it an imminent threat.

M.—"Development" is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; and any use or extension of the use of the land.

N.—"Landmark tree" is a tree or group of trees designated as such by the city because of its exceptional value to the residents of the city (see Chapter 16.56).

O.—"Limits of construction line" is a line separating the buildable areas from the protected areas.

P.—"Person" is any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.

Q.—"Protected area" is all land where no construction activity is allowed and includes the critical root zone of those trees to be preserved.

R.—"Qualified professional forester" is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from an SAF accredited forestry school, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development.

S.—"Remove or removal" is the act of removing a tree by digging up, cutting down or any act which causes a tree to die within a period of three years; including but not limited to, damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; paving with concrete, asphalt or other impervious material within the drip line, or any other action which is deemed harmful to the tree.

T. — "Street trees" is trees located within the street rights-of-way, adjacent to public or private streets, including undeveloped areas.

U. — "Transplant" is the relocation of a tree from one place to another on the same property.

V. — "Tree" is any self-supporting perennial woody plant that matures at a height greater than 6'.

W. — "Tree unit" is a unit of measurement based upon the size of the tree as set forth in Tables A and B, in Chapter 4 of the Urban Forestry Manual.

X. — "Undeveloped" is a parcel of land on which no buildings or other facilities are located.

Y. — "Urban forestry" is the art and science of planning, managing and protecting natural and planted vegetation in developing urban areas.

Z. — "Urban Forester" is the City of Olympia's Urban Forester or the Urban Forester's designee.

AA. — "Windfirm" is a tree which is capable of withstanding windstorms.

BB. — "Worksite" is any contiguous area owned and operated as one development unit upon which earth disturbing activities are planned or underway.

CC. — "Specimen tree" is a tree that has been given greater than standard tree density value through the evaluation process delineated in Chapter 5 of the Urban Forestry Manual.

DD. — "Conversion Option Harvest" is a timber harvest as established in this chapter and the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Olympia, while still maintaining their rights to convert their property to a use inconsistent with growing timber.

EE. — "Tree Plan" is a plan that contains specific information pertaining to the protection, preservation, and planting of trees pursuant to OMC 16.54 and 16.60 and the City of Olympia's Urban Forestry Manual.

FF. — "Significant (upland) Wildlife Habitat" is an area designated as such in the Olympia Comprehensive Plan, are designated as state priority habitat, and which is utilized by state priority or local priority animal species with unusual frequency, density or diversity for critical ecological processes such as breeding, nesting, nursery, feeding, and resting.

GG. — "Tree Tract" is a separate deeded tract of land, specifically set aside for the preservation and planting of trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered tree tracts if they currently support the growth of trees. The purpose of these areas for preserving

and planting trees is stated on the face of the plat and other proposed uses for the property do not require the removal of the trees.

16.54.030 Applicability

A. — No person or representative, directly or indirectly, shall remove, or destroy any tree, within the city, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in Section 16.54.040.

B. — Unless otherwise exempted, any site to be developed, within the City of Olympia, shall be required to develop a tree plan and shall be required to meet the minimum tree density herein created. For the purposes of this chapter, development shall include conversions, structural alterations, and remodeling only if a permit is required and the footprint of the building is expanded.

16.54.040 Exemptions

The following activities are exempt from the tree plan and tree removal permit requirements. In all cases the minimum tree density herein established shall be maintained. In no case shall any landmark tree be removed without first obtaining a tree removal permit pursuant to Chapter 16.56.

A. — Commercial Nurseries or Christmas Tree Farms. Removal of trees which are being grown to be sold as Christmas or landscape trees.

B. — Emergencies. Removal of trees necessary to protect public safety or private or public property from imminent danger in response to emergencies declared by the city, county, state or federal governments.

C. — Harvesting with a Forest Practices Permit. Removal of trees as allowed with a forest practices permit issued by the Washington State Department of Natural Resources.

D. — Hazard Trees. Removal of hazard trees as defined by this chapter.

E. — Developed Single Family (under two acres). Removal of trees from developed single family and multifamily (up to four units), less than two acres.

F. — Developed Single Family (two acres or more). On developed single family and multifamily (up to 4 units); 2 or more acres, removal of trees within 125' of the residence or other buildings. (That portion of the property further than 125' from the residence or other buildings shall be treated as undeveloped property for the purpose of this chapter).

G. — Subdivisions. Individual lots within a subdivision are exempt when the entire subdivision has complied with the tree density requirements of this chapter.

H.—Undeveloped property. Removal of up to 6 trees per acre, up to a total of 6 trees from an undeveloped parcel within any 12 consecutive month period.

I.—Street trees. Removal of street trees, when performed by or on behalf of the city, with approval of the Urban Forester.

J.—Small trees. Removal of trees with a diameter at breast height (dbh) of six inches or less.

16.54.045 City tree account

A.—There is created a city tree account into which all penalties and revenues received under Chapters 16.54, 16.56, and 16.60 and the tree protection element of Chapter 16.48 of this title shall be placed. In addition, the following sources of funds may be placed in the city tree account:

- 1.— Sale of trees or wood from city property where the proceeds from such sale have not been dedicated to another purpose;
- 2.— Donations and grants for purposes of the fund;
- 3.— Sale of seedlings by the city;
- 4.— Civil penalties imposed under Section 16.54.130 or settlements in lieu of penalties. At the discretion of the city manager, costs incurred by the city to enforce Chapters 16.48, 16.54, 16.56, or 16.60 may be deducted from the civil penalties;
- 5.— Other monies allocated by the city council.

B.—The city shall use the city tree account for the following purposes:

- 1.— Acquiring, maintaining, and preserving wooded areas within the city;
- 2.— Planting and maintaining trees within the city;
- 3.— Identification and maintenance of landmark trees;
- 4.— Propagation of seedling trees;
- 5.— Urban forestry education;
- 6.— Other purposes relating to trees as determined by the city council.

16.54.050 Tree plan required

A.—Requirement Established. A tree plan is required to obtain a tree removal permit and is also required for any land development on property having a tree density below the minimum required.

B.—Tree Plan Requirements. Specific tree plan requirements are delineated in Chapter (1) of the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of Tree Plan is required. Table 16.54.050A lists activities or projects and the level of tree plan typically required.

TABLE 16.54.050A

PROJECTS OR ACTIVITIES FOR WHICH TREE PLANS ARE REQUIRED

ACTIVITY or PROJECT	LEVEL (see manual)
Residential subdivisions (1-4 units)	I
Residential subdivisions (more than 4 units)	IV, V
Commercial/Industrial/Multifamily (over 4 units)	IV, V
Developed Commercial/Industrial/Multifamily (over 4 units), proposing a building addition or other site disturbance	II
Multifamily (1-4 units)	I
Planned Residential Development	IV, V
Mobile Home Park	IV, V
Nuisance Tree removal permit	III
Conversion Option Harvest Permit	VI
Residential 1-4 unit, building permit	I

C.—Conditions. The Urban Forester shall attach conditions on the project as necessary to ensure the long-term health and survival of trees to be retained and planted, pursuant to protection, planting, and maintenance standards established in the Urban Forestry Manual.

D.—Application and Fee. The application for a tree removal permit and/or tree plan review shall be made on a form provided by the City, and shall be submitted at the same time as the Tree Plan. The applicant shall pay a non-refundable permit fee to the Department of Community Planning and Development. The plan review and tree removal permit fee is set forth in Chapter 4.36.010 OMC.

E.—Submittal of a Tree Plan. The application for tree plan review and/or a tree removal permit shall be submitted with associated development applications as applicable.

16.54.060 Tree plan review procedure

A.— Within (28) calendar days of the receipt of a Tree Plan, the Urban Forester shall review the tree plan to determine completeness, and take one of the following actions:

- 1.— Approve the tree plan, with or without conditions, and issue a tree removal permit;
- 2.— Deny the permit, indicating the deficiencies to the applicant;
- 3.— Notify the applicant of complete/incomplete application with a timeline for issuance of a permit;
- 4.— Notify the applicant that the permit will be issued concurrently with other development permits.

B.— Public Notice. Prior to tree removal, the Urban Forester shall notify the applicant of the decision and shall post the site for a period of (10) days. During the posting period no tree removal work shall be done. Residential projects (1-4 units), and nuisance tree removal permits, shall be exempt from this posting requirement.

C.— Permit Duration. A permit issued under this chapter shall be valid for 180 days or the duration of the associated development permit or approval. The Urban Forester may authorize a (180) day extension.

D.— Permit Amendments. The permittee may request a minor amendment to an approved permit. In addition, the Urban Forester may require minor project changes to protect drainageways, environmentally sensitive areas, and adjoining property and structures from damage or to alleviate hazardous conditions.

E.— Display of Permits. Permits issued in association with this chapter shall be posted on the worksite prior to work beginning and shall remain until the Urban Forester accepts the work as complete.

F.— Integrated Applications and Decisions. When a tree plan is submitted in combination with another application for approval of an associated project or development, the urban forester shall notify the applicant that the permit will be issued concurrently with other project permits and shall designate and authorize such official or body to issue a decision regarding such tree plan as necessary to ensure an integrated decision. Any recommendation of the urban forester regarding such decision shall be given substantial weight by designee.

16.54.070 Tree plan review standards

A.— Issuance of a permit under this chapter does not exempt the permittee from procuring and complying with other required permits or approvals. Whenever this chapter conflicts with other laws, ordinances or rules, the more restrictive shall apply.

B.— Critical Areas. The approval authority shall restrict activities and/or impose conditions as warranted, to protect critical areas and their associated buffers, water quality, property or public safety.

C.—Alternative Compliance. All tree removal permit activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter.

D.—For all development projects, the following Urban Forestry design standards and provisions shall apply:

1.—Timing of tree removal. A tree removal permit will be processed and issued concurrently with other development permits, as applicable.

2.—Preservation and conservation of wooded areas and trees, shall have priority over development when there are feasible and prudent location alternatives on site for proposed building structures or other site improvements, as identified by the Director, as applicable. This may require site redesign including, but not limited to: redesign of streets, sidewalks, stormwater facilities, utilities; changing the shape and size of the parking lot; reducing or limiting proposed site grading; and changing the locations of buildings or building lots.

3.—If existing trees and vegetation meet the requirements for the required landscaping, they shall have priority over and may substitute for the required landscaping pursuant to the guidelines established in the City of Olympia's Landscaping Ordinance, OMC 18.36.

4.—For residential subdivisions (more than 4 units) at least 100 percent of the required minimum tree density shall be located within separate deeded tree tract(s) held in common ownership by the homeowner's association, or comparable entity.

5.—Tree preservation priority. In designing a development project and in meeting the required minimum tree density, the applicant shall preserve the following trees in the following order of priority. (Trees to be preserved must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified professional forester):

a.—Landmark Trees.

b.—Specimen Trees.

c.—Critical Areas and Critical Area Buffer.

d.—Significant Wildlife Habitat. Trees located within or buffering Significant Wildlife Habitat.

e.—Other individual trees or groves of trees.

6.—On sites where there are currently inadequate numbers of existing trees, or where the trees are inappropriate for preservation, as determined by the Urban Forester, then replacement tree planting

shall be required. Trees to be planted must be planted within separate deeded tree tracts as defined in this ordinance.

E. — For residential subdivisions, trees may be removed from individual building lots concurrent with the clearing of the proposed right-of ways, and other frontage improvements, with the following provisions:

1. — The Urban Forester has determined that the existing trees, on the proposed individual lots, are inappropriate for retention due to tree condition, soils, topographic constraints, proposed small lot size, and/or the size of the trees at maturity.

2. — Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.

F. — Developed commercial, industrial, multifamily (more than four units) properties, nuisance tree removal. Proposals to remove a tree or trees on these properties shall comply with the following standards:

1. — The tree must meet the following criteria:

a. — Tree is causing obvious, physical damage to private or public property, including but not limited to: sidewalk, curb, road, parking lot, building foundation, roof; or

b. — Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices;

2. — The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:

a. — Pruning of the crown or roots of the tree and/or, structural changes to a building, parking lot, sidewalk or other site modifications to alleviate the problem.

b. — Pruning, bracing, cabling, to reconstruct a healthy crown.

G. — Undeveloped Properties, Conversion Option Harvest. For properties proposing a conversion option harvest, the following standards shall apply:

1. — Trees to remain should be dominant or co-dominant in the stand, healthy, and windfirm.

2. — Trees to remain should be located on the site in areas that would most likely facilitate their preservation through the build-out of the site.

- 3.— Up to 30% of the number or volume of trees, by species, can be removed every 10 years.
- 4.— No removal of trees from critical areas or buffers.
- 5.— No removal of Landmark trees.
- 6.— No removal of trees that would cause trees on adjacent properties to become hazardous.
- 7.— Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.
- 8.— Slash Abatement practices shall be implemented pursuant to Olympia Fire Department Standards.

16.54.080 Tree density requirement

A.— Minimum Tree Density Requirement Established. A minimum tree density of 220 tree units per acre is required. The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 16.60.070.

B.— Tree Density Calculation. Specific Tree Density calculations and replacement tree standards are delineated in the City of Olympia's Urban Forestry Manual. Table 16.60.080 A shows the required minimum tree density and replacement tree requirements for various activities.

- 1.— Developing properties are required to meet a minimum tree density of 220 tree units per acre.
- 2.— Developed Commercial/Industrial/Multifamily (more than 4 units) properties, proposing an addition or other site disturbance are required to replace a minimum tree density of one tree unit for every 500 sq. ft. of site area to be disturbed and 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 220 tree units per acre for the entire site. For the purpose of determining required replacement trees, site area disturbed shall include: installation or expansion of a building or other structure; drilling; and site alternations such as those due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or clearing.
- 3.— Developed Commercial/Industrial/Multifamily (more than 4 units) properties, proposing tree removal are required to replace 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 220 tree units per acre for the site.
- 4.— Undeveloped property proposing a conversion option harvest are required to maintain a minimum tree density of 220 tree units per acre.

C.—Replacement Tree Location. The applicant's proposed location of transplanted or replacement trees shall be subject to city approval as part of the tree plan. Replacement trees should be planted according to the following priority:

1.—On Site.

2.—Off-site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the city.

3.—City Tree Account. When on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the replacement trees into the City's Tree Account.

D.—Replacement Tree Quality. Replacement trees shall meet the quality and size standards delineated in the Urban Forestry Manual.

E.—Replacement Tree Planting Standards. Trees shall be planted pursuant to the planting standards delineated in the Urban Forestry Manual.

TABLE 16.54.080A-

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
New Development	30 tree units per acre	30 tree units per acre
Developing Single family (multifamily up to 4 units)	30 tree units per acre	30 tree units per acre
Developed Properties	30 tree units per acre	30 tree units per acre
Developed Commercial/Industrial/Multifamily (more than 4 units) proposing an addition or other site disturbance	1 tree unit for every 500 sq. ft. disturbed and 3 tree units for every one tree unit proposed for removal	30 tree units per acre
Developed Commercial/Industrial/Multifamily (more than 4 units) proposing tree removal	3 tree unit for every 1 tree unit proposed for removal	30 tree units per acre

TABLE 16.54.080A

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
Option Harvest	Site must remain at a minimum tree density of 200 tree units per acre.	200 tree units per acre
New Developments (Green Cove Basin)	220 tree units per acre.	220 tree units per acre

16.54.090 Tree protection during construction

Prior to initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to standards in the Urban Forestry Manual.

16.54.100 Maintenance requirements

A. — Maintenance Requirement. Trees are to be maintained in a vigorous and healthy condition, free from diseases, pests and weeds in accordance with the standards delineated in the City of Olympia’s Urban Forestry Manual. Trees which become diseased, severely damaged or which die shall be removed by the owner as soon as possible but no later than 60 days after notification by the city. All trees removed under this section shall be replaced with a healthy tree of the same size and species as required by the approved tree plan for the property.

B. — For areas dedicated as tree tracts, and street trees, and a single-family residential development that exceeds four units, the maintenance requirement of this section shall be in effect for three years from the date the final plat is approved or the trees are planted.

The tree plan shall be a condition of approval and identified on the face of the plat. The applicant shall also execute a covenant in a form agreeable to the city which shall require the applicant and his successors to comply with the maintenance requirement of this section. The covenant shall obligate both the property owner and the homeowner’s association. The covenant shall be recorded by the county auditor. The recording fee shall be paid by the applicant.

C. — Multifamily Residential, Commercial, Industrial Developments. For all trees covered by the tree plan, the maintenance requirement shall apply in perpetuity to developments that are multifamily residential developments in excess of four units, commercial and industrial. The applicant shall execute a covenant in a

form agreeable to the city which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded by the county auditor. The recording fee shall be paid by the applicant.

D.—Maintenance Agreement. Each development to which the maintenance requirement for this chapter applies and that contain a specimen tree(s) shall also be subject to a maintenance agreement. The urban forester shall require the applicant to execute a maintenance agreement with the city, in a form acceptable to the city attorney, which shall include the provisions of the maintenance requirement in this chapter, to ensure the survival and proper care of any specimen trees identified in the Tree Plan.

E.—Surety. For residential developments containing more than four units, commercial and industrial projects, the applicant will be required to post a surety. The surety shall be in the form approved by the city attorney. The surety document shall have a face amount equal to 125 percent of the estimated amount necessary to guarantee the maintenance and replacement of trees in conformance with the maintenance requirement and tree plan for a period of three years from the date the certificate of occupancy is issued by the city or from the date of final plat approval.

F.—Failure to maintain. Failure to regularly maintain the trees as required in this section shall constitute a violation of this chapter and, if applicable, the plat covenant.

16.54.110 Variance for hardship

The administrative process for variances shall be governed by Chapter 18.66 of the Unified Development Code.

16.54.120 Appeal

Appeals of administrative decisions shall be governed by Chapter 18.72 of the Unified Development Code.

16.54.130 Enforcement -- Penalties

A.—Authority. It shall be the duty of the Urban Forester to administer the provisions of this chapter. The Urban Forester shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter.

B.—Authorized Actions. In addition to other remedies, the city may bring injunctive, declaratory or other actions to enforce this chapter.

C.—Stop Work Orders/Permit Revocation:

1.—The Urban Forester shall suspend work or revoke a permit, as appropriate, if the Urban Forester finds that:

- a.—The work is not authorized by a valid permit;
- b.—Inaccurate information was used to obtain the permit;
- c.—The permittee is not complying with the terms of the permit or approved plans;
- d.—The work is, in the Urban Forester's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainageway, watercourse, environmentally sensitive area or stormwater facility, or is otherwise adversely affecting the public health, safety, or welfare;
- e.—Adverse weather is causing significant problems on or off site; or
- f.—The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.

2.—The Urban Forester shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project. If the permittee does not comply with the order within the time specified, the Urban Forester, as an alternative to other remedies, may enter the project site and perform the required work. All costs incurred by the city in performing such work shall be drawn against the surety posted by the permittee to ensure the enforcement of the provisions of the tree plan or the tree removal permit. In the absence of sufficient surety, the city may place a lien against the property in the amount of the funds expended to perform the required work.

D.—Restoration. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Urban Forester, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s).

E.—Prohibition of Further Approvals. The city shall not accept, process, or approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the Urban Forester and by payment of any penalty imposed for the violation.

F.—Criminal and Civil Penalty.

1.—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.

2.—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:

3.—Class 1 (\$250), not including statutory assessments.

G.—Public Nuisance. Any violation of the provisions of this chapter or a violation of a permit issued hereunder is declared to be a public nuisance and may be abated through proceeding for injunctive or similar relief in Superior Court or other court of competent jurisdiction:

16.54.140 Liability on the city

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public rights-of-way over their property.

16.54.160 Authority

A.—Authority of the Urban Forester:

1.—The Urban Forester shall manage the City's Urban Forestry Program, which includes, but is not limited to the administration of the Tree Protection and Replacement ordinance and the provisions of the Urban Forestry Manual.

2.—The Urban Forester shall develop and periodically review and revise as necessary The Urban Forestry Manual which shall contain at a minimum, standards for Tree Plan Development, Tree Planting, Tree Protection, and Specimen Tree Evaluation. The Urban Forestry Manual and all revisions and amendments to it shall be available for public inspection at the office of the City Clerk.

16.54.170 Specimen tree evaluation—For public trees

A.—Size. Size shall be determined using the methodology developed by the American Forestry Association for measuring champion trees. This methodology, as adopted by the Washington Big Tree Program, is described in detail in the publication "Washington Big Tree Program 1994" by Robert Van Pelt, College of Forest Resources, University of Washington, AR 10 Seattle, Washington, 98195.

1.—Circumference of the trunk. The circumference of the trunk in inches shall be measured at breast height (4.5 feet from the ground). If the circumference at 4.5 feet is distorted by low branching, etc., the circumference shall be taken at the smallest reading obtainable below that point.

2.—Height of the tree. The height in feet shall be measured using standard forestry mensuration equipment (clinometer, etc.).

3.—Average crown spread. The average crown spread is measured in feet. This shall be the average of the spread of the crown at its widest and narrowest points.

One point shall be assigned for every inch in circumference, every one (1) foot in height and every four (4) foot spread.

The size value for specimen tree evaluation shall be the percentage obtained by dividing the point value of the subject tree by the value of the state champion of the species (listed in the most recent edition of the Washington Big Tree Program) multiplied by four (4), and then rounded to the nearest whole number.

$$\begin{aligned} \text{e.g., Subject tree} &= 200 \text{ size points} / \text{State Champion (350 points)} = 57\% \\ 57\% \times 4 &= 2.85 \text{ rounded to } 3 \end{aligned}$$

B.—Location. There are five (5) possible location values. They are determined based on how visible they would be to the public at large. The five locations values are:

1.—Arterial Street R-O-W = 4 points

2.—Collector Street R-O-W = 3 points

3.—Local Access Street R-O-W = 2 point

4.—Unopened R-O-W, or City Property (visible from Street) = 1 points

5.—Unopened R-O-W, or City Property (not visible from Street) = 0

C.—Condition. There are four condition criteria. The condition class of a tree shall be determined using the methodology developed by the International Society of Arboriculture, specifically described in Table 6-2, Pages 40-41 of the 8th. Edition of International Society of Arboriculture's "Valuation of Landscape Trees, Shrubs, and Other Plants."

1.—Excellent Condition = 3 points

2.—Good Condition = 2 points

3.—Fair Condition = 1 point

4.—Poor Condition = 0

D.—Trees determined to have significant public value may qualify for one additional point at the discretion of the Urban Forester.

E.—Specimen Street Tree Value. The specimen tree value is determined by adding the size, location and condition values together.

e.g., 1 Size value (75 % of state champion) = 3

- Location (Local Access Street R-O-W) = 2

- Condition (Good) = 2

- Specimen Street Tree Value (3 + 2 + 2) = 7

e.g., 2 Size value (25% of state champion) = 1

- Location (Arterial Street R-O-W) = 4

- Fair Condition = 1

- Specimen Street Tree Value (1 + 4 + 1) = 6

16.54.180 Tree Pruning Standards for Public Trees

A.—All pruning shall comply with National Arborist Association pruning standards.

B.—Crown reduction pruning shall only be allowed when the Urban Forester deems that such pruning is necessary to reduce a hazardous condition posed by the tree.

C.—When clearance, skirting or window pruning is performed, no more than 30% of the live crown may be removed in any 3 year period of time.

D.—All pruning shall be performed in such a manner that the trees are maintained in the optimum health at all times, as determined by the Urban Forester.

Section 8. Amendment of OMC 16.60. Olympia Municipal Code Chapter 16.60 is hereby amended to read as follows:

Chapter 16.60 TREE PROTECTION AND REPLACEMENT

16.60.000 Chapter Contents

Sections:

- 16.60.010 Purpose.
- 16.60.020 Definitions.
- 16.60.030 Applicability.
- 16.60.040 Exemptions.
- 16.60.045 City tree account.
- 16.60.050 ~~Tree~~ Soil and vegetation plan required.
- 16.60.060 Tree ~~plan~~ removal permit review procedure.
- 16.60.070 ~~Tree~~ Soil and vegetation plan review standards.
- 16.60.080 Tree density.
- 16.60.090 Tree, soil, and native vegetation protection during construction.
- 16.60.100 Maintenance requirements.
- 16.60.110 Variance for hardship.
- 16.60.120 Appeal.
- 16.60.130 Enforcement - Penalties.
- 16.60.140 Liability on the city.
- 16.60.160 Authority.
- 16.60.170 Specimen tree evaluation - For public trees.
- ~~16.60.180 Tree pruning standards for public trees.~~

OMC 16.60.010 Purpose

Whereas rapid growth, the spread of development, and increasing demands upon natural resources have the effect of encroaching upon, ~~despoiling~~ impacting or eliminating many of the intact native soils and vegetation, trees and ~~other forms of vegetation~~ and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, ~~constitute~~ provide important physical, aesthetic, recreation and economic assets to existing and future residents of the city; and whereas the city council finds (1) that trees, healthy soils, and ~~woodland-growth~~ native vegetation protect public health through the capturing and filtering of stormwater runoff, absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, through their cooling effect in the summer months and insulating effects in winter, through their positive impact on global climate change; (2) that trees, healthy soils, and ~~woodlands~~ native vegetation provide for public safety through the prevention of soil erosion, siltation and flooding; (3) that trees, healthy soils, and ~~woodlands~~ native vegetation are essential to the general welfare of the city by maintaining the natural beauty and the irreplaceable heritage for existing and future city residents; and (4) that Olympia can promote urban forestry and land management

practices which will preserve or enhance trees, healthy soils, and native vegetation on public and private lands as they transition from natural areas into an urban environment. Therefore, the purposes of this chapter are:

- A. To provide for the protection, preservation, replacement, proper maintenance and use of trees, soils, and native vegetation and woodlands located in this city in order to preserve and enhance the city's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees, healthy soils, and native vegetation;
- B. To protect trees, healthy soils, and native vegetation and woodlands of this in the city for their economic support of local property values and to preserve and enhance ~~the Pacific Northwest's~~ this region's natural beauty;
- C. To minimize the adverse impacts of land disturbing activities on ~~surface drainage~~ stormwater infiltration, soil erosion, air quality, sedimentation and pollution of natural waterways, in order to minimize the public and private costs for stormwater control and treatment, utility maintenance and removal of pollution from our natural waterways;
- D. To promote site planning, construction practices and horticultural practices that are consistent with the reasonable use of property;
- E. To provide for the paramount public concern for these natural resources in the interest of a healthier and safer place in which to live and to promote the general welfare of the residents of this city;
- F. To implement the goals and objectives of the Washington State Environmental Policy Act; and
- G. To implement the goals and objectives of the eCity's eComprehensive pPlan.

16.60.020 Definitions

All words in this chapter shall have their customary dictionary definition except as specifically defined herein.

- A. "Agriculture" is the use of land for the primary purpose of deriving income from growing plants or trees on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another use and only incidentally for growing trees or plants for income.
- B. "Buildable area" is that portion of a parcel of land wherein a building, parking and other improvements may be located and where construction activity may take place. Buildable areas shall not include streams, flood hazard areas, geologically hazard areas or wetlands as defined in ~~Section 18.76.030~~ Chapter 18.32 Critical Areas. For the purpose of calculating required minimum tree density, existing and newly dedicated city rights-of-way shall not be included.

C. "Caliper" is the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured 6" above the ground for up to and including 4" caliper size and 12" above the ground for larger sizes.

D. "City" is the city of Olympia, Washington.

E. "Clearing" is the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not mean landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of the trees.

F. "Commercial nursery or tree farm" is a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.

~~DDG.~~ "Conversion Option Harvest" is a timber harvest as established in this chapter and the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Olympia, while still maintaining their rights to convert their property to a use inconsistent with growing timber.

~~GH.~~ "Critical root zone" is the area where the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one foot for every inch of tree at dbh DBH (Diameter at breast height) inch of tree.

~~HI.~~ "Crown" is the area of a tree containing leaf or needle-bearing branches.

~~MJ.~~ "Development" is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; and any use or extension of the use of the land.

~~IK.~~ "Diameter at Bbreast Hheight (~~dbh-DBH~~)" is a tree's diameter in inches at 4-1/2' feet above the ground. On multi-stemmed or trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4-1/2' above the ground.

~~JL.~~ "Grading" is any excavation, filling of earth materials or any combination thereof.

~~LM.~~ "Hazard tree" is any tree with a combination of structural defect and/or, disease, ~~(which makes it subject to a high probability of failure), and a~~ is within close enough proximity to where persons-persons or property which makes it an imminent threat. could be harmed or damaged if the tree were to fail.

~~N.~~ "Healthy soil" is soil that is of good quality with the capacity to sustain plant, animal, and human life by providing nutrients, air and water space to infiltrate, pollutant absorption and filtering, and habitat.

O. "Invasive species" are non-native organisms that are capable of spreading so quickly they can cause economic or environmental harm.

NP. "Landmark tree" is a tree or group of trees designated as such by the eCity because of its exceptional value to the residents of the city (see Chapter 16.56 Landmark Tree Protection).

EQ. "Limits of construction line" is a line separating the buildable areas from the protected areas.

R. "Mitigation" is the act of restoring, creating, enhancing, or preserving a naturally occurring ecosystem to generate an increase in environmental functions to compensate for losses due to development or willful or negligent destruction of that ecosystem.

S. "Native vegetation" is indigenous vegetation that encompasses both that occurs occurring naturally and vegetation and is well adapted to current and anticipated environmental conditions in this region.

PT. "Person" is any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.

QU. "Protected area" is all land where no construction activity, tree removal, vegetation removal, or soil compaction is allowed and includes the critical root zone of those trees to be preserved.

RV. "Qualified professional forester" is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture (ISA), foresters with a degree in forestry from the an Society of American Foresters (SAF) accredited forestry school, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees in an urban environment, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development and management of those trees thereafter.

SW. "Remove or removal" is the act of removing a tree by digging up, cutting down or any act which causes a tree to die, within a period of three years, significantly impacts its natural growing condition and/or results in diminished environmental benefits or a hazard tree; including but not limited to, damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; paving with concrete, asphalt or other impervious material within the ~~drip-line~~ critical root zone, or any other action which is deemed harmful to the tree.

FFX. "Significant (upland) Wildlife Habitat" is an area designated as such in the Olympia Comprehensive Plan, are or designated as state priority habitat, and which is utilized by state priority or local priority animal species

with unusual frequency, density or diversity for critical ecological processes such as breeding, nesting, nursery, feeding, and resting.

EEY. "Soil and Vegetation Tree Plan" is a plan that contains specific information pertaining to the protection of healthy soil, and the preservation, and planting of trees and native vegetation pursuant to OMC 16.60 and the City of Olympia's Urban Forestry Manual.

GGZ. ~~Tree Tract~~ Soil and Vegetation Protection Area (SVPA) is a separate ~~dede~~ tract of land, which may or may not be dede as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation, including trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered SVPA's if they currently or are improved to an extent where they can support healthy soils and the growth of native vegetation of trees. The purpose of these areas for preserving healthy soils and preserving and/or planting native vegetation and planting is stated on the face of the plat when applicable, and other proposed uses for the property do not require the removal of the trees.

EEAA. "Specimen tree" is a tree that has been given greater than standard tree density value through the evaluation process delineated in ~~Chapter 5~~ of the Urban Forestry Manual.

FB. "Street trees" is trees located within the street rights-of-way, adjacent to public or private streets, including undeveloped areas.

UCC. "Transplant" is the relocation of a tree from one place to another on the same property.

VDD. "Tree" is any self-supporting perennial woody plant that matures at a height greater than 6'.

WEE. "Tree unit" is a unit of measurement based upon the size of the tree as set forth in ~~Tables A and B, in Chapter 4~~ of the Urban Forestry Manual.X. "Undeveloped" is a parcel of land on which no buildings or other facilities are located.

KFF. "~~Ground-cover Understory~~" is trees less than six inches dbh and other the shrubs and plants growing beneath the main canopy of a forest, stand of trees, or individual tree; including low-growing vegetation that covers the ground.

YHH. "Urban forestry" is the ~~art and science~~ professional practice of planning, managing and protecting natural and planted vegetation in developing urban areas.

ZII. "Urban Forester" is the City of Olympia's Urban Forester or the Urban Forester's designee.

JJ. "Well-Adapted Drought-Tolerant Vegetation" is vegetation that is well adapted to current and anticipated environmental conditions in this region, and is not invasive or noxious.

AAKK. "Windfirm" is a tree which is capable of withstanding ~~windstorms~~ high-strong winds, in particular when associated with inclement weather events.

BBLL. "Worksite" is any contiguous area owned and operated as one development unit upon which earth disturbing activities are planned or underway.

OMC 16.60.030 Applicability

A. No person or representative, directly or indirectly, shall remove, or destroy any tree, within the city, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in Section 16.60.040.

B. Unless otherwise exempted, any site to be developed, within the City of Olympia, shall be required to develop a ~~tree plan~~ Soil and Vegetation Plan (SVP) and shall be required to meet the minimum tree density herein created. ~~For the purposes of this chapter, development shall include conversions, structural alterations, and remodeling only if a permit is required and the footprint of the building is expanded.~~

OMC 16.60.040 Exemptions

The following activities are exempt from the ~~tree plan~~ Soil and Vegetation Plan and tree removal permit requirements. In all cases the minimum tree density herein established shall be maintained. In no case shall any landmark tree be removed without first obtaining a tree removal permit pursuant to Chapter 16.56.

A. Commercial Nurseries or Christmas Tree Farms. Removal of trees which are being grown to be sold as Christmas or landscape trees.

B. Emergencies. Removal of trees necessary to protect public safety or private or public property from imminent danger as determined by the Urban Forester or in response to emergencies declared by the city, county, state or federal governments.

C. Harvesting with a Forest Practices Permit. Removal of trees as allowed with a forest practices permit issued by the Washington State Department of Natural Resources.

D. Hazard Trees. Removal of hazard trees as defined by this chapter.

E. Developed Single-Family (under two acres). Removal of trees and other vegetation from developed single-family and multifamily (up to four units), less than two acres so long as the minimum required tree density is maintained.

F. Developed Single-Family (two acres or more). On developed single-family and multifamily (up to 4 units), 2 or more acres, removal of trees and other vegetation within 125' of the residence or other buildings, unless required to be installed and properly maintained specifically to facilitate stormwater infiltration or dispersion.

(That portion of the property further than 125' from the residence or other buildings shall be treated as undeveloped property for the purpose of this chapter).

G. Subdivisions. Individual lots within a subdivision are exempt from meeting tree density requirements when the entire subdivision has complied with the tree density and soil and vegetation protection requirements of this chapter.

H. Undeveloped property. Removal of up to 6 trees per acre, up to a total of 6 trees from an undeveloped parcel within any 12 consecutive month period.

I. Street trees. Removal of street trees, when performed by or on behalf of the city, with approval of the Urban Forester.

~~J. Small trees. Removal of trees with a diameter at breast height (dbh) of six inches or less.~~

OMC 16.60.045 City tree account

B. The city shall use the city tree account for the following purposes:

1. Acquiring, maintaining, and preserving wooded areas of healthy soil and native vegetation within the city;
2. Planting and maintaining trees within the city;
3. Identification and maintenance of landmark trees;
4. Propagation of seedling trees;
5. Urban forestry education;
6. Other purposes relating to trees as determined by the city council.

OMC 16.60.050 ~~Tree plan~~ Soil and Vegetation Plan required

A. Requirement Established. A ~~tree~~ soil and vegetation plan is required to obtain a tree removal permit and is also required for any land development on property having a tree density below the minimum required and/or when Street Trees are to be installed.

B. ~~Tree~~ Soil and Vegetation Plan Requirements. Specific ~~tree~~ soil and vegetation plan requirements are delineated in ~~Chapter (1)~~ of the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of ~~tree~~ soil and vegetation plan is required. Table A lists activities or projects and the level of ~~tree~~ plan typically required.

TABLE A

**PROJECTS OR ACTIVITIES FOR WHICH TREE SOIL AND VEGETATION PLANS ARE
REQUIRED**

ACTIVITY or PROJECT	LEVEL (see manual)
Residential subdivisions (1-4 units)	I
Residential subdivisions (more than 4 units)	IV, V
Commercial/Industrial/Multifamily (over 4 units)	IV, V
Developed Commercial/Industrial/Multifamily (over 4 units), proposing a building addition or other site disturbance	II
Multifamily (1-4 units)	I
Planned Residential Development	IV, V
Mobile Home Park	IV, V
Nuisance Tree removal permit	III
Conversion Option Harvest Permit	VI
Residential 1-4 unit, building permit	I

C. Conditions. The Urban Forester shall attach conditions on the project as necessary to ensure the long-term health and survival of trees, soils and understory vegetation to be retained and planted, pursuant to protection, planting, and maintenance standards established in the Urban Forestry Manual.

D. Application and Fee. The application for a tree removal permit and/or tree soil and vegetation plan review shall be made on a form provided by the City, and shall be submitted at the same time as the Tree soil and vegetation Pplan. The applicant shall pay a non-refundable permit fee to the Department of Community Planning and Development. The plan review and tree removal permit fee is set forth in Chapter 4.36.010 ~~OMC~~ Building Code Review and Permit Fees.

E. Submittal of a ~~Tree~~ Soil and Vegetation Plan. The application for ~~tree~~ soil and vegetation plan review and/or a tree removal permit shall be submitted with associated development applications as applicable.

OMC 16.60.060 ~~Tree plan~~ removal permit review procedure

A. ~~Within (28) calendar days of the receipt of a Tree Plan,~~ ~~€~~The Urban Forester shall review the tree plan removal request to determine completeness, and take one of the following actions:

1. Approve the tree plan removal, with or without conditions, and issue a tree removal permit;
2. Deny the permit, indicating the deficiencies to the applicant;
3. Notify the applicant of complete/incomplete application with a timeline for issuance of a permit;
4. Notify the applicant that the permit will be issued concurrently with other development permits, when applicable.

~~B. Public Notice. Prior to tree removal, the Urban Forester shall notify the applicant of the decision and shall post the site for a period of (10) days. During the posting period no tree removal work shall be done. Residential projects (1-4 units), and nuisance tree removal permits, shall be exempt from this posting requirement.~~

~~C. B. Permit Duration. A permit issued under this chapter shall be valid for 180 days or the duration of the associated development permit or approval. The Urban Forester may authorize a one (180)-day extension.~~

~~D. C. Permit Amendments. The permittee may request a minor amendment to an approved permit. In addition, the Urban Forester may require minor project changes to protect drainageways, environmentally sensitive areas, and adjoining property and structures from damage or to alleviate hazardous conditions.~~

~~E. D. Display of Permits. Permits issued in association with this chapter shall be posted on the worksite prior to work beginning and shall remain until the Urban Forester accepts the work as complete.~~

~~F. E. Integrated Applications and Decisions. When a tree plan removal permit is submitted in combination with another application for approval of an associated project or development, the urban forester shall notify the applicant that the permit will be issued concurrently with other project permits and shall designate and authorize such official or body to issue a decision regarding such tree plan removal permit as necessary to ensure an integrated decision. Any recommendation of the urban forester regarding such decision shall be given substantial weight by designee.~~

OMC 16.60.070 Tree Soil and vegetation plan review standards

A. Issuance of a permit under this chapter does not exempt the permittee from procuring and complying with other required permits or approvals. Whenever this chapter conflicts with other laws, ordinances or rules, the more restrictive shall apply.

B. Critical Areas. The approval authority shall restrict activities and/or impose conditions as warranted, to protect critical areas and their associated buffers, water quality, property or public safety.

C. Alternative Compliance. All tree removal permit activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that

alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter.

D. For all development projects, the following ~~Urban Forestry~~ design standards and provisions shall apply.

1. Timing of tree removal. ~~A tree removal permit~~ Tree removal proposals will be processed ~~reviewed~~ and a decision issued concurrently with other development permits, as applicable.
2. When determining where to establish a required Soil and Vegetation Protection Area or retain trees when an Soil and Vegetation Protection Area is not required, Preservation and conservation of wooded areas locations with healthy soils, native understory vegetation, and mature trees in good condition shall have priority over development when there are feasible and prudent location alternatives on site for proposed building structures or other site improvements, ~~as identified by the Director, as applicable.~~ This may require site redesign including, but not limited to: redesign of streets, sidewalks, stormwater facilities, utilities; changing the shape and size of the parking lot; reducing or limiting proposed site grading; and changing the locations of buildings or building lots.
3. If existing trees and vegetation meet the requirements for the required landscaping, they shall have priority over and may substitute for the required landscaping pursuant to the guidelines established in Chapter 18.36 Landscaping and Screening, the City of Olympia's Landscaping Ordinance, OMC 18.36.
4. For residential subdivisions ~~(more than 4 units of five (5) units or more)~~ at least 75 percent of the required minimum tree density shall be located within separate deeded ~~tree~~ Soil and Vegetation Protection Area(s) tract(s) held in common ownership by the homeowner's association, or comparable entity.
5. For multi-family developments of five (5) units or more a minimum of 50% of the required minimum tree density shall be met in Soil and Vegetation Protection Area(s). Soil and Vegetation Protection Areas may also meet requirements for stormwater management, and landscape buffering and screening when planting requirements and plant selection are appropriate for the site conditions and are demonstrated to be able to achieve the intended purpose of the applicable requirements.
6. Soil and Vegetation Tree-preservation priority. In designing a development project and in meeting the required minimum tree density, the applicant shall preserve ~~the following~~ Soil and Vegetation Protection Areas ~~trees that include the following~~ in the following order of priority. ~~(In all situations, T~~ rees to be preserved must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified professional forester).
 - a. Landmark Trees.

- b. Specimen Trees.
- c. Critical Areas and Buffers. Trees located within critical areas, critical area buffers or adjacent to critical area buffers. ~~(Those trees within the critical area buffers may account for up to 50 percent of the required tree density; except within the Green Cove Basin those trees within critical areas and critical area buffers may account for up to 100 percent of the required tree density.)~~
- d. Significant Wildlife Habitat. Trees located within or buffering Significant Wildlife Habitat.
- e. Healthy Soils and Native Vegetation. Native vegetation with associated healthy soils and understory.
- ef. Other individual trees or groves of trees.

7. On sites where there are currently inadequate numbers of existing trees, ~~or~~ where the trees are inappropriate for preservation, the soils are poor (unsuitable, disturbed, compacted etc.), or there are significant invasive species, as determined by the Urban Forester, then replacement tree planting, soil amendment, and understory mitigation shall be required. In designing a development project and in meeting the required minimum tree density, ~~the following trees areas shall be planted~~ undergo mitigation in the following order of priority:

- a. Critical Area Buffers, Significant Wildlife Habitat. ~~Trees planted w~~Within or adjacent to Critical Areas and Significant Wildlife habitat areas.
- b. Soil and Vegetation Protection Areas. Within designated Soil and Vegetation Protection Areas; may also include stormwater facility areas and areas of required landscaping.
- bc. Stormwater retention/detention ponds. ~~Trees planted a~~Adjacent to ~~S~~stormwater retention/detention ponds.
- ed. Landscaping. For residential subdivisions this may include entrance landscaping, traffic islands, separate deeded tree tracts, and other common areas.
- de. Individual residential building lots. ~~Trees planted on individual lots.~~

E. Mitigation. Within Soil and Vegetation Protection Areas where there are poor soils (unsuitable, disturbed, compacted, etc.), no native species, no understory vegetation, and invasive species, as determined by the Urban Forester, mitigation shall be required. Mitigation shall include the following activities:

- a. Remediation of compacted soils. Applicable only to areas without existing native soils, ground cover vegetation, or trees and their associated critical root zones.

b. Removal of invasive species.

c. Understory vegetation. Planting of native understory vegetation, or well-adapted drought-tolerant vegetation, appropriate to site conditions.

d. Restoration of existing trees through removal and replacement or restorative pruning. Including removal of hazard trees.

e. Planting of trees. At least 60% of the resulting SVPA tree distribution shall be evergreen trees.

F. Mitigation Plan. When conditions warrant it, or as determined by the Urban Forester, a mitigation plan shall be submitted and approved as an element of the Soil and Vegetation Plan pursuant to standards in the Urban Forestry Manual.

EG. For residential subdivisions, trees may be removed from individual building lots concurrent with the clearing of the proposed right-of-ways, and other frontage improvements, with the following provisions:

1. The Urban Forester has determined that the existing trees, on the proposed individual lots, are inappropriate for retention due to tree condition, soils, topographic constraints, proposed small lot size, and/or the size of the trees at maturity.
2. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.

FH. Developed commercial, industrial, multifamily (more than four units) properties, nuisance tree removal. Proposals to remove a tree or trees on these properties shall comply with the following standards.

1. The tree must meet the following criteria:
 - a. Tree is causing obvious, physical damage to private or public property, including but not limited to: sidewalk, curb, road, parking lot, building foundation, roof, stormwater infiltration or treatment system; or
 - b. Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices;
2. The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:

- a. Pruning of the crown or roots of the tree and/or, structural changes to a building, parking lot, sidewalk or other site modifications to alleviate the problem.
- b. Pruning, bracing, cabling, to reconstruct a healthy crown.

HI. Undeveloped Properties, Conversion Option Harvest. For properties proposing a conversion option harvest, the following standards shall apply:

1. Trees to remain should be dominant or co-dominant in the stand, healthy, and windfirm.
2. Trees to remain should be located on the site in areas that would most likely facilitate their preservation through the build-out of the site.
3. Up to 30% of the number or volume of trees, by species, can be removed every 10 years.
4. No removal of trees from critical areas or buffers.
5. No removal of Landmark trees.
6. No removal of trees that would cause trees on adjacent properties to become hazardous.
7. Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.
8. Slash Abatement practices shall be implemented pursuant to Olympia Fire Department Standards.

J. Street trees. Street trees shall be included in the soil and vegetation protection plan. It should be drawn to scale on the site plan and should include the following information:

1. Location, size, and species of trees to be planted;
2. Description and detail showing site preparation, installation and maintenance measures;
3. Timeline for site preparation, installation and maintenance of street trees;
4. Cost estimate for the purchase, installation and maintenance for a minimum of three years of street trees;
5. The description and location of any underground or overhead utilities within the rights-of-way or near proposed street trees;
6. Additional information. The City's Urban Forester may require any additional information deemed necessary to ensure compliance with the provisions of this chapter;

7. Information waiver. The City's Urban Forester may waive the requirements for a scaled drawing and other submission data if they find that the information presented is sufficient to determine the project's compliance with the provisions of this Chapter;
8. Design guidelines: See OMC Chapters 18.100 through 18.180 in general and section 18.170.010 in particular.

OMC 16.60.080 Tree density requirement

A. Minimum Tree Density Requirement Established. A minimum tree density of 30 tree units per acre is required on the buildable area of each site, except within the Green Cove Basin (see 16.60.080(5) and in critical areas, see OMC 18.32.; provided, however, that within the Green Cove Basin and all Residential Low Impact (RLI) zoning districts of the City a minimum tree density of 220 tree units per acre shall be provided in accordance with ~~OMC 16.54~~. The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 16.60.070. For the purpose of calculating required minimum tree density, critical areas, critical area buffers, city rights-of-way and areas to be dedicated as city rights-of-way shall be excluded from the buildable area of the site.

B. Tree Density Calculation. Specific Tree Density calculations and replacement tree standards are delineated in the City of Olympia's Urban Forestry Manual. Table 16.60.080 A shows the required minimum tree density and replacement tree requirements for various activities.

1. Developing properties are required to meet a minimum tree density of 30 tree units per acre.
2. Developed Commercial/Industrial/Multifamily (~~more than 4 units~~ 5 units or more) properties, proposing an addition or other site disturbance are required to replace a minimum tree density of one tree unit for every 500 sq. ft. of site area to be disturbed and 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the entire site. For the purpose of determining required replacement trees, site area disturbed shall include: installation or expansion of a building or other structure; drilling; and site alterations such as those due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or clearing.
3. Developed Commercial/Industrial/Multifamily (~~more than 4 units~~ 5 units or more) properties, proposing tree removal are required to replace 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the site.
4. Undeveloped property proposing a conversion option harvest are required to meet a minimum tree density of 200 tree units per acre.
5. Green Cove Basin. Within the Green Cove Basin and all Residential Low Impact (RLI) zoning districts of the City a minimum tree density of 220 tree units per acre shall be provided.

C. Replacement Tree Location. The applicant's proposed location of transplanted or replacement trees shall be subject to city approval as part of the ~~tree~~ Soil and Vegetation plan. Replacement trees should be planted according to the following priority:

1. On-Site.
2. Off-site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the city.
3. City Tree Account. When on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the replacement trees into the City's Tree Account.

D. Replacement Tree Quality Standards. Replacement trees shall meet the quality and size standards, and be planted pursuant to standards delineated in the Urban Forestry Manual.

E. Replacement Tree Planting Standards Selection and Distribution. ~~Trees shall be planted pursuant to the planting standards delineated in the Urban Forestry Manual.~~ Replacement trees shall be native species or well-adapted drought-tolerant vegetation, and at least 60% evergreen trees, unless determined by the Urban Forester as not appropriate for site conditions.

OMC 16.60.080A TABLE: Required minimum tree density and replacement tree requirements per activity

TABLE 16.60.080A

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
New Development	30 tree units per acre	30 tree units per acre
Developing Single-family (multifamily up to 4 units)	30 tree units per acre	30 tree units per acre
Developed Properties	30 tree units per acre	30 tree units per acre
Developed Commercial/ Industrial/Multifamily (more than 4 units) proposing an addition or other site disturbance	1 tree unit for every 500 sq. ft. disturbed and 3 tree units for every one tree unit proposed for removal	30 tree units per acre

TABLE 16.60.080A

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
Developed Commercial/ Industrial/Multifamily (more than 4 units) proposing tree removal	3 tree unit for every 1 tree unit proposed for removal	30 tree units per acre
<u>Conversion Option Harvest</u>	Site must remain at a minimum tree density of 200 tree units per acre.	200 tree units per acre
<u>New Developments in Green Cove Basin or RLI land use zone, or both</u>	<u>220 tree units per acre</u>	<u>220 tree units per acre</u>

16.60.090 Tree protection during construction

Prior to initiating tree removal on the site, soils, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to standards in the Urban Forestry Manual.

16.60.100 Maintenance requirements

The following maintenance requirements shall apply in perpetuity to all Soil and Vegetation Protection Areas, required landscaping, individually retained trees, and street trees.

A. Maintenance Requirement. Soils and understory vegetation shall be maintained in a vigorous and healthy condition, free from diseases, pests and invasive plant species. Trees are to be maintained in a vigorous and healthy condition, free from diseases, pests and in accordance with the standards delineated in the Urban Forestry Manual. Trees and understory vegetation which become diseased, severely damaged or which die shall be removed by the owner as soon as possible but no later than 60 days after notification by the city. All trees and understory vegetation removed under this section shall be replaced with a healthy tree-vegetation of the same size and species, and planting standards as required by the approved Tree Soil and Vegetation Protection plan for the property.

B. For areas dedicated as tree tracts Soil and Vegetation Protection Areas, required landscaping, and street trees, and a single-family residential development that exceeds four units, the maintenance requirement of this section shall be in effect for three years from the date the final plat is approved or Certification of Occupancy issued or the trees are planted.

The tree-plan maintenance requirement shall be a condition of approval and identified on the face of the plat when applicable. The applicant shall also execute a covenant in a form agreeable to the city which shall require

the applicant and his successors to comply with the maintenance requirement of this section. The covenant shall obligate both the property owner and the a homeowner's association, if applicable. The covenant shall be recorded by with the county auditor. The recording fee shall be paid by the applicant.

C. ~~Multifamily Residential, Commercial, Industrial Developments. For all trees covered by the tree plan, the maintenance requirement shall apply in perpetuity to developments that are multifamily residential developments in excess of four units, commercial and industrial.~~ The applicant shall execute a covenant in a form agreeable to the city which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded by with the county auditor. The recording fee shall be paid by the applicant.

D. ~~Maintenance Agreement Specimen Trees.~~ Each development to which the maintenance requirement for this chapter applies and that contain a specimen tree(s) shall ~~also be subject to a maintenance agreement. The urban forester shall require the applicant to execute a maintenance agreement with the city, in a form acceptable to the city attorney, which shall include the provisions of in~~ the maintenance requirement in this chapter, to ensure the survival and proper care of any specimen trees identified in the ~~Tree Plan~~ Soil and Vegetation Plan.

E. Surety. For residential developments containing ~~more than four units~~ five units or more, commercial and industrial projects, the applicant will be required to post a surety. The surety shall be in the form approved by the city attorney. The surety document shall have a face amount equal to 125 percent of the estimated amount necessary to guarantee the maintenance and replacement of soils, understory vegetation, and trees in conformance with the maintenance requirement and ~~tree plan~~ Soil and Vegetation Plan for a period of three years from the date the certificate of occupancy is issued by the city or from the date of final plat approval.

F. Failure to maintain. Failure to regularly maintain the ~~trees~~ Soil and Vegetation Protection Areas, required landscaping, individually retained trees, and street trees as required in this section shall constitute a violation of this chapter and, if applicable, the plat covenant.

16.60.110 Variance for hardship

The administrative process for variances shall be governed by Chapter 18.66 ~~of the Unified Development Code~~ Variances and Unusual Uses.

16.60.120 Appeal

Appeals of administrative decisions shall be governed by Chapter 18.72 ~~of the Unified Development Code~~ Administration.

16.60.130 Enforcement –Penalties

A. Authority. It shall be the duty of the Urban Forester to administer the provisions of this chapter. The Urban Forester shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter.

B. Authorized Actions. In addition to other remedies, the city may bring injunctive, declaratory or other actions to enforce this chapter.

C. Stop Work Orders/Permit Revocation.

1. The Urban Forester shall suspend work or revoke a permit, as appropriate, if the Urban Forester finds that:

- a. The work is not authorized by a valid permit;
- b. Inaccurate information was used to obtain the permit;
- c. The permittee is not complying with the terms of the permit or approved plans;
- d. The work is, in the Urban Forester's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainageway, watercourse, environmentally sensitive area, ~~or~~ stormwater facility, or Soil and Vegetation Protection Area, or is otherwise adversely affecting the public health, safety, or welfare;
- e. Adverse weather is causing significant problems on or off site; or
- f. The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.

2. The Urban Forester shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project. If the permittee does not comply with the order within the time specified, the Urban Forester, as an alternative to other remedies, may enter the project site and perform the required work. All costs incurred by the city in performing such work shall be drawn against the surety posted by the permittee to ensure the enforcement of the provisions of the tree plan or the tree removal permit. In the absence of sufficient surety, the city may place a lien against the property in the amount of the funds expended to perform the required work.

D. Restoration. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Urban Forester, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s).

E. Prohibition of Further Approvals. The city shall not accept, process, or approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration, a plan for mitigating the violation has been agreed upon, or other means accepted by the Urban Forester and by payment of any penalty imposed for the violation.

F. Criminal and Civil Penalty.

1. 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.

2. 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:

3. Class 1 (\$250), not including statutory assessments.

G. Public Nuisance. Any violation of the provisions of this chapter or a violation of a permit issued hereunder is declared to be a public nuisance and may be abated through proceeding for injunctive or similar relief in Superior Court or other court of competent jurisdiction.

16.60.140 Liability on the city

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public rights-of-way over their property.

16.60.160 Authority

A. Authority of the Urban Forester.

1. The Urban Forester shall manage the City's Urban Forestry Program, which includes, but is not limited to the administration of the ~~Tree Protection and Replacement Tree, Soil, and Native Vegetation Protection and Replacement~~ ordinance and the provisions of the Urban Forestry Manual.
2. The Urban Forester shall develop and periodically review and revise as necessary The Urban Forestry Manual which shall contain at a minimum, standards for ~~Tree Plan Development, Tree Planting, Tree Protection, and Specimen Tree Evaluation~~. The Urban Forestry Manual and all revisions and amendments to it shall be available for public inspection at the office of the City Clerk.

16.60.170 Specimen tree evaluation - For public trees

A. Specimen tree evaluation shall use a standardized and professionally accepted method. Standards for the specimen tree evaluation are delineated in the Urban Forestry Manual or by request from the Urban Forester.

~~A. Size. Size shall be determined using the methodology developed by the American Forestry Association for measuring champion trees. This methodology, as adopted by the Washington Big Tree Program, is described in detail in the publication "Washington Big Tree Program 1994" by Robert Van Pelt, College of Forest Resources, University of Washington, AR-10 Seattle, Washington, 98195.~~

- ~~1. Circumference of the trunk. The circumference of the trunk in inches shall be measured at breast height (4.5 feet from the ground). If the circumference at 4.5 feet is distorted by low branching, etc., the circumference shall be taken at the smallest reading obtainable below that point.~~
- ~~2. Height of the tree. The height in feet shall be measured using standard forestry mensuration equipment (clinometer, etc.).~~
- ~~3. Average crown spread. The average crown spread is measured in feet. This shall be the average of the spread of the crown at its widest and narrowest points.~~

~~One point shall be assigned for every inch in circumference, every one (1) foot in height and every four (4) foot spread, ,~~

~~The size value for specimen tree evaluation shall be the percentage obtained by dividing the point value of the subject tree by the value of the state champion of the species (listed in the most recent edition of the Washington Big Tree Program) multiplied by four (4), and then rounded to the nearest whole number.~~

~~e.g., Subject tree = 200 size points / State Champion (350 points) = 57%
57% x 4 = 2.85 rounded to 3.~~

B. Location. There are five (5) possible location values. They are determined based on how visible they would be to the public at large. The five locations values are:

1. Arterial Street R-O-W = 4 points
2. Collector Street R-O-W = 3 points
3. Local Access Street R-O-W = 2 point
4. Unopened R-O-W, or City Property (visible from Street) = 1 points
5. Unopened R-O-W, or City Property (not visible from Street) = 0

C. Condition. There are four condition criteria. The condition class of a tree shall be determined using the methodology developed by the International Society of Arboriculture, specifically described in Table 6-2, Pages 40-41 of the 8th. Edition of International Society of Arboriculture's "Valuation of Landscape Trees, Shrubs, and Other Plants."

1. Excellent Condition = 3 points
2. Good Condition = 2 points
3. Fair Condition = 1 point
4. Poor Condition = 0

D. Trees determined to have significant public value may qualify for one additional point at the discretion of the Urban Forester.

E. Specimen Street Tree Value. The specimen tree value is determined by adding the size, location and condition values together.

- e.g.,
- 1
- Size value (75% of state champion) = 3
- Location (Local Access Street R-O-W) = 2
- Condition (Good) = 2
- Specimen Street Tree Value (3 + 2 + 2) = 7
- e.g.,
- 2
- Size value (25% of state champion) = 1
- Location (Arterial Street R-O-W) = 4

Fair Condition = 1

Specimen Street Tree Value (1 + 4 + 1) = 6

~~16.60.180 Tree Pruning Standards for Public Trees~~

~~A. All pruning shall comply with National Arborist Association pruning standards.~~

~~B. Crown reduction pruning shall only be allowed when the Urban Forester deems that such pruning is necessary to reduce a hazardous condition posed by the tree.~~

~~C. When clearance, skirting or window pruning is performed, no more than 30% of the live crown may be removed in any 3-year period of time.~~

~~D. All pruning shall be performed in such a manner that the trees are maintained in the optimum health at all times, as determined by the Urban Forester.~~

Section 9. Amendment OMC 17.20.010. Olympia Municipal Code Section 17.20.010 is hereby amended to read as follows:

OMC 17.20.010 Duration of Approval

Approval of the preliminary plat shall be effective for five years from the date of approval by the hearing examiner or City Council, during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed, except as provided for in Section 17.20.040. Preliminary plats within the delineated Green Cove basin may be further extended up to three (3) years after final stormwater regulations for that basin have been enacted, subject to conditions including, but not limited to: 1) an agreement by the developer/owner that the plat will comply with final stormwater regulations for that basin; 2) that should the application of the final regulations substantially alter the preliminary plat, the procedures for substantial changes under OMC 17.20.040 shall be followed; 3) standard city fees, including those for city review of infrastructure design brought about by application of the final stormwater standards, will be paid; and 4) the developer/owner agrees that regardless of prior vesting, the allowance for bonding engineered improvements prior to final plat shall be governed by Ordinance No. 5718, or as amended.

Section 10. Amendment OMC 18.02.130. Olympia Municipal Code Section 18.02.130 is hereby amended to read as follows:

OMC 18.02.130 Vesting of applications

E. Exceptions. Where a necessary preliminary approval is a final subdivision plat, change in zoning, or comprehensive plan amendment, any previously submitted building permit application shall be considered under the laws, ordinances, standards and fees in effect on the date that such plat, zoning or plan amendment is final. Any environmental impact mitigation measures imposed under the authority of the State Environmental Policy Act shall be based upon policies, plans, rules or regulations in effect on the date that the applicable

determination of nonsignificance, mitigated determinations of nonsignificance or draft environmental impact statement is issued. Any development application is also subject to any special vesting exceptions of the Western Washington Municipal Stormwater Permit. Any application for a change in zoning, comprehensive plan amendment, or adoption or amendment of development regulations shall be reviewed subject to the comprehensive plan and other laws and policies in effect on the date that a final decision is rendered by the Olympia City Council. Any application for utility service extension or connection to serve property outside the limits of the City of Olympia shall be reviewed and subject to regulations and standards as set forth in the applicable utility service or annexation agreement.

Section 11. Amendment OMC 18.02.180.C. Olympia Municipal Code Subsection 18.02.180.C is hereby amended to read as follows:

OMC 18.02.180 Definitions

C. DEFINITIONS - SPECIFIC.

Caliper. The American Association of Nurserymen standard trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground for up to and including four inch caliper size, and twelve inches above the ground for larger sizes.

Canopy. A permanent flat roof-like structure attached to and supported by a building, used principally as protection from sun and rain. The structure may or may not incorporate a sign.

Carport. A roofed structure providing space for the parking of motor vehicles, boats, recreational vehicles or other equipment, and enclosed on no more than three sides.

Cemetery. Property used for the interment of the dead.

Certificate of Appropriateness. A letter or other document stating that proposed changes will not adversely affect the historic characteristics of the property that contribute to its designation.

Certificate of Occupancy. A permit issued by the Community Planning and Development Department prior to occupancy of a structure when the structure is ready for occupancy.

Change of Occupancy. A change in the existing occupancy classification of a building, structure, or land, or portion thereof, as established and defined by the Uniform Building Code then in effect. Land use approval by appropriate authority and a certificate of occupancy issued by the building official may be required for any such change

Change of Use. Any use that substantially differs from the previous use of a building or land. If a particular land use is undefined by this Development Code, the most similar use listed in the Standard Industrial

Classification (SIC) Manual shall be used. A change of ownership shall not be considered a change of use. (See also Thurston County Assessor SIC land use classifications.)

Child Day Care. The provision of supplemental parental care and supervision:

- a. For an unrelated child or children,
- b. On a regular basis,
- c. For less than 24 hours a day, and
- d. Under license by the Washington State Department of Social and Health Services.

As used in this Development Code, the term is not intended to include babysitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child care by a group of parents in their respective domiciles.

Child Care Home, Family. A facility in the residence of the licensee providing regular scheduled care for twelve or fewer children, within a birth through eleven-years-of-age range exclusively, for periods of less than 24 hours.

Child Day Care Center. A facility providing regularly scheduled care for a group of children one month of age through 12 years of age for periods less than 24 hours.

Church. A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, not to include bingo or games of chance, nor schools which exceed normal religious service hours.

City. The City of Olympia.

City Council. The duly elected Mayor and Council Members of the City of Olympia.

Clear Sight Triangle. A triangular-shaped portion of land at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the vision of vehicle operators entering or exiting the intersection. (See also Chapter 18.40.)

Clearing. The destruction or removal of vegetation from a site by physical, mechanical, chemical, or other means, not including landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of trees and vegetation.

Clinic. A place for outpatient medical services to human patients.

Closed Record Appeal. An administrative appeal following an open record hearing on a project permit application when the appeal is on the record with no new evidence or information allowed to be submitted and only appeal argument allowed. [See RCW [36.70B.020](#) (1)].

Club. An association of persons (whether or not incorporated) organized for some common purpose, not including a group organized primarily to render a service customarily carried on as a business. Retail warehouse buying clubs are not included in this definition. (See also Health Club and Country Club.)

Clustered Subdivision. A subdivision development in which building lots are sized to conform to the "footprint" of the structures and placed closer together than conventional development (usually in groups or clusters). The remaining undeveloped land is generally preserved as open space and/or recreation land. Private development easements around the structures are permitted for private landscaping, pools, spas, yards, and similar uses.

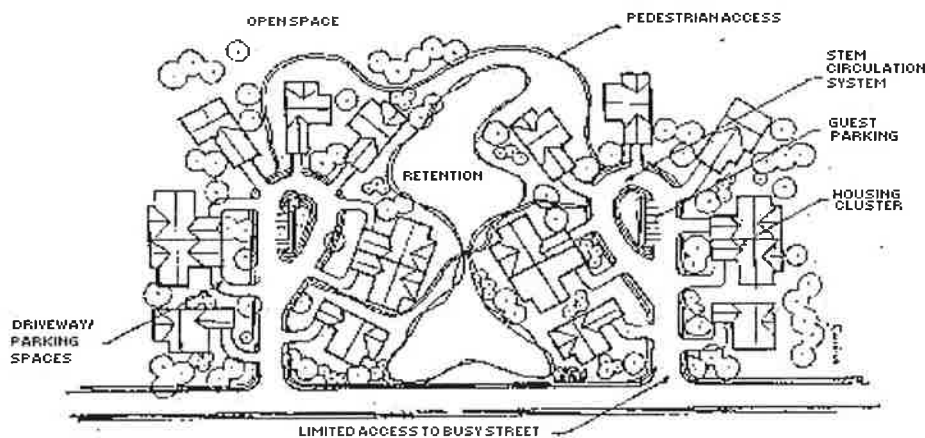


FIGURE 2-2

Cocktail Lounge. See Drinking Establishments.

Co-Housing. See Dwelling, Conventional.

Collocation. The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio frequency generating equipment.

Combined Antenna. An antenna or an antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Commercial Vehicle. A vehicle customarily used as part of a business for the transportation of goods or people.

Commission. The Planning Commission of the City of Olympia.

Common Structure. A commonly owned structure intended for the common use of all residents of the development which meets the requirements of Section 18.04.060(F)(1).

Community Clubhouse. A privately owned structure in which inhabitants of a neighborhood or subdivision, or members of a neighborhood association gather for meetings and other activities.

Community Park. An area intended for use by the community for active and/or passive recreation activities. Such parks may contain large areas such as lake fronts, parkways, forest areas, picnic areas, arts facilities and regulation size athletic fields designed for organized competitive sports such as softball, baseball or soccer.

Compensation. Types of compensation include, but are not limited to the following:

In-Kind. Replacement of a habitat type with substitute habitat whose characteristics closely approximate those destroyed or degraded by an allowable use or activity.

Off-Site. Replacement of a specific habitat type away from the site on which a habitat type has been impacted by an allowable use or activity.

On-Site. Replacement of a habitat type at or within 500 feet of the site on which the habitat type has been impacted by an allowable use or activity.

Out-of-Kind. Replacement of a habitat type with a substitute habitat type whose characteristics do not closely approximate those destroyed or degraded by an allowable use or activity.

Compensation Project. Actions necessary to replace project-induced losses to the functional values of a critical area, including land acquisition, planning, construction plans, monitoring and contingency actions.

Complete Application. A written application for a project permit which meets the procedural submission requirements of the City and is sufficient for continued processing even though additional information may be required or project modifications may subsequently occur. To be complete, an application must include all required information, elements, attachments and supplemental studies or reports as set forth in the applicable section of the Olympia Municipal Code and as described on the approved application form, including any environmental checklist required by OMC Chapter 14.04; all insufficient detail for the reviewing authority to determine whether or not such application conforms with applicable regulations and standards. An application including such information which does not conform or is inconsistent with such regulations and standards shall nonetheless be deemed complete. See RCW 36.70A.440.

Complete Application, Date of. The date upon which the City has received all necessary information, forms, and fees required for the City to issue a determination of completeness. The date of complete application may precede the date upon which such determination is issued.

Comprehensive Plan. The plan adopted by the City Council to guide the physical growth and improvement of the city, including any future amendments and revisions.

Conditional Use Permit. A discretionary permit granted under the provisions of this Development Code and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the permit.


Condominium. See Dwelling, Conventional.

Conference Center. A facility used for seminars, conventions, symposiums and similar uses, with meeting rooms and possibly food preparation and eating facilities.

Confidential Shelter. See Dwelling, Assisted Living.

Conforming Use. A land use consistent with the list of permitted uses for the district in which it is located, or otherwise designated as a conforming use in that district.

Congregate Care Senior Housing. See Dwelling, Assisted Living.

Consistency with Comprehensive Plan. Performance in accordance with and complying and conforming with state law and the Olympia Comprehensive Plan as determined by consideration of the type of land use, the level of development, infrastructure, and the character of the development. [See RCW [36.70B.040](#) ].

Construction Permit. A building permit or engineering permit issued by the City of Olympia or other public agency authorizing specific physical alteration of land or alteration, installation, placement or creation of structures attached to land, including land covered by water.

Construction Permit, SEPA-exempt. A construction permit or license exempt from the threshold determination and environmental impact statement requirements of the State Environmental Policy Act, such as an electrical, mechanical, plumbing or single-family building permit, and installation permits for lateral utility lines.

Contiguous Land. Parcels adjoining and touching other land and having the same owner regardless of whether or not portions of the parcels have a separate tax lot numbers, were purchased at different times, lie in different sections, are different government lots or are separated from each other by private roads or private rights-of-way.

Contributing Historic Property. A property within a designated historic district listed as having enough historic significance to have been listed as a "contributing" property during the historic district approval process.

Convalescent Home. See Dwelling, Assisted Living.

Cornice. Any ornamental molding which protrudes along the top of a building.

Cottage Housing. See Dwelling, Conventional.

Country Club. A private or public membership facility designed for tennis, swim and other recreational activities except riding stables. Such uses and activities may be grouped around a clubhouse containing a restaurant, banquet and meeting room facilities. (See also Golf Course.)

County. Thurston County.

Courtyard. An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by the walls of a building.

Covenant. See Restrictive Covenant.

Coverage, Building. The portion of a lot covered by the principal and accessory building floor area including all areas covered by a weather-tight roof, excluding two feet of eaves.

Coverage, Impervious/~~Development~~. The area which is occupied or covered by all impervious surfaces including the total horizontal surface of all buildings, except two feet of eaves. (See also Net Site Area and Impervious Surface definitions.)

Crematorium. A facility that uses heat or fire to reduce human or animal remains to ashes.

Creek. See Stream.

Crisis Intervention Service. A mental health agency that offers 24 hour counseling, instruction and referral to persons in critical situations. This service is provided by telephone only and not in-person. Crisis intervention services are defined and regulated in Chapter 275-56-350 of the Washington Administrative Code. Such facilities may be characterized by a need for location confidentiality. This is not defined as a Business Office nor a Government Office.

Critical Area. Any of the following areas and ecosystems:

- a. Wellhead Protection Areas,
- b. Important Habitats and Species,
- c. Streams,
- d. Wetlands and Ponds, and
- e. Landslide Hazard Areas.

Critical Area Tract. An area containing a critical area and/or buffer and that is subject to a recorded critical area protection restriction. (See Tract)

Culvert. A conveyance device (e.g., concrete box, pipe) which conveys water under (usually across) a roadway or embankment.

Section 12. Amendment OMC 18.02.180.D. Olympia Municipal Code Subsection 18.02.180.D is hereby amended to read as follows:

D. DEFINITIONS - SPECIFIC.

Dangerous Waste. Any discarded, useless, unwanted or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

- a. Have short-lived, toxic properties that may cause death, injury or illness or have mutagenic, teratogenic or carcinogenic properties; or
- b. Are corrosive, explosive, flammable or may generate pressure through decomposition or other means. (See also Hazardous Waste, Extremely.)

Date of Filing. The date that a complete and accurate application is submitted and appropriate fees paid.

Days. Consecutive calendar days unless otherwise stated.

Decorative Grille Work. Grille work which through the use of material, geometric pattern, configuration, embellishment, or workmanship exceeds the normal functional requirements. Parallel vertical bars - resembling a jail cell pattern - are not considered decorative grille work.

Dedication. The deliberate appropriation of land by an owner(s) for any general and public uses, reserving to themselves no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property is to be devoted. The intent to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan which shows the dedication thereon. Acceptance by the public shall be evidenced by written approval issued by the city of such document for filing with the County Auditor.

Deficiency, Application. The lack of an element or information which results in an application being deemed not complete, or which otherwise prevents meaningful review and rendering of a decision regarding the application. A deficiency includes an element or information which is absent, is inaccurate or in some other aspect does not conform with applicable regulations and standards, and supplemental information or studies

required to review an application. Erroneous or misleading information intentionally included in an application shall constitute a deficiency.

Department. The City of Olympia Community Planning and Development Department.

Design. The planning and engineering of street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; vehicle access; grading; land to be dedicated for park or recreational purposes; building and other accessory physical requirements.

Design Review. The evaluation of a site, building, landscape design plan or sign program submitted to the Design Review Board or staff, which may approve or deny the plan in part, or make further design recommendations based upon adopted guidelines.

Design Review Board. A committee with a balance of design professionals (architecture, planning, engineering, landscape architecture) and citizens who are appointed by the City Council.

Detached. Any building or structure that does not have a wall and roof in common with any other building or structure and where exterior walls are separated by six feet or more. (See Attached Structures; note that structures conforming with neither definition must conform with the requirements of this title for both types of structures).

Determination of Completeness. A written determination by the director or fire chief or their respective designees that all required elements of an application have been received by the City. This determination initiates the statutory review period for the application, if any, and subject to certain exceptions, entitles the applicant to have the application considered and reviewed pursuant to the laws, regulations and standards in effect on the date the application was complete.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; or any change of use or extension of the use of land. (See also Improvement.)

Development Area, WCF. The area occupied by a wireless communications facility including areas inside or under the following: an antenna support structure's framework, equipment cabinets, ancillary structures and access ways.

Development Code. A text incorporating areas of regulation more typically presented in separate zoning and subdivision ordinances and related chapters of the Municipal Code.

Development Coverage. ~~See Coverage, Development.~~ Except where the context indicates otherwise, "development coverage" has the same meaning as impervious coverage.

Development Permit. Any land use permit which must be approved prior to the improvement and development of land or structures.

Director. The Director of the City of Olympia Community Planning and Development Department, and the Director's designees.

District or Zone. A specific area designated on the official zoning map of the city as one of the use districts as provided for in this title; such area is subject to all the requirements and regulations applicable to such district.

Dormitory. A residential structure intended principally for sleeping accommodations, where no individual kitchen facilities are provided, and which is related to an educational or public institution or is maintained and operated by a non-profit welfare organization.

Drinking Establishment. A business primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, including night clubs, bars, and taverns. A lounge operated as part of a restaurant is considered to be accessory to the restaurant.

Drinking Water Protection Area. See OMC [18.32.205](#).

Drip Line. An imaginary ground line around a tree or building that defines the outermost limits of the tree canopy or building roof eave.

Drive-in Theater. An open lot devoted primarily to the showing of motion pictures.


Drive-Through Restaurant. See Restaurant, Drive-Through.

Dwelling Unit. See definition for single-family. Various types of housing or human shelter, which are listed below and categorized by use.

a. Dwelling, Conventional.

i. Accessory Dwelling Unit. A dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling for use as a complete independent living unit with provisions for cooking, sanitation and sleeping.

ii. Apartment. A dwelling within a structure designed and used for occupancy by three or more individual persons or families living independently of each other. These structures include triplexes, fourplexes, and other multi-unit configurations.

iii. Boarding Home. Any home or institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator, under the provisions of Chapter [18.20](#) 

RCW. It shall not include any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. (See also Dwelling, Assisted Living.)

- iv. Co-Housing. Co-housing developments consist of two or more dwelling units, one or more shared community structures (e.g., containing a meeting hall, dining hall/kitchen, community center, or day care) and perhaps a community garden, recreation area, or similar community oriented use.
- v. Condominium. A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.
- vi. Cottage Housing Development. Four or more small, detached dwelling units sharing a commonly owned courtyard/common area and parking area.
- vii. Duplex. One building containing two single-family dwelling units totally separated from each other by a one-hour fire wall or floor.
- viii. Guest House. Living quarters without kitchen facilities located on the same lot with a principal building and occupied for the sole use of members of the family, temporary guests, or persons permanently employed on the premises. (See also Accessory Dwelling Unit.)
- ix. Manufactured Home. A single-family residence constructed after June 15, 1976, and installed in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.
- x. Manufactured Home, Designated. A manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, and which meets the requirements of OMC 18.04.060.O.
- xi. Manufactured Home, New. Any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032 (2).
- xii. Mobile Home. A single-family residence transportable in one or more sections, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.
- xiii. Modular Home. A structure constructed in a factory and installed in accordance with the applicable Building Code and bearing the appropriate insignia indicating such compliance. This definition includes "pre-fabricated," "panelized" and "factory built" units.
- xiv. Single-Family Dwelling. A single unit providing complete, independent living facilities for a family, including permanent provisions for living, sleeping, cooking and sanitation.

xv. Single-Room Occupancy. A housing type consisting of one room with cooking facilities and with shared bathroom facilities. (See also Boarding Home, Lodging House and Bed and Breakfast.)

xvi. Townhouse. A single-family dwelling unit which is part of a group of two or more such units separated by a completely independent structural wall (including utilities in separate walls), extending from the ground to the roof in accordance with the applicable Building Code and which has no doors, windows or other provisions for human passage or visibility through the wall. In certain zoning districts, such dwelling units are platted with common side and/or rear property lines between the structural walls. See Chapter [18.64](#).

b. Dwelling, Transient.

i. Bed and Breakfast. A dwelling for the purpose of providing lodging for travelers and guests for a period of less than two weeks for compensation and having at least one kitchen used to provide breakfast but no other meals. Such dwelling shall have no more than five such guest rooms for persons other than the immediate family of the operator occupying such dwelling. Any such dwelling having over five such guest rooms is a hotel.

ii. Hotel. Any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation, and where no provisions are made for cooking in any individual room or suite.

iii. Lodging House. A dwelling having only one kitchen and used for the purpose of providing lodging, or lodging and meals, for compensation for no more than five persons other than the members of the immediate family of the operator occupying such dwelling. Any such dwelling having over five such guests is considered a hotel. (See also Boarding Home.) [NOTE: A lodging house allows for an unlimited stay, unlike a Bed and Breakfast which is limited to two weeks.]

iv. Motel. Guest rooms or suites occupied on a transient basis often with most rooms gaining access from an exterior walkway. (See also Recreational Vehicle.)

v. Trailer House. See Recreational Vehicle.

c. Dwelling, Assisted Living.

i. Adult Day Care Home. A residence in which adults (at least 18 years in age) and who are not related to the caregiver stay for no more than 12 hours per day. Emergency medical care may be provided in such facilities, but not convalescent care. (See also Convalescent Home and Elder Care Home.)

ii. Convalescent Home. Any home, place, institution or facility which provides convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for three or more patients not related by

blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Such establishment shall be duly licensed by the State of Washington as a "nursing home" in accordance with the provisions of Chapter [18.51](#) RCW.

iii. Congregate Care Facilities. A building or complex of dwellings specifically designed for occupancy by senior citizens which provides for shared use of facilities, such as kitchens, dining areas, and recreation areas. Such complexes may also provide kitchens and dining space in individual dwelling units. Practical nursing care may be provided, but not nursing care as described in Section [18.04.100\(S\)](#).

iv. Elder Care Home. An elder care home or adult family home in the primary residence of a person licensed pursuant to Chapter [70.128](#) RCW to provide personal care, room, and board for one to five adults (at least 18 years of age) who are not related to the caregiver. Home health care and limited nursing care (dispensing of medicine and emergency medical aid) may be provided, but not convalescent care. (See also Convalescent Home, and Boarding Home.)

v. Group Homes. A place of residence for the handicapped, physically or mentally disabled, developmentally disabled, homeless, or otherwise dependent persons. Group Homes are intended to provide residential facilities in a home-like environment. Such homes range from licensed establishments operated with 24 hour supervision to non-licensed facilities offering only shelter. They shall not include correctional facilities (except as authorized by Chapter [137-56](#) and [137-57](#) WAC for work/training release programs), nursing homes, Type III group care facilities, foster family homes, or adult family homes as defined by the Washington State Department of Social and Health Services or its successor agency. Group homes include, but are not limited to the following:

(a) Confidential Shelters. Shelters for victims of domestic violence as defined and regulated in Chapter [70.123](#) RCW and Chapter [388-61A](#) WAC. Such facilities are characterized by a need for confidentiality.

(b) Home for the Disabled. A home or other facility which provides board and domiciliary care to individuals who, by reason of infirmity, require such care. An infirmity may be based on conditions including, but not limited to, physical handicap, mental illness, and other developmental disabilities. These group homes are a type of boarding home, as defined and regulated in Chapter [18.20](#) RCW. However, boarding homes serving the aged infirm are not included in this definition.

(c) Homeless Shelter. A facility offering lodging and/or emergency shelter to homeless individuals for an indefinite period of time and meeting the standards of Chapter [248-144](#) WAC.

(d) Group Home for Youth. Any home maintained and operated for the care of children on a 24 hour basis as defined and regulated in Chapter [388-73](#) WAC and Chapter [74.15](#) RCW.

(e) Group Home for Offenders. A home or other facility operated for housing and supervision of work/training release residents during their stay in a work/training release program as defined and regulated in Chapters 137-56 ^{WAC} and 137-57 ^{WAC}.

vi. Hospice Care Center. Facilities licensed under Chapter 70.41 ^{RCW} which provide for the emotional and physical care of terminally ill patients. Such centers provide food, lodging, and palliative care on a full-time (24 hour) basis for two or more people, unrelated to the Center's operator, who are in the latter stages of a disease expected to cause death.

vii. Nursing Homes. See Convalescent Home.

viii. Rest Home. See Congregate Care.

Section 11. Amendment OMC 18.02.180.H. Olympia Municipal Code Subsection 18.02.180.H is hereby amended to read as follows:

OMC 18.02.180 Definitions

H. DEFINITIONS - SPECIFIC.

Handoff Candidate. A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Hard Surface. An impervious surface, a permeable pavement, or a vegetated roof, in contrast with vegetated permeable soils.

Hazardous Materials. Those materials which are acutely toxic, ignitable, corrosive, reactive, persistent, carcinogenic, or which leach hazardous constituents, as described in Chapter 173-303 ^{WAC}. Examples include, but are not limited to, pesticides, acids, paint strippers and antifreeze.

Hazardous Waste. Those wastes which are acutely toxic, ignitable, corrosive, reactive, persistent, carcinogenic, or which leach hazardous constituents or are specifically listed as hazardous waste, as described in Chapter 173-303 ^{WAC}. Examples include, but are not limited to, pesticides, acids, paint strippers and antifreeze.

Hazardous Waste, Extremely. Any dangerous waste which:

a. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form:

i. Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife, and/or

- ii. Is highly toxic to man or wildlife;
- b. Is disposed of at a disposal site in such quantities as would present an extreme hazard to people or the environment. (See also Ash, Incinerator and Off-Site Treatment and Storage Facility.)

Health Fitness Centers and Dance Studios. Health clubs, aerobics centers, athletic clubs and gymnasiums, indoor tennis and swim clubs, handball and racquetball clubs, weight-reducing centers, dance studios, and other businesses primarily engaged in indoor health and recreation activities, whether on a membership basis or for the general public. (See also Commercial Recreation, Golf Courses, Country Clubs, and Riding Stables.)

Health Officer. That person of the Thurston County Health Department described as such in Chapter of 70.05 RCW or a duly authorized representative.

Hearing Examiner. See Examiner.

Hedge. A row of shrubs or low-branching trees planted close together that forms a sight-obscuring or obstructing barrier below seven feet above the ground.

Height, Building. The vertical distance from grade plane to the average height of the highest roof surface.

Herbicide. Any substance used to kill plants, especially weeds.

Heritage Commission. A commission charged with historic planning and preservation, consisting of members appointed by the City Council.

Heritage Register or Register. The listing of properties having special historic significance and is listed on the Olympia Heritage Register, and including listings on the Washington Heritage Register, or National Register of Historic Places.

Heritage Review Committee. A sub-committee of the Heritage Commission charged with reviewing proposed changes to properties on the Heritage Register or within a historic district, and with making recommendations on permit approval to the Building Official.

Historic Building. A building listed on the Olympia Heritage Register, the National Register of Historic Places and/or the Washington Heritage Register.

Historic District. A geographically defined area containing buildings, structures, sites, objects and spaces linked historically through location, design, setting, materials, workmanship, feeling, and/or association. The significance of a district is the product of the sense of time and place in history that its individual components collectively convey. This sense may relate to developments during one period or through several periods in history.

Historic House Museum. A home owned by a public or registered nonprofit organization that has been placed on the National, local or State Register of Historic Places, and which is open to the public.

Historic Preservation Officer, Preservation Officer. The person designated by the Director to respond to requests for review and information relating to historic preservation and to be the primary staff liaison to work with the Heritage Commission.

Historic Resources. Any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology or culture of this city, state, or nation, as identified by the Olympia Heritage Register, Washington Heritage Register, or the National Register of Historic Places.

Historic Site. A place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or the site may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined or now nonexistent building, structure, or object if the location itself possesses historic, cultural, or archaeological significance.

Historic Sites (Registered). Those buildings, structures, districts, sites and objects which are on the City Heritage Register or the State or National Register of Historic Places. (See also Archaeological Sites.)

Home Occupation. A commercial use within a residential dwelling unit which is clearly incidental and accessory to the residential use of the property and complies with applicable provisions of this Title.

Hospice Care Center. See Dwelling, Assisted Living.

Hospital. A medical institution or facility within an integrated campus setting for the purpose of diagnosis, care, and treatment of human illness, including surgery, long-term and emergency medical treatment. (See also Office, Medical.)

Hotel. See Dwelling, Transient.

Human Scale. The size or proportion of a building element or space, or an article of furniture, relative to the structural or functional dimensions of the human body. For example, a brick is approximately the size of a human hand.

Hydric Soil. A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. (USDA - NRCS 1995, Federal Register, 7/13/94, Vol. 59, No. 133, pp 35680-83). Hydric soils that occur in areas having positive indicators of hydrophytic vegetation and wetland hydrology are wetland soils, as defined by the Washington State Wetlands Identification and Delineation Manual (1997), Ecology Publication #96-94, as amended or revised.

Section 14. Amendment OMC 18.02.180.I. Olympia Municipal Code Subsection 18.02.180.I is hereby amended to read as follows:

OMC 18.02.180 Definitions

I. DEFINITIONS - SPECIFIC.

Impervious Surface. Pavement, including but not limited to, asphalt, concrete, and compacted gravel, roofs, revetments, and any other man-made surfaces which substantially impede the infiltration of precipitation. Exceptional pavements and other materials may be exempted in whole or in part by the Director. A non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, gravel parking lots, gravel pathways, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

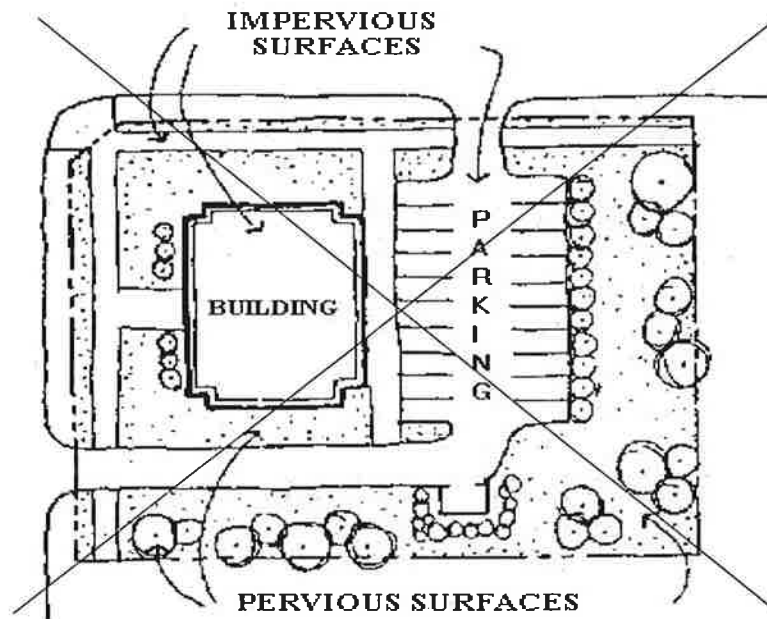


FIGURE 2-4

Important Habitat. See OMC 18.32.305.

Important Riparian Area. See OMC 18.32.405.

Important Species. See OMC 18.32.305.

Improvements. Any act which improves the value of public, real and personal property, or which is necessary as a condition of development, including but not limited to: streets and roads complying with the development standards and specifications adopted by the city; public utility and pedestrian facilities; street lights; landscape features; sewer and water lines; bridge structures; storm drainage facilities; and traffic control devices as are required to be installed as a part of subdivision, short subdivision, large lot subdivision, binding site plan, or commercial development. (See also Development.)

Incentives. A motivation or stimulus provided by government for public purposes, including but not limited to: compensation, rights or privileges or combination thereof which the City Council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of properties. Examples of economic incentives include but are not limited to tax relief, bonus densities, conditional use permits, rezones, street vacations, planned unit developments, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

Industry, Heavy. The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. This may include either Group F (factory and industrial) or Group H (hazardous) occupancies (types of buildings) under the Uniform Building Code. Other occupancies, such as Group M (mercantile) or Group S (storage), are allowed.

Industry, Light. A use engaged in the basic processing and manufacturing of materials or products predominantly from previously prepared materials or finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic processing of raw materials, except for food products. This also includes maintenance and service facilities for motor vehicle passenger transportation, such as for taxi fleets, public transit fleets, or school bus fleets. This may include Group F (factory and industrial)--but not Group H (hazardous)--occupancies (types of buildings) under the Uniform Building Code. Other occupancies, such as Group B (business) or Group S (storage), are allowed.

Infill Development. New development that occurs on vacant lots within areas already developed.

Inpatient Facility. A state-licensed facility providing board and room on a 24 hour per day basis as part of a treatment program for alcoholism, drug addiction, or other chemical dependency. The term includes shelters for qualified indigent alcoholics and/or drug addicts placed by chemical dependency assessment centers.

Interdisciplinary Team. A group of technical experts from the City of Olympia, other consulted agencies, and tribes which advises the Department on a specific development application.

Section 15. Amendment OMC 18.02.180.N. Olympia Municipal Code Subsection 18.02.180.N is hereby amended to read as follows:

OMC 18.02.180 Definitions

N. DEFINITIONS - SPECIFIC.

National Register of Historic Places. The national listing of properties deemed significant because of their documented importance to our history and architectural, engineering or cultural heritage, as administered by the Department of the Interior under the National Historic Preservation Act of 1966.

Native vegetation. Vegetation that occurs naturally in this region.

Neighborhood Association. A group of people organized for the purpose of considering and acting upon any of a broad range of issues affecting the livability and quality of their neighborhood. A neighborhood association may be "recognized" by the City if it meets the minimum standards and applicable guidelines adopted by the City in Chapter 18.86 OMC.

Net Site Area. The total area within the lot lines of a lot or parcel of land after public street rights-of-way or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Nonconforming Building or Structure. A building or structure or portion thereof which was lawfully erected or altered and maintained, but because of the application of this title no longer conforms to the yard, height or area requirements of the use district in which it is located.

Nonconforming Lot. A lot which does not conform with the provisions of this Title or Subdivision Code.


Nonconforming Use. An activity in a structure or on a tract of land that was legally established, but because of the application of this title no longer conforms to the use regulations of the district in which it is located.

Nonprofit Institutions. A charitable organization formed and devoted to performing public service or to further private benevolent endeavors.


Non-Profit Physical Facilities. Facilities for physical education activities such as sports or health fitness, which are owned and operated by a non-profit organization.

Normal Maintenance. Those usual acts to prevent a decline, lapse or cessation from a lawfully established condition.

Normal Repair. To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves a near or total replacement which is not common practice or causes substantial adverse effects to the environment.

Notice of Application. A written notice that a complete project permit application has been received by the City, including, at minimum, the date of application, the date of the notice of completeness of the application, the date of the notice of application, a description of the proposed project, a list of permits requested by the applicant, a list of any studies requested by the City, identification of other permits known to be required for the project but not requested by the applicant, identification of existing environmental documents evaluating the proposal, the location where the application and any studies can be reviewed, a statement of the public comment period, a statement of the right of any person to comment on the application, receive notice of and participate in any hearing, request a copy of the decision once made, and of any appeal rights, the date, time, place, and type of any hearing scheduled at the date of the notice, a statement of the preliminary determination of those development regulations that will be used for project impact mitigation, a statement of whether an environmental impact statement will be required and a statement of any preliminary determination of consistency with plans and regulations of the City. [See RCW [36.70B.110](#) .

Notice of Decision. A written notice of the City's decision on a project permit application, including a statement of any SEPA threshold determination and any administrative appeals procedures.

Noxious Weed Control. Those activities subject to review or action by the Thurston County Noxious Weed Board under RCW [17.10](#) .

Number. See Rounding of Quantities.

Nursery. Land or greenhouses used to raise flowers, shrubs, and plants for retail or wholesale. (See also Greenhouse.)

Nursing Home. See Convalescent Home, under Dwelling, Assisted Living.

Section 14. Amendment OMC 18.02.180.P. Olympia Municipal Code Subsection 18.02.180.P is hereby amended to read as follows:

OMC 18.02.180 Definitions

P. DEFINITIONS - SPECIFIC.

Parcel. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the most recent equalized assessment roll.

Park, Neighborhood. An area suited for passive and/or active family activities and play which may include facilities such as picnic table and shelters, barbecue pits, playground equipment, basketball backboards, small sized playfields, volleyball courts and tennis courts. Neighborhood parks can serve an urban design as well as recreational function and are a core feature of neighborhood centers.

Park, Public. A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field which is under the control, operation or management of the city, county, state, or federal government.

Parking, Combined. Two or more land uses or a multi-tenant building which merge parking needs to gain a higher efficiency in vehicular and pedestrian circulation.

Parking Facility or Lot. A land area, building or structure that is devoted primarily to the temporary parking or storage of vehicles for which a fee may or may not be charged, and where no service or repairs of any kind are furnished.

Parking Facility, Commercial. A parking facility available to the general public, for which a fee is charged on an hourly, daily, weekly, monthly, or other similar basis.

Parking, Shared. Two or more land uses or a multi-tenant building which merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and provide a superior grouping of building(s).

Parking Space. An area which is primarily intended for the temporary storage of vehicles and which meets the design requirements of this code.

Party of Record. The applicant and any person who prior to a decision has requested notice of the decision or submitted substantive comments on an application.

Passive Recreation. See Recreation, Passive.

Pedestrian-Oriented Business. A commercial enterprise whose customers commonly arrive at a business on foot, or whose signage, advertising, window display and entry ways are oriented toward pedestrian traffic. Pedestrian-oriented business may include restaurants, retail shops, personal service businesses, travel services, banks, (except drive-through windows), and similar establishments.

Pedestrian Plaza. An area between a building and a public street which promotes visual and pedestrian access onto the site and which provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space for activities such as resting, gathering, reading and picnicking.

Pedestrian Street. Street devoted to uses and amenities which stimulate and reinforce pedestrian activities and visually interesting features at the pedestrian level. Uses are typically sidewalk oriented and physically and visually accessed by pedestrians from the sidewalks, are open during established shopping hours, generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity. Such uses include, but are not limited to, retail shops, restaurants, personal services, day care facilities, banks, travel agencies, cinemas, theaters, amusement establishments, galleries, museums, public display spaces, drug stores, shoe repair shops, floral shops, hair shops, department stores, small hardware stores, and apparel shops. Visually

interesting features include, but are not limited to, sculptures, display cases, landscaping, vendor stalls and carts, and architectural detailing.

Percolation. The downward flow or infiltration of water through the pores or spaces of rock or soil. (See also Impervious Surface.)

Performance Guarantee. A financial guarantee acceptable to the City Attorney to ensure all improvements, facilities, or work required by this ordinance will be completed in compliance with this ordinance, regulations, and approved plans and specifications.

Perimeter. The boundaries or borders of a lot, tract, or parcel of land.

Permeable pavement. Pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

Permitted Use. A use allowed by law in a use district and subject to the provisions applicable in that district.

Person. Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, state or its political subdivisions or instrumentalities, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

Personal Services. A business primarily engaged in providing services generally involving the maintenance of the human body, or other services to one's person or household pets. Such businesses include, but are not limited to, barber and beauty shops, photographic studios, tanning parlors, massage practitioners, pet grooming, and obedience training. This does not include Medical Offices, Kennels or Veterinary Clinics. (See also Health Fitness Centers and Dance Studios.)

Personal Wireless Service. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996 and 47 U.S.C. 332 and future amendments thereof.

Pervious Surface. A surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

Pesticide. Any chemical that is used to kill pests, especially insects and rodents.

Pet, Traditional. Animals which can be house-broken, walked on a leash, are frequently, but not necessarily, housed within the residence, or as a class judged neither obnoxious nor to pose a public safety or health threat. Traditional pet birds include song birds and parrots.

Pharmacies and Medical Supply Stores. Businesses primarily engaged in the sale of prescription and over-the-counter drugs, plus perhaps vitamins, first-aid supplies, and other health-related products. It also includes firms primarily engaged in the sale of medical equipment such as orthopedic or prosthetic devices, or equipment for home health testing. Pharmacies which also sell a wide variety of other types of merchandise, such as beauty products, camera equipment, small consumer electronics, giftware, food items, greeting cards, toys, housewares, and/or cleaning supplies are commonly known as "drug stores," and are classified as General Merchandise Stores.

Pigeons, Performing and Racing. Pigeons which are raised and used in the sport, hobby or competition of performing or racing; which require being released for freedom of flight for purposes of training, maintaining physical conditioning or competitive performance; and which are identified by a leg band containing the name or initials of the owner, or with an identification or registration number stamped on said band. Specifically included in this category are flying tippers, tumblers, rollers and homing or racing pigeons.

Plat. A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions or dedications.

Plat, Final. The final drawing or map of a subdivision and dedication, prepared for recordation with the County Auditor and containing all elements and requirements set forth in RCW Chapter 58.17 and in the City of Olympia Subdivision Ordinance.

Plat, Preliminary. A drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this code. The preliminary plat furnishes a basis for approval or disapproval of a general layout for a subdivision.

Plat, Preliminary Approval. The official action approving a proposed division of land, normally subject to the installation of improvements or fulfillment of conditions prior to final approval.

Plat, Short. The map or representation of a short subdivision containing all pertinent information required by Title 17, 18 and other applicable ordinances.

Portable Classroom. An accessory building/structure used for public, private or parochial education, and located on the same site as the principal building of instruction.

Principal Use. The primary or predominant use of any lot, building or structure.

Printing, Commercial. This includes shops specializing in printing small jobs for business clients or the general public, such as photocopying, offset printing, or screen printing of documents, announcements, business cards, or the like. This also may include blueprinting, computer plotting, and similar business services. These shops may engage in typesetting, photoengraving, plate-making, and other printing functions incidental to their primary activity; however, if they are primarily engaged in these functions as a service to other printing

businesses, they are classified under Industrial Printing. Businesses which print books, magazines, newspapers, or other periodicals for others are classified under Industrial Printing.

Printing, Industrial. Businesses which print books, magazines, newspapers, or other periodicals for others. It also includes printers of maps, posters, and the like; makers of business forms, looseleaf binders, and the like; and service industries for the printing trade, such as engraving, typesetting, photoengraving, electrotyping and stereotyping, lithographic platemaking, and related services.

Private School. See School, Private.

Private Utility. A privately owned enterprise that provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage and garbage collection or other similar public services.

Prohibited Use. A use that is not permitted in a zoning or land use district.

Project. A change in occupancy or modification or improvement of real estate, whether done by clearing, grading, or structure creation or modification in any manner requiring approval, licensing, or permitting by the City of Olympia.

Project Permit. Any land use or environmental permit or license required from the city for a project action, such as a building permit, preliminary or final plat approval, binding site plan approval, conditional use approval, shoreline substantial development permit, land use approval or a site specific rezone authorized by the Olympia Comprehensive Plan. Adoption or amendment of a comprehensive or other municipal plan, subarea plan, or development regulation or imposition of impact or other fee is not a project permit. [See RCW [36.70B.020](#) (4)].

Project Permit Application. A formal written request to the City for a project permit on forms approved by the City Council.

Property Line. Any line bounding the ownership of a parcel of land.

a. Front property line. Any property line separating any parcel of land from the street rights-of-way. In case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice, in the opinion of the Building Official, will not be detrimental to the existing or future development of adjacent properties. In case of a through lot, both property lines abutting on a street are front property lines. In the case of a lot not abutting a street, the front property line is that line nearest to and roughly parallel with a street, provided that the Building Official may approve an alternative front line if it will not be detrimental to existing and future development.

b. Rear property line. Any property line that does not qualify as a front or side property line.

c. Side property line. Any property lines that intersect the front property line. These lines may intersect at any angle and be of any length. (See also Yards.)

Public Access (Shoreline). The physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water from upland locations. There are a variety of types of public access including picnic areas, pathways and trails (including handicapped accessible), floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking, and others.

Public Art. Expressionistic forms, either man-made or natural, which are located for community view on private or public property.

Public Building. Any building, structure, facility, or complex used by the general public, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, public eating places, schools, and theaters; business buildings, such as offices; and factories and industrial buildings.

Public Facility. Land, buildings or structures operated by a municipal or other governmental agency to provide local protective, social, recreational, cultural, or mass transportation services directly to the general public. This includes police and fire stations, libraries, recreation facilities, bus transfer stations and park-and-ride lots. It also includes public land or buildings devoted solely to the storage of equipment and materials. It does not include facilities whose primary purpose is to provide administrative or judicial services, except as they may be incidental to the defined use, nor parking lots that are accessory to uses that would otherwise not be allowed in the underlying zone.

Public Hearing. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

Public Meeting. An informal meeting, hearing, workshop or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision on the permit application. A public meeting may include a design review board meeting, a neighborhood association meeting, or a scoping meeting on a draft environmental impact statement. A public meeting is distinct from and does not include an open record hearing. [See RCW [36.70B.020](#) (5)].

Public Notice. The advertisement of a public hearing or meeting in a newspaper of general circulation, or through other media such as site posting and direct mailing, indicating the time, place, and nature of the public hearing.

Public Project of Significant Importance. See OMC [18.66.090](#).

Public Safety Communications Equipment. All communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the City and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

Public Services. Fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services.

Public Use Area. An outdoor portion of a property that is dedicated to public use and which contains one or more of the following elements: benches, tables, lawns, public art, gardens, exercise or play equipment, or similar improvements or features. These elements are to provide the public with recreational activities in addition to the right to traverse or stand in this area.

Public Utility. An organization or government agency which provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage or garbage collection or other essential public services.

Publishing. Businesses which publish and print on their premises books, magazines, newspapers, or other periodicals. If such establishments do not perform printing on their premises, they are classified as Business Offices.

Section 17. Amendment OMC 18.02.180.S. Olympia Municipal Code Subsection 18.02.180.S is hereby amended to read as follows:

OMC 18.02.180 Definitions

S. DEFINITIONS – SPECIFIC.

Salmonid. A member of the fish family salmonidae, such as chinook, coho, chum, sockeye and pink salmon, rainbow, steelhead, cutthroat salmon, brown trout, bull trout, Brook and Dolly Varden char, kokanee and whitefish.

Sanitary Landfill. A site for solid waste (garbage) disposal.

Satellite Earth Station. A single or group of parabolic (or dish) antennas that are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Scale, Architectural. The perceived height and bulk of a building relative to that of neighboring buildings. A building's perceived height and bulk may be reduced by modulating facades.

Scenic Vistas. Those areas which provide, for significant numbers of people, outstanding views from public rights-of-way of Mt. Rainier, the Olympic Mountains, Budd Inlet, the Black Hills, the Capitol Building, and Capitol Lake or its surrounding hillsides.

School. An institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards required by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

Screening. A continuous fence or wall supplemented with landscaping, or an evergreen hedge or combination thereof, that effectively provides a sight-obscuring and sound-absorbing buffer around the property it encloses, and is broken only for access drives and walks.

Sculptured Building Top. A building top which has:

- a. Reduced floor area on the upper floors; and
- b. A distinctive roof form such as pitched roof, hip roof, dome, chateau roof, tower, turret, pediment, dormers, or other distinctive forms. Roofline embellishments such as medallions, statuary, cornices, brackets, finials, or similar ornament would not be considered sculptured building tops; and
- c. Upper floors which are set back from the street wall.

Secretary of the Interior's Standards for the Treatment of Historic Properties, The (as amended). Guidelines adopted by the Secretary of the Department of the Interior to guide the rehabilitation, restoration or reconstruction of a historic property.

Section of Land. Measured 640 acres, one square mile, or 1/36 of a township.

Secure Community Transition Facility. A residential facility for persons civilly committed and conditionally released from a total confinement facility operated by the Secretary of Washington Social and Health Services or under contract with the Secretary pursuant to RCW [71.09.020](#) (10) as described in RCW [71.09.250](#). All secure community transition facilities located within the City of Olympia shall conform with Olympia Municipal Code Subsection [18.08.080\(E\)](#).

Seep. A spot where groundwater oozes to the surface. A small spring.

Service and Repair Shop. An establishment providing major repair and/or maintenance of motor vehicles, equipment or major appliances, including, but not limited to: mechanical repair, replacement of parts, body repair, painting, engine overhaul, or other major repair or maintenance, including operations which may require open flame or welding.

Service Stations. Businesses which sell gasoline or alternative vehicle fuels, and/or which may perform minor vehicle maintenance or repair, and/or wash cars. "Minor maintenance or repair" is limited to the exchange of parts and maintenance requiring no open flame or welding. Service stations include self-service gas stations, full-service gas stations, diesel fueling stations, oil change and lubrication shops, auto detailing shops, and car washes. Businesses which provide major repair work such as engine overhauls, vehicle painting, or body repair are classified as Service and Repair Shops.

Servicing of Personal Apparel and Equipment. A business primarily engaged in the upkeep of personal or small household belongings. Such businesses include, but are not limited to: tailors, locksmiths, piano tuners, or businesses which repair shoes, cameras, small appliances, or consumer electronics.

Setback. The distance between the building and any lot line. See specific zone district for allowed projections into setback areas and point of measurement. (See also Yard.)

Setback Line. An imaginary line that establishes the required minimum distance from any lot line and defines the area where the principal structure must be erected. (See also Building Line, Yard, and Lot.)

Sewer. Any pipe or conduit used to collect and carry away sewage and sometimes stormwater runoff from the generating source to a treatment plant.

Sexual conduct.

- a. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
- b. Any penetration of the vagina or anus, however slight, by an object; or
- c. Any contact between persons involving the sex organs of one person and the mouth or anus of another; or
- d. Masturbation, manual or instrumental, of oneself or of one person by another; or
- e. Direct touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another; or
- f. Flagellation or torture in the context of a sexual relationship; or
- g. Sodomy.

Shopping Center. A commercial development with unenclosed pedestrian walks in which there are a number of separate commercial activities, with accessory shared facilities such as parking, and which is designed to provide a single area which the public can obtain varied products and services. Shopping centers are typically characterized by at least one large retail "anchor"store.

Shopping Mall. A shopping center with stores on one or both sides of a covered and enclosed pedestrian walkway.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street and normally used as a pedestrian walkway.

Sign. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. Such means may include words, letters, figures, design, movement, symbols, fixtures, colors, illumination, or projected images.

Sign, Abandoned. Any sign which:

- a. Is located on property which becomes vacant and unoccupied for a period of 12 consecutive months or more (excepting legal off-premise signs), or
- b. Relates to any occupant or business unrelated to the present occupant or their business (excepting legal off-premise signs), or
- c. Pertains to a time, event or purpose which no longer applies.

Sign, Animated. A sign with action or motion (including those that flash, oscillate or revolve) or one that involves color changes, illustrations or messages. This does not include wind activated elements such as flags or banners; nor does it include public service signs (such as time and temperature signs).

Sign Area. The entire background of a sign upon which advertising could be placed (counting all faces), including the frame but not other supporting structure, except that the area of advertising affixed directly to, or painted on a building without any background, other than the building, shall be the area contained in the smallest geometric figure enclosing all portions of the sign message (i.e., all letters, numbers, graphics, etc.).

Sign Awning. A sign which is on an awning. Awning signs are a type of building mounted sign.

Sign, Billboard. A rigidly assembled outdoor sign permanently affixed to the ground or permanently attached to a building or other permanent structure, unrelated to any use or activity on the property on which the sign is located, but not including directional signs as defined herein.

Sign, Building Mounted. A permanent sign which is attached to, or erected against or painted on, any exterior wall, fascia, or window of a building or structure. For the purpose of this Title, signs which shall be considered building mounted signs, include flush mounted signs, signs on marquees and awnings, projecting signs, and signs erected on the side of a mansard roof provided the sign does not project above the uppermost roof line or flashing.

Sign, Business Directory. A type of development identification sign which lists the names of the individual uses in a development.

Sign, Changeable Copy. See Sign, Readerboard.

Signs, Channel Letters. A flush mounted wall sign that consists of individual letters or characters not bound together in one complete structure. Channel Letter signs are signs in which each letter or character is mounted individually within its own area, with the total area of individual letters or characters comprising the sign.

Sign, Ground. A ground supported sign which is no greater than twelve (12) feet in height above grade.

Sign, Development Identification. A freestanding or building mounted sign which identifies the name of a development. For the purpose of sign standards, a development consists of multiple building complexes such as shopping malls, industrial and business parks, residential subdivision developments, and multiple occupancy buildings.

Sign, Directional. A sign designed solely to guide or direct pedestrian or vehicular traffic to an area, place or convenience.

Sign, Flashing. See Sign, Animated.

Sign, Flush-Mounted. A type of building mounted sign which and is attached to, or erected against any exterior wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of the wall.

Sign, Freestanding. A permanent sign supported by one or more uprights, poles or braces in or upon the ground. For the purposes of this Title, freestanding signs include pole signs and signs otherwise known as ground signs or monument signs.

Sign Height. The vertical distance from ground level to the top of the sign.

Sign, Identification. A pole or ground sign which identifies the name of a shopping center.

Sign, Inflatable. Balloons or other gas-filled figures. For purposes of this section, inflatable signs shall be treated as temporary signs.

Sign, Marquee. Any sign which forms part or is integrated into a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.

Sign, Monument. See Sign, Freestanding.

Sign, Non-conforming. Any sign existing at the time of this Ordinance which does meet the provisions of Title 18.

Sign, On-Premises. A sign which carries advertisement related to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, name of business, name of the person, firm or corporation occupying the premises.

Sign, Out-of-Date. Signs for which the event, time, or purpose no longer applies.

Sign, Pole. A ground supported sign which is no less than twelve (12) and no greater than thirty (30) feet in height above grade.

Sign, Political. A sign for the purpose of advertising a candidate or candidates for public elective office, or a political party, or which promotes a position on a public or ballot issue.

Sign, Portable (Mobile). A sign made of any material which by its design is readily movable and which is not permanently affixed to the ground, a structure or a building.

Sign, Projecting. A sign which projects 12 inches or more from a building and is supported by a wall or structure.

Sign, Public Service. A sign which provides a service to the public (such as indicating the current time and temperature or a community bulletin board) but which includes no advertising other than the name of the sponsoring organization.

Sign, Readerboard. A sign with characters or letters that can be manually changed without altering the face of the sign. Electronic signs are not readerboards for the purposes of this Title, but are animated signs.

Sign, Revolving. See Sign, Animated.

Sign, Roof. A sign erected upon or above a roof or parapet of a building or structure. A sign shall be considered a building mounted sign if it is erected on the side of a mansard roof and does not project above the uppermost roof line or flashing.

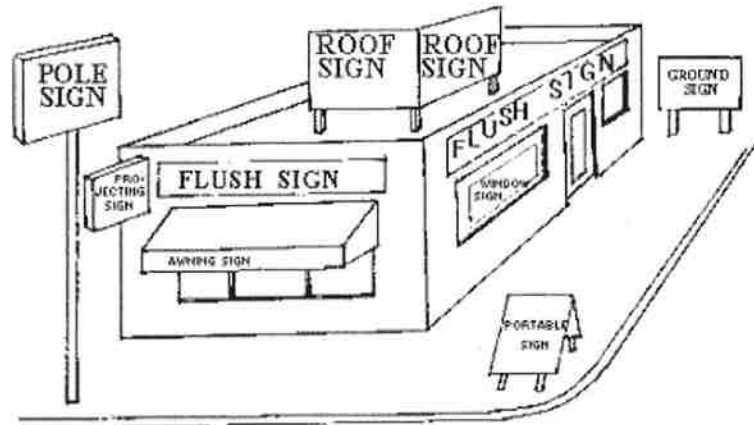
Sign, Sandwich Board Sidewalk Sign. A type of portable sign.

Sign, Structural Alteration. Any change or modification in the supporting members of the structure, such as the pole, cabinet, footing/foundation. Exceptions are new paint, rewiring, or face change.

Sign Structure. Any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may be an integral part of the building.

Sign, Temporary. Any sign, banner, pennant, valance or advertising display intended to be displayed for only a limited period of time.

Sign, Window. A sign permanently painted on or mounted to an exterior window (e.g., a neon sign). Window



signs are a type of building mounted sign.

FIGURE 2-7

Significant. When used in the context of historic significance: A property which helps in the understanding of the history of the local area, state or nation (whichever is applicable) by illuminating the local, state-wide or nation-wide impact of the events or persons associated with the property, or its architectural type or style or information potential. The local area can include the City of Olympia, Thurston County, the region of Puget Sound or Southwest Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

Single-Family Dwelling. See Dwelling, Conventional.

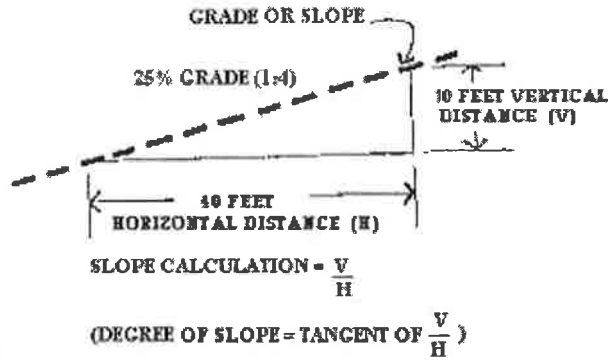
Single-Room Occupancy (SRO). See Dwelling, Conventional.

Site Plan. The development plan which shows the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the reviewing authority.

Site Plan Review Committee. A technical development review group comprised of representatives from the Department of Community Planning and Development, the Fire Department and the Public Works Department, who provide technical assistance to the CP&D Director or his/her designee on land use issues. At a minimum this includes the Building Official, Planner, City Engineer, Fire Chief, and SEPA official, or their appointed designees.

Slope. The deviation of a surface from the horizontal, usually expressed in percent or degrees. (See also Grade.)

[NOTE: Percentage of slope is calculated by dividing the vertical distance by the horizontal distance times one-



hundred (100).]

FIGURE 2-8

% GRADE	100	50	40	33.3	30	25	20	15	12	10	8	6
DEGREES	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
RATIO	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

Slope, Steep. An area which is equal to or in excess of 40 percent slope, or where the ground surface rises ten feet or more vertically within a horizontal distance of 25 feet. This can also include a slope of 15 to 39.9 percent if otherwise defined as a landslide hazard area.

Slope, Steep Toe, or Steep Top. A distinct topographic break in slope which separates slopes inclined less than forty (40%) percent from slopes equal to or greater than forty (40%) percent. Where no distinct break exists, this point shall be the limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet.

Small Lake. See OMC 18.32.505.

Small Lot Review. A Director review of proposed construction on undersized legal lots of record approved prior to June 19, 1995.

Small Lot Subdivision. See Subdivision, Short.

Soil and Vegetation Protection Area (SVPA). A separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation, well-adapted drought-tolerant vegetation, and including trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered SVPA's if they currently, or are improved to an extent where they can, support healthy soils and the growth of native vegetation or well-adapted drought-tolerant vegetation. The purpose of these areas for preserving healthy soils

and preserving and/or planting native, or well-adapted drought-tolerant vegetation is stated on the face of the plat when applicable.

Sorority House. A building, occupied by unrelated female members of a private educational organization, which contains sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room. (See Fraternity, Dormitory.)

Special Assessment District. A district with the power to levy taxes created by act, petition, or vote of property owners for a specific purpose.

Special Valuation for Historic Properties, Special Valuation. The process, pursuant to Chapter 84.26 RCW Revised Code of Washington (RCW) and Chapter 3.60 OMC, under which the tax basis of an eligible, rehabilitated historic property may be reduced by the actual incurred cost of the rehabilitation for a period of up to ten years.

Specialty Stores. Stores selling antiques, sporting goods and bicycles, marine supplies, glassware and chinaware, books, videos (including rentals), music, cards and stationery, jewelry, toys, hobby supplies, cameras, gifts and souvenirs, sewing supplies, flowers, tobacco products, newspapers and magazines, art and art supplies, pets and pet supplies, religious supplies, consumer electronics, personal computers, or other miscellaneous goods. It also includes second-hand stores and pawnshops.

Specific or Management Plan. A plan consisting of text, maps, and other documents and exhibits regulating development within an area of special interest or which contains unique land use and development problems.

Spot Zoning. Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan. [NOTE: Spot zoning is usually invalid when all the following factors are present: (1) a small parcel of land is singled out for special and privileged treatment; (2) the singling out is not in the public interest but only for the benefit of the land owner; and (3) the action is not in accord with a comprehensive plan.]

Stables, Riding. A structure providing shelter for horses, mules or ponies which are boarded for compensation. This may include arenas, tracks, and other facilities for equestrian activities either for members of a private club or for the general public. This may also include accessory facilities such as a clubhouse.

Stable, Private. An accessory structure providing shelter for horses or ponies, for use by occupants of the premises.

Staff. Permanent or temporarily employed personnel of the City of Olympia, Washington.

Stepback. Additional setbacks of upper building floor levels.

Storage. Placement or retention of goods, materials and/or personal property in one location for more than 24 consecutive hours.

Stormwater Facility. A constructed stormwater system component, including but not limited to a detention, retention, sediment, or constructed wetland basin or pond, generally installed at the ground surface.

Stormwater Retention/Detention Basin. A facility, either above-ground or underground, that temporarily stores stormwater prior to its release to the ground (retention facility), to a surface water (detention facility), or some combination of the two. [NOTE: Retention basins differ from detention basins in that the latter are temporary storage areas. Retention basins have the potential for water recreation and water-oriented landscaping since the water may remain. Both types of basins provide for controlled release of the stored water and groundwater recharge.]

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade. Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is: more than six feet above grade plane, more than six feet above the finished ground level for more than 50% of the total building perimeter, or more than 12 feet above the finished ground level at any point.

Story First. The lowest above grade story in a building, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

Stream. See OMC [18.32.405](#).

Stream Corridor. Any river, stream, pond, lake, or wetland, together with adjacent upland areas that support vegetation adjacent to the water's edge.

Street. A public or private rights-of-way which affords a primary means of vehicular access to abutting property.

Street, Arterial. An arterial street provides an efficient direct route for long-distance travel within the region and between different parts of the city. Streets connecting freeway interchanges to commercial concentrations are classified as arterials. Traffic on arterials is given preference at intersections, and some access control may be considered in order to maintain capacity to carry high volumes of traffic.

Street Cul-De-Sac. A street with a single common ingress and egress and with a circular turnaround at the end.

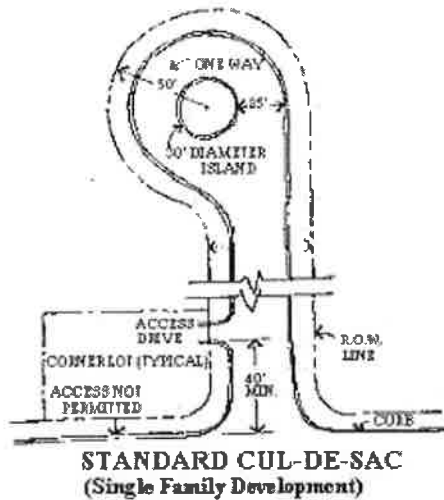


FIGURE 2-9

Street Frontage. The area between any lot lines which intersect, or area of a lot which directly abuts, the boundary of a public or private street rights-of-way.

Street Furniture. Constructed, above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public.

Street, Local Access. A street which provides access to abutting land uses and serves to carry local traffic to a collector.

Street, Major Collector. A street that provides connections between the arterial and concentrations of residential and commercial land uses. The amount of through traffic is less than an arterial, and there is more service to abutting land uses. Traffic flow is given preference over lesser streets.

Street, Neighborhood Collector. A street which distributes and collects traffic within a neighborhood and provides a connection to an arterial or major collector. Neighborhood collectors serve local traffic, provide access to abutting land uses, and do not carry through traffic. Their design is compatible with residential and commercial neighborhood centers.

Street, Private. A street that has not been accepted for maintenance and public ownership by the City of Olympia or other government entity. This does not include private driveways or access easements.

Street Wall. A building wall that faces or is parallel to the street frontage.

Streetscape. The visual character of a street as determined by various elements such as structures, greenery, open space, and view.

Structure. An edifice or building of any kind which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Structured Parking. A building or a portion of a building used for the parking of motor vehicles.

Subdivider. A person who undertakes the subdividing of land.

Subdivision. The division or redivision of land into ten or more lots, tracts, parcels, sites or divisions, any of which are less than five acres in area, for the purpose of sale, lease or transfer of ownership. (See also Subdivision, Short.)

Subdivision Cluster. See Cluster Subdivision.

Subdivision, Large Lot. The division of land into lots or tracts, each of which is 1/128 of a section of land or larger, or five acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this section which borders on a street, the lot size shall be expanded to include that area which would be bounded by the centerline of the street and the side lot lines of the lot running perpendicular to such centerline.

Subdivision, Short. The division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of transfer of ownership, sale or lease.

Subordinate. A supplementary use to a permitted primary or principal use.

Substantial Improvement. Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

Surface water. A body of water open to the atmosphere and subject to surface runoff.

Swap Meet. Any outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

Section 18. Amendment OMC 18.02.180.V. Olympia Municipal Code Subsection 18.02.180.V is hereby amended to read as follows:

OMC 18.02.180 Definitions

V. DEFINITIONS - SPECIFIC.

Variance. A modification of the terms of this title that may be granted because of the unusual shape, exceptional topographic conditions or other extraordinary situation or condition in connection with a specific piece of property, where the literal enforcement of this title would involve practical difficulties and cause undue hardship unnecessary to carry out the spirit and intent of this title.

Vegetated Roof. A roof designed and constructed to support, and that does support, living vegetation with at least three inches of engineered soil.

Vegetation - Hydrophytic. Vascular plant life and mosses which grow in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content as described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands,(1989) as amended or revised.

Vegetation - Native. Plants species which have adapted over thousands of years to the weather, soil, and topography of Thurston County, Washington.

Vehicle. A device capable of being moved upon a public highway and in, upon, or by which persons or property are or may be transported or drawn upon a public highway, including automobiles, trucks, buses, motorcycles, trailers, and the like. The term includes bicycles, but does not include other devices moved by human or animal power (e.g., skateboards or horse-drawn wagons), nor devices used exclusively upon stationary rails or tracks.

Veterinary Clinic. See Office, Veterinary/Clinic.

View Corridor. An area at ground level providing views of the waterfront and other landforms of significance, unobstructed by permanent structures between a public street and the preserved. (See also Easement, Scenic.)

Village Center. That portion of an urban village, neighborhood village, or community oriented shopping center which is occupied by commercial, commercial/residential mixed uses, and associated uses such as parking or a village green or park.

Section 19. Amendment OMC 18.02.180.W. Olympia Municipal Code Subsection 18.02.180.W is hereby amended to read as follows:

OMC 18.02.180 Definitions

W. DEFINITIONS - SPECIFIC.

Waiver of a Certificate of Appropriateness, Waiver. A letter or other document which allows the building or zoning official to issue a permit for demolition.

Warehouse. A building primarily used for storage and distribution of products, equipment, or materials, which are not available for retail sale on the premises. "Warehousing" is the associated activity. Compare Mini-storage.

Welding and Fabrication. A business engaged in stamping or shaping pieces of metal which are then connected by heat until molten and fused, in order to manufacture, service, or repair sheet metal products.

Well-Adapted Drought-Tolerant Vegetation. Vegetation that is well adapted to current and anticipated environmental conditions in this region, and are not invasive.

Wellhead Protection Area. See OMC 18.32.205.

Wet pond. An artificial water body with a permanent water surface dug as a part of a surface water management system.

Wetland, habitat types or wetland types. Descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al 1978). These habitat types can include emergent, scrub-shrub or forested wetlands.

Emergent. A wetland with at least thirty (30) percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative stratum.

Forested. A wetland with at least twenty (20) percent of the surface area covered by woody vegetation greater than twenty (20) feet in height.

Scrub-shrub. A wetland with at least thirty (30) percent of its surface area covered by woody vegetation less than twenty (20) feet in height as the uppermost stratum.

Wetlands. See OMC 18.32.505.

Wetlands, Isolated. Those regulated wetlands which:

- a. Are outside of and not contiguous to any one hundred (100)-year floodplain of a lake, river or stream; and
- b. Have no contiguous hydric soil between the wetland and any surface water.

Wetlands Mitigation Bank. A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Wetland - Mosaic. A wetland where each patch of wetland is less than one (1) acre; and each patch is less than one hundred (100) ft apart, on the average; and the areas delineated as vegetated wetland are more than fifty percent (50%) of the total area of the wetlands and the uplands together, or wetlands, open water, and river bars, all as defined in the Washington State Wetland Rating System for Western Washington(2004) as amended or revised.

Wholesale Sales or Trade. Establishments or places of business primarily engaged in selling merchandise to retailers.

Wildlife blind. A structure no larger than two hundred (200) square feet used for the observation of wildlife.

Wireless Communication Facility (WCF). Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be deemed a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Excluded from the definition are: non-commercial amateur radio, amateur ham radio and citizen band antennas, satellite earth stations and antenna support structures, and antennas and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities.

Specific types of WCFs include:

Attached WCF. An antenna or antenna array that is secured to an existing building or structure other than an antenna support structure - including light standards, transmission towers, utility poles, or the like - together with a) any accompanying pole or device which attaches it to the building or structure, b) transmission cables, and c) an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site. (See also Freestanding WCF.

Concealed WCF, sometimes referred to as a stealth or camouflaged facility. A WCF, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed WCFs: 1) attached and 2) freestanding. 1) Examples of concealed attached facilities include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. 2) Concealed freestanding WCFs usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree. (See also Non-concealed WCF.)

Freestanding WCF. Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, and equipment cabinets, and may include an antenna support structure. A freestanding wireless communication facility includes, but is not limited to the following: guyed, lattice, or monopole antenna support structures. (See also Attached WCF.)

Non-concealed WCF. A wireless communication facility that is readily identifiable as such and can be either freestanding or attached. (See also Concealed WCF.)

ROW Attached Structure. A special case of an attached WCF, this is defined as a pole or other structure primarily used as an electrical transmission support structure for electrical, telephone, cable, or other wired services that can be or has been configured to support the antenna(s) and feedlines of one or more wireless service providers for use as a WCF.

Wireless Communications. Any personal wireless service, which includes but is not limited to: cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (e.g., wireless internet services and paging).

Wireless Telecommunications Master Plan. A plan developed to enforce applicable development standards, state statutes, and federal regulations related to the deployment of wireless telecommunications infrastructure.

Workshops for Disabled People. Sheltered workshops and facilities which provide disabled people with opportunities for training, recreation, and/or employment. This may include assembly of products or any other activity allowed as a permitted use in the district.

Section 20. Amendment OMC 18.04.060.H. Olympia Municipal Code Subsection 18.04.060.H is hereby amended to read as follows:

OMC 18.04.060 Residential Districts' Use Standards

H. COTTAGE HOUSING.

Cottage housing developments shall comply with the following requirements:

1. Courtyard. The development shall contain a courtyard or usable landscaped area owned in common by the owners of the dwellings. (See Section 18.04.080(J), Development Standards.)
2. Site Design. Dwelling units shall be located on at least two (2) sides of the courtyard or common area. (See also Section 18.175.100 Site Design: Cottage Housing Section 18.04A.240, Residential Design Guidelines.)

3. Number of Units. The development shall include no less than four (4) and no more than twelve (12) dwelling units per courtyard.
4. Dwelling Size. ~~Single~~ The first story of dwellings in cottage developments, including any garage, shall not exceed eight hundred (800) square feet in size. Two (2) story structures shall not exceed one thousand ~~two six~~ hundred (~~±200~~ 1600) square feet in size.
5. Parking. At least 50% of on-site pParking shall be accommodated in a shared parking lot. (See Chapter 18.38, Parking.)
6. Covenants. Covenants shall be recorded which establish common areas and preclude their conversion to another use.

Section 21. Amendment OMC 18.04.060.P. Olympia Municipal Code Subsection 18.04.060.P is hereby amended to read as follows:

OMC 18.04.060 Residential Districts' Use Standards

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 to individual manufactured or mobile homes shall be allowed, provided at least fifty (50) percent of the space or lot remains in open space. 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 22. Amendment OMC 18.04.080. Olympia Municipal Code Section 18.04.060 Table 4.04 is hereby amended to read as follows:

OMC 18.04.080 Residential Districts' Use Standards

[Table 4.04 below]

OMC 18.04.080 Residential Districts' Development Standards

TABLE 4.04 RESIDENTIAL DEVELOPMENT STANDARDS															
DIST-RICT	R1/5	R4	R-4CB	RL1	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
MINI-MUM LOT SIZE	4 acres for residential use; 5 acres for non-residential use	2,000 SF minimum 3,000 SF average = townhouse 5,000 SF = other	One acre; reduced to 12,000 SF if associated with a drainage dispersal tract of at least 65% in the same subdivision plat.	2,000 SF minimum 3,000 SF average = townhouse 4,000 SF = zero lot 5,000 SF = other 6,000 SF = duplex 7,200 SF = multi-family	2,500 SF = cottage 4,000 SF = zero lot 2,000 SF minimum, 3,000 SF average = townhouse 5,000 4,000 SF = other	2,000 SF = cottage 3,500 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 7,200 SF = duplex, triplex 9,600 SF = fourplex 3,500 SF = other	1,600 SF = cottage 3,000 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 9,000 SF = multifamily 4,500 3,000 SF = other	1,600 SF = cottage 3,000 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 7,200 SF = multifamily 4,000 3,000 SF = other	1,600 SF = cottage 3,000 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 7,200 SF = multifamily 4,000 3,000 SF = other	1,600 SF minimum, 2,400 SF average = townhouse 2,500 SF = mobile home park	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	1,600 SF minimum, 2,000 SF average = townhouse	2,000 SF = cottage 3,500 SF = zero lot 1,600 SF minimum 2,400 SF average = townhouse 7,200 SF = duplex 2,500 SF = mobile home park 5,000 3,500 SF = other	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	18.04.080(C) 18.04.080(D) 18.04.080(E) 18.04.080(F) Chapter 18.64 (townhouses) 18.04.060(P) (mobile home parks)
MINIMUM LOT WIDTH	30' except: 16' = townhouse	50' except: 18' = townhouse	100'	30' except: 16' = townhouse; 60' = duplex 80' = multi-family	50' 45' except: 35' = cottage 45' = zero lot 18' = townhouse	50' 40' except: 30' = cottage 40' = zero lot 16' = townhouse 80' = duplex, triplex, fourplex	50' 40' except: 30' = cottage 40' = zero lot 16' = townhouse 70' = duplex 80' = multifamily	50' 40' except: 30' = cottage 40' = zero lot 16' = townhouse 70' = duplex 80' = multifamily	30' = mobile home park	30' = mobile home park	---	---	50' 40' except: 30' = cottage 40' = zero lot 16' = townhouse 80' = duplex 30' = mobile home park	---	18.04.80(D)(1) 18.04.080(F) 18.04.080(G) 18.04.060(P) (mobile home parks)
MAXIMUM FRONT YARD SETBACK													25'		18.04.080(H)

**TABLE 4.04
RESIDENTIAL DEVELOPMENT STANDARDS**

DIST-RICT	R1/5	R4	R-4CB	RL-I	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
MINIMUM REAR YARD SETBACKS	10' except: 5' for agricultural buildings with farm animals	25'	50'	10' except: 5' for agricultural buildings with farm animals.	20' except: 5' for agricultural buildings with farm animals; 10' for cottages, and wedge shaped lots, and zero lots	20' except: 5' for agricultural buildings with farm animals; 10' for cottages, and wedge shaped lots, and zero lots	20' except: 15' for multifamily; 10' for cottages, and wedge shaped lots, and zero lots	15' except: 10' for cottages, and wedge shaped lots, and zero lots; 20' with alley access	10' except: 15' for multifamily	10' except: 20' next to an R 4-8 or R-12 district	5' except: 20' for structures 35' or higher	5'	20' except: 5' for agricultural buildings with farm animals; 10' for cottages and zero lots	5' except: 10' for structures over 42'	18.04.080(D) 18.04.080(F) 18.04.080(H) 18.04.080(I)
MAXIMUM BUILDING COVERAGE	45% = lots of 10,000 SF; 25% = lots of 10,001 SF to 1 acre; 6% = 1.01 acre or more	35% 60% = townhouses	6%; increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	Refer to Maximum Impervious Surface Coverage below	45% = .25 acre or less 40% = .26 acres or more 60% = townhouses	55% = .25 acre or less 40% = .26 acres or more 70% 60% = townhouses	45%	50%	50%	55%	85%	85%	45% = .25 acres or less 30% = .26 to 1 acre 25% = 1.01 to 3 acres 20% = 3.01 acres or more	85% except for stoops, porches or balconies	
MAXIMUM IMPERVIOUS SURFACE COVERAGE	<u>45% or 10,000sf (whichever is greater) = lots less than 4 acres;</u> 6% = 4.1 acre or	<u>45% 70% = Townhouses</u> <u>35% 60% = Townhouses</u>	6%; increased to 18% if associated with drainage dispersal tract of at least 65%	2,500 SF or <u>provided that up to 6%, coverage whichever is greater. may be granted by</u>	<u>55% 45% = .25 acre or less</u> <u>50% 40% = .26 acre or more</u> <u>70% 60% = Townhouses</u>	<u>65% 55% = .25 acre or less</u> <u>50% 40% = .26 acres or more</u> <u>70% 60% = Townhouses</u>	<u>70% 65%</u>	<u>70% 65%</u>	<u>70% 65%</u>	75%	85%	85%	65% = .25 acre or less 40% = .26 to 1 acre 35% = 1.01 to 3 acres 25% = 3.01 + acres 70% =	85% except for stoops, porches or balconies	

**TABLE 4.04
RESIDENTIAL DEVELOPMENT STANDARDS**

DIST-RICT	R1/5	R4	R-4CB	RL11	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
	more 45% = lots of 10,000 SF; 25% = lots of 10,001 SF to 1 acre; 6% = 1.01 acre or more		in the same subdivision plat.	conditional use permit									townhouses		
MAX-IMUM HARD SURFACE	45% or 10,000sf (whichever is greater) = lots of 10,000 SF; 25% = lots of 10,001 SF to less than 4 acres; 1 acre; 6% = 1.01 acre or more	45% 70% = Townhouses	6%; increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	2,500 SF provided that up to 6% coverage may be granted by conditional use permit	55% = .25 acre or less 50% = .26 acre or more 70% = Townhouses	65% = .25 acre or less 50% = .26 acres or more 70% = Townhouses	70%	70%	70%	75%	85%	85%	65% = .25 acre or less 40% = .26 to 1 acre 35% = 1.01 to 3 acres 25% = 3.01 + acres 70% = townhouses	85% except for stoops, porches or balconies	
MINIMUM OPEN SPACE	220 tree units per acre required		65% drainage dispersal area required; may double as tree tract or critical		450 SF/unit for cottage developments	450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	30% 500 SF/space for mobile home park	25% 500 SF/space for mobile home park	15%	15% 500 SF/space for mobile home park	450 SF/unit for cottage developments 500 SF/space for mobile home park	15% may include stoops, porches or balcony areas	18.04.080(J)

**TABLE 4.04
RESIDENTIAL DEVELOPMENT STANDARDS**

DIST-RICT	R1/5	R4	R-4CB	RL±I	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
			areas buffer.												

LEGEND

SF = Square Feet

RL1 = Residential Low Impact

R-4 = Residential - 4

MR 7-13 = Mixed Residential 7-13

MR 7-13 = Mixed Residential 7-13

Zero Lot = A Lot with Only One Side Yard

R 4-8 = Residential 4-8

MR 10-18 = Mixed Residential 10-18

RMH = Residential Multifamily High Rise

--- = No Regulation

R 6-12 = Residential 6-12

RM 18 = Residential Multifamily - 18

RMU = Residential Mixed Use

UR - Urban Residential

Section 23. Amendment OMC 18.04.080.F. Olympia Municipal Code Subsection 18.04.080.F is hereby amended to read as follows:

18.04.080 Residential districts' development standards

F. Clustered Housing.

1. Mandatory Clustering. The Director or Hearing Examiner may require that the housing units allowed for a site be clustered on a portion of the site in order to protect ground water used as a public water source (e.g., wellhead protection areas), to enable retention of windfirm trees (which are appropriate to the site and designated for retention, consistent with Chapter 16.60, Tree Protection and Replacement, OMC), to accommodate urban trails identified on Map 7-1 of the Comprehensive Plan, to preserve scenic vistas pursuant to Sections 18.20.070, View Preservation and 18.50.100, Scenic Vistas, or to enable creation of buffers between incompatible uses (also see Chapter 18.36, Landscaping and Screening).

The Director or Hearing Examiner may allow up to a twenty (20) percent reduction in lot dimensions, sizes and setback requirements, consistent with the Uniform Building Code, to facilitate the clustering of the permitted number of dwelling units on the site. The required clustering shall not result in fewer lots than would otherwise be permitted on the site (at the minimum density specified in Table 4.04), without written authorization by the applicant.

2. Optional Clustering. Applicants for housing projects may request up to twenty (20) percent reduction in lot sizes, dimensions, and building setback requirements in order to cluster housing and retain land serving the purposes listed in a. above; or to avoid development on slopes steeper than twenty (20) percent; or to preserve natural site features such as rock outcrops; or otherwise enable land to be made available for public or private open space. Applicants proposing to place sixty-five (65) percent or more of a development site within a tree or vegetation protection or critical areas tract or tracts (see OMC chapter 16.60 and section 18.32.140) and not exceed 10% overall impervious coverage may request approval of housing forms not otherwise permitted in the zoning district so long as the number of resulting residential units does not exceed the standard maximum by more than twenty (20) percent. Such alternative housing forms may exceed height and story limits otherwise applicable in the district, except for height and story limits specifically intended to soften transitions between zoning districts. For example, three-story multi-family housing may be approved in a two-story single-family housing district. The Director or Hearing Examiner, as applicable, may grant such requests only if s/he determines that the development would not have a significant adverse impact on public facilities and surrounding land uses.

Section 24. Amendment OMC 18.04.080.H. Olympia Municipal Code Subsection 18.04.080.H is hereby amended to read as follows:

18.04.080 Residential districts' development standards

H. Setbacks

1. Measurement. The required setback area shall be measured from the outermost edge of the building foundation to the closest point on the applicable lot line.
2. Reduced Front Yard Setbacks. Front yard setbacks in the R-4, R 4-8, R 6-12, MR 7-13 and MR 10-18 districts may be reduced to a minimum of ten (10) feet under the following conditions:
 - a. When garage or parking lot access is from the rear of the lot;
 - b. When the garage is located at least ten (10) feet behind the front facade of the primary structure on the lot; or
 - c. When the driveway will be aligned to provide at least a twenty (20) foot long parking space between the sidewalk edge (closest to lot) and the garage. (See Residential Design Guidelines - Garage Design, Chapter 18.04A.)
 - d. Such setback reductions shall not be allowed where they would result in a setback of fifty (50) percent or less than the setback of an existing dwelling on an abutting lot fronting on the same



street.

FIGURE 4-3

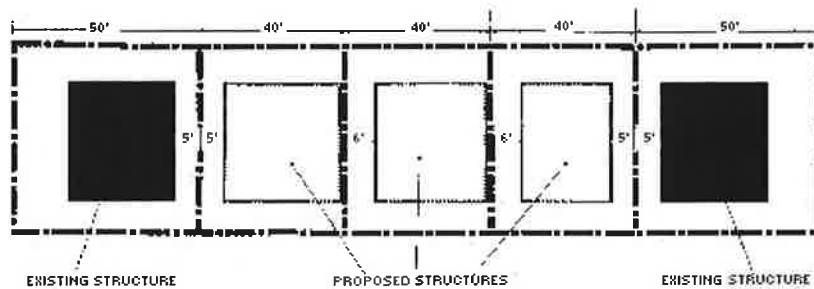
3. Rear Yard Setbacks. See Section [18.04.080\(H\)\(5\)](#), Encroachments into Setbacks, Section [18.04.080\(D\)\(2\)](#), Transitional Lots, and Table 4.04.

4. Side Yard Setbacks.

a. Reduced side yard setbacks. Except for the R-4CB district, a side yard building setback shall not be required for a lot served by an alley (such alley must be open, improved and accessible, not solely a right-of-way) provided it meets the following conditions:

i. Provision for reduced or zero setbacks shall specifically appear upon the face of a final short or long plat. Such plat shall provide that the minimum distance between residences will be six (6) feet. If the distance between a proposed dwelling and a property line is less than three (3) feet, the applicant shall provide evidence of a maintenance easement, at least three (3) feet in width, which provides sufficient access for the owner of the dwelling to maintain the applicable exterior wall and roof of the dwelling. (Except as expressly provided, any reduced side yard provision appearing on a final plat shall withstand later amendments of this Title and shall be considered conforming.)

ii. Side yard setbacks shall not be less than five (5) feet along a property line adjoining a lot which is not developed or approved for reduced setbacks (e.g., a conventional lot with two (2) five (5) foot wide side yard setbacks). Side yard setbacks shall not be less than ten (10) feet along property lines which abut a public rights-of-way.



ZERO LOT LINE

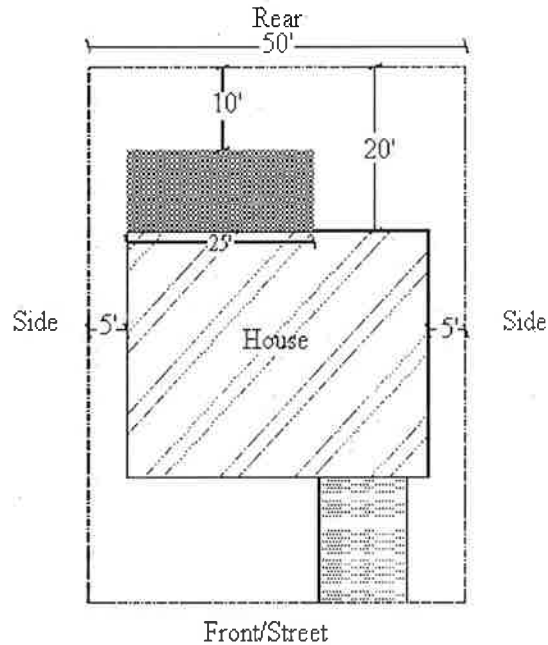
FIGURE 4-4

b. The minimum side yard setback from bikepaths and walkways shall comply with the side yard setback from the lot line as specified for the district in Table 4.04.5. Encroachment Into Setbacks. The buildings and projections listed below shall be allowed outside of utility, access or other easements. See 18.04.080(H)(5) for additional exceptions.

a. Except for Accessory Dwelling Units, any accessory structures may be located in a required rear yard and/or in the rear twenty (20) feet of a required interior side yard; however, if a garage entrance faces a rear or side property line, it shall be setback at least ten (10) feet from that property line. Accessory dwelling units may not encroach into required side yard setbacks. Accessory dwelling units may encroach into rear yards however, if the rear yard does not abut an

alley, the accessory unit must be set back ten (10) feet from the rear property line. Further, any garage attached to any accessory dwelling unit shall conform with this Section.

b. Up to fifty (50) percent of a rear yards width may be occupied by a dwelling (primary residence or ADU) provided that the structure (foundation) is located at least ten (10) feet from the rear property line. For purposes of this section the rear yards width shall be measured in a straight line between the side property lines at the point of intersection with the rear property



line.

Figure 4-4a

c. Townhouse garages may share a common rear property line provided that access for interior lots is from a single common driveway to not more than one public street entrance.

Section 25. Amendment OMC 18.04.080.J. Olympia Municipal Code Subsection 18.04.080.J is hereby amended to read as follows:

18.04.080 Residential districts' development standards

J. Private and Common Open Space.

1. ~~Development of Open Space.~~ ~~Development of Open Space:~~ Open space (e.g., private yard areas and common open space) required by Table 4.04 shall be devoted to undisturbed native vegetation, landscaping (consistent with Chapter 18.36, Landscaping and Screening), and/or outdoor recreational facilities. Driveways, loading areas, maneuvering space and parking lots shall not be considered open space. Required open space shall not be covered with impervious surfaces, except for stoops, porches, or balconies, walkways, tennis courts, swimming pools, or similar uses which require an impervious

surface. Up to a five (5) percent increase in impervious surface coverage may be allowed to accommodate such hard surfaced facilities. Also see Chapter 16.60 Tree, Soil and Native Vegetation Protection and Replacement.

2. Cottage Housing Developments. Cottage housing developments shall provide open space as follows:

a. A minimum of two hundred (200) square feet of private, contiguous, usable, open space shall be provided adjacent to each dwelling unit. No dimension of this open space area shall be less than ten (10) feet.

b. A minimum of fifteen hundred (1500) square feet or two hundred (200) square feet per unit, whichever is more, shall be provided in common open space (e.g., available for the use of all residents of the development). This open space shall be contained in a contiguous area with no dimension less than thirty (30) feet. A substantial portion of sSuch open space shall be sufficiently level (e.g., less than five (5) percent slope) and well drained to enable active use in summer provided that at least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.

3. Mixed Density Districts. Parcels or sites accommodating multifamily housing (e.g., triplexes, fourplexes, and larger apartment buildings) in a MR 7-13 or MR 10-18 district shall contain at least thirty (30) percent open space. At least fifty (50) percent of such open space must be available for the common use of the residents of the multifamily housing. Such open space shall be developed consistent with Section 18.04.080(J)(1) above. This open space requirement shall be reduced to twenty (20) percent if the multifamily housing adjoins a park, school or open space site of at least ten thousand (10,000) square feet in size. Impervious surface coverage limits specified in Table 4.04 shall be adjusted accordingly.

4. Manufactured or Mobile Home Parks. At least five hundred (500) square feet of common open space shall be provided per dwelling unit (see Section 18.04.060(P)(8)). At least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.

5. Residential - 4 Chambers Basin District. Required open space for stormwater dispersion may be provided in a common area or within each individual private lot of a development. All required drainage dispersal areas shall be protected from filling and grading and all other activities which would decrease the ability of such areas to disperse and infiltrate stormwater. Side yard setback areas shall be designed to disperse roof runoff to the maximum extent practical. To qualify as a "drainage dispersal tract" (required to create lots of less than one acre) such area shall be held in common or deeded to homeowners association and otherwise conform with the requirements of stormwater tracts as set forth in the Olympia Stormwater Drainage Manual.

Section 26. Amendment of OMC 18.06.080. Section 18.06.080, Table 6.02 of the Olympia Municipal Code is hereby amended to read as follows:

18.06.080 Commercial districts' development standards -- Table 6.02

STANDARD	NR	PO/RM	MS	ADDITIONAL REGULATIONS
MAXIMUM BUILDING COVERAGE	45%	70%, except 55% for residential only structures	50%	Must comply with site design standards, Chapter 18.06A.180.
MAXIMUM DEVELOPMENT IMPERVIOUS SURFACE COVERAGE	60% 50%	85%, except 75% for residential only structures 70%	65% 60%	See OMC 18.06.100(D) Must comply with site design standards, Chapter 18.06A.180.
MAXIMUM HARD SURFACE	60%	85%, except 75% for residential only structures	65%	See Chapter 18.06A.180.

LEGEND

NR = Neighborhood Retail

PO/RM = Professional Office/Residential Multifamily

MS = Medical Services

Section 27. Amendment of OMC 18.06.100. A New Subsection 18.06.100.D is hereby added to the Olympia Municipal Code to read as follows:

OMC 18.06.100 Commercial districts' development standards – Specific

D. Impervious Surface Coverage

On development sites incorporating 'vegetated roofs,' the impervious surface coverage limits of Neighborhood Retail, Professional Office / Residential Multifamily and Medical Service districts shall be increased one square foot for each square foot of vegetated roof area up to 5% of the total site area if adequate assurance is provided that the proposed vegetated roof will provide substantial stormwater management benefits for a period of at least 30 years.

Section 28. Amendment OMC 18.36. Olympia Municipal Code Chapter 18.36 is hereby amended to read as follows:

Chapter 18.36 LANDSCAPING AND SCREENING

18.36.000 Chapter Contents

Sections:

- 18.36.020 Purpose.
- 18.36.040 Applicability.
- 18.36.060 General requirements.
- 18.36.080 Landscape and tree plan requirements.
- 18.36.100 Alternative landscape plans.
- 18.36.120 Conflicting requirements.
- 18.36.140 Residential landscape requirements.
- 18.36.160 Commercial landscape requirements.
- 18.36.180 Parking lot landscape and screening.
- 18.36.190 Landscape Requirements for Antennas and Wireless Communications Facilities.
- 18.36.200 Performance assurance.
- 18.36.220 Maintenance.
- 18.36.240 Preferred plantings.

OMC 18.36.020 Purpose

The purpose of this chapter is to establish standards for landscaping and screening; to maintain or replace existing vegetation, provide physical and visual buffers between differing land uses, provide opportunities for stormwater management, lessen and improve environmental and aesthetic impacts of development and to enhance the overall appearance of the City. Notwithstanding any other provision of this chapter, trees and shrubs planted pursuant to the provisions of this chapter shall be of types and ultimate sizes at maturity that will not impair the scenic vistas protected within Chapter 18.50.100, Design Review, nor interfere with power lines, underground utilities or impervious surface.

18.36.040 Applicability

This chapter shall apply to all development applications in the city, with the exception of individual single-family residential lots and development containing four (4) or less attached dwelling units. All changes in the use of a property or remodel of a structure that requires improvements equal to or greater than fifty (50) percent of the assessed property valuation shall comply with the requirements of this Chapter. See Residential Design Guidelines, Section 18.04A.150, and Individual Commercial Landscape Design District Requirements.

OMC 18.36.060 General requirements

A. Existing Trees, Soils, and Associated Vegetation.

1. The applicant will be required to retain existing trees, soils, and associated vegetation pursuant to the City's ~~Tree Protection and Replacement~~ Soil, and Native Vegetation Protection and Replacement Chapter Ordinance, OMC 16.60. This may require site design modifications including, but not limited to: relocating buildings and other site improvements, additional perimeter setback, changes in the size and locations of parking lot islands, etc.
2. Where existing trees and associated vegetation serve the same or similar function to the required landscaping, they shall have priority over and may substitute for the required landscaping, provided the following conditions are met:
 - a. The trees must be healthy and not constitute a hazard as determined by a qualified professional forester. ~~Ppursuant to OMC 16.60.~~ Trees must be appropriate for the site at mature size.
 - b. A ~~tree protection and replacement~~ soil and vegetation plan must be developed, by a qualified professional forester. ~~Ppursuant to OMC 16.60.~~
 - c. The ~~tree protection and replacement~~ soil and vegetation plan must be approved by the City of Olympia's ~~Urban Forester~~.
 - d. Supplemental landscaping is provided within or adjacent to these areas, as necessary, to accomplish the specific intent and purpose of this chapter.
3. All portions of the site not proposed for building, other site improvements and required landscaping, shall be retained in a predeveloped, uncompacted, forested and vegetative condition and may be required to be designated and noted on the final plat or approved site plan as a Soil and Vegetation Protection Area. The approval authority may require ~~clearing and supplemental~~ landscaping mitigation in these areas to improve the existing soil and vegetation. (~~See 18.04A.070 and 18.06A.090, Landscape Design~~).

B. Coverage. All planting areas shall have plant materials that provide ~~seventy-five (75)~~ eighty (80) percent coverage within three years.

C. Irrigation.

1. ~~Areas planted with grass or sod shall have a permanent irrigation system. If used elsewhere,~~ irrigation, if used, shall be appropriate to the maintenance of plants temporary for the purposes of plant establishment. See Groundcover/Turf below.

2. All irrigation systems shall be adequate to ensure survival of all retained and new plants and may be equipped with a controller capable of dual or multiple programming. Controllers must have multiple start capability and flexible calendar programming. They must also allow for at least seven day timing cycles. Timers should be set to ~~reduce evaporation (e.g., water during evening hours after sundown).~~
3. Irrigation systems shall be designed and operated to minimize runoff and overspray to non-irrigated areas.
4. The water schedule for each circuit identified on the approved landscape plan must be posted inside the corresponding controller.

D. Groundcover/Turf.

1. Ground cover shall be planted and spaced in a triangular pattern which will result in ~~complete coverage of eighty (80) percent~~ in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may be included in total ground cover calculations.
2. ~~Grass planted and to be maintained as lawn is prohibited in parking lots unless needed and approved for stormwater conveyance.~~ Grass species, if used as groundcover, shall be appropriate for the location, use, and size of lawn area. (See Suitability below.)

E. Suitability and Vegetation.

1. The vegetation selected for the landscape plan shall be suited to the climate, location, and physical conditions of the site so it can be reasonably expected to survive. Trees shall be selected and located to minimize the potential for interfering with or damaging power lines, underground utilities, or impervious surfaces. Trees shall be selected for their compatibility with the site design at their mature size. Trees shall be selected and located to minimize potential damage to structures and injuries to people.
2. ~~All developments are encouraged to shall use native vegetation, or vegetation that is and well-adapted and drought-tolerant plant materials where conditions and location support their survival, and to reduce the amount of sod and lawn areas which are highly dependent on labor, water and chemicals. A list of native and drought tolerant plant materials is available from the Department.~~
3. The Department will maintain a list of Prohibited Landscape Plants. Plants on this list will have characteristics that despite being well-adapted to site conditions, make them invasive, subject to disease, likely to damage infrastructure, or otherwise cause future management issues. This list will be periodically reviewed and updated by the Department.

~~3. In order to reduce water use and improve survivability, design principles using xeriscape techniques are encouraged. In meeting water conservation goals, plantings that are not drought tolerant should be grouped together and separated from drought tolerant plantings. If installed, separate irrigation systems should be provided as necessary for each group. (See 18.36.060(3), Irrigation, for sprinkler requirements).~~

F. Mulch/Soil.

~~1. To reduce erosion, minimize evaporation, provide for weed control and to enhance the growing conditions, all areas to be planted should shall be mulched approximately four (4) inches deep with composted or other approved organic material. If uncomposted mulch is used, it should be amended with a sufficient amount of fertilizer to compensate for typical nitrogen deficiencies caused by the uncomposted mulch.~~

2. Existing soil types shall be identified on landscape plans and in the Soil and Vegetation Plan. Soils that are found to be inadequate to provide for the long-term health of proposed landscaping shall be amended up to twenty-four (24) inches deep with soil amendments such as bio-solids or other material as deemed necessary by the approval authority.

G. Trees.

~~1. Deciduous Trees. Trees size and quality shall comply with standards delineated in the Urban Forestry Manual. Size—Shall have a caliper of at least two (2) inches, measured six (6) inches above the ground line. Quality—Shall be State Department of Agriculture Nursery Grade No. 1 or better.~~

~~2. Conifer Trees. Size—Shall be a minimum of six (6) feet in height, measured from ground line. Quality—Shall be State Department of Agriculture Nursery Grade No. 1 or better.~~

2. Tree Distribution. Trees in Soil and Vegetation Protection Areas shall be comprised of at least 60% evergreen species, unless site conditions are not suitable as determined by the Urban Forester.

3. Street Trees. Street trees will be required as part of frontage improvements pursuant to City of Olympia Engineering Design and Development Standards, ~~and subject to any applicable street tree plan adopted by the city. In the absence of an approved street tree plan~~ the species and spacing of required trees will be determined approved by the City of Olympia's Urban Forester, or designee, consistent with the provisions of OMC16.60 and this Chapter.

H. Clear Sight Triangle. Fences and landscape plants at maturity shall not exceed two and a half (2.5) feet in height within a clear sight triangle for traffic safety ~~as measured from the street centerline~~. (See 18.40.060(C) for triangle dimensions.)

I. Waste Containers, Mechanical Equipment and Open Storage.

1. Waste Containers and Mechanical Equipment: Solid waste containers (dumpsters, carts, drop boxes and compactors) and mechanical and electrical equipment in industrial, commercial, multi-family and mixed-use projects, which would otherwise be visible from adjoining streets shall be screened from public view by a Type II Visual Screen unless such would interfere with access and service, in which case a Type III Visual Buffer shall be provided.
2. Open Storage: All outside storage areas shall be fully screened by a Type I Solid Screen a minimum of five (5) feet in width, unless the Department finds such storage material is not visually obtrusive.

J. Stormwater Pond and Swales.

1. Stormwater drainage ponds and swales and other stormwater facilities shall be located where they will not unreasonably impede pedestrian access to or between buildings. They shall be attractively landscaped with native, or well-adapted drought-tolerant plants and integrated into the site design.
2. Existing water bodies and wetlands should be incorporated into the site design as an amenity.

K. Pedestrian Facilities. Pedestrian facilities, transit stops, and barrier free access may be allowed in required landscape areas without requiring additional buffer area, provided the intent of this Chapter is met and that the function and safety of the pedestrian facility, transit stop or barrier free facility is not compromised. (~~See Sections 18.06A.180, 18.06A.190 and 18.06A.200, Pedestrian Design Guidelines.~~)

L. Types of Perimeter Landscape.

1. Solid Screen (Type I). Purpose: This type of landscaping is intended to provide a solid sight barrier between totally separate and incompatible land uses such as residential and industrial areas. It is also used around outdoor storage yards and service yards.

Materials: Landscaping shall consist of evergreen trees, tall shrubs and ground cover which will provide one hundred percent sight-obscuring screen; OR a combination of seventy-five (75) percent evergreen and twenty-five (25) percent deciduous trees with large shrubs and ground cover backed by a one hundred (100) percent sight-obscuring fence. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

2. Visual Screen (Type II). Purpose: This type of vegetation or landscape structure, or both, is intended to create a visual separation that may be less than one hundred (100) percent sight-obscuring. It is typically found between commercial and industrial zones; high density multifamily and

single family zones; commercial/office and residential zones; and to screen commercial and industrial use waste containers, mechanical and electrical equipment from the street.

Materials: Vegetative landscaping shall consist of evergreen OR a combination of approximately sixty (60) percent evergreen and forty (40) percent deciduous trees, interspersed with large shrubs and ground cover. A sight-obscuring fence or other landscape structure can be used and may be required if necessary to reduce site specific adverse impacts to adjacent land uses. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section (See Section 18.170.050, Multifamily Residential, Fences and Walls).

3. Visual Buffer (Type III). Purpose: This type of landscaping is intended to provide partial visual separation of uses from streets and main arterials and between compatible uses in order to soften the appearance of parking areas and building elevations. Landscaping shall consist of no more than ~~forty (40)~~ ~~fifty (50)~~ forty (40) percent deciduous species. Waste containers may be buffered from view using vegetation or a landscape structure or both.

Materials: Vegetative landscaping shall be a mixture of evergreen and deciduous trees interspersed with large shrubs and ground cover. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

18.36.080 Landscape ~~and tree soil and vegetation plan requirements~~

A plan of proposed landscaping and screening shall be included with plans submitted for site plan review or Hearing Examiner review. The plans shall be drawn to scale and contain the following information:

A. ~~Tree Plan Soil and Vegetation Plan: Unless otherwise exempt (see Chapter 16.60.040 Exemptions) a soil and vegetation plan is required. Specific soil and vegetation plan requirements are delineated in the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of soil and vegetation plan is required (see Table A in Chapter 16.60.050 Soil and Vegetation Plan Required).~~

~~Tree Protection and Replacement Only. Tree protection and replacement only, not to include street trees.~~

~~1. The following is a summary of OMC 16.60 describing when a tree protection and replacement Soil and Vegetation plan is required.~~

~~a. Any construction and expansion of a building excluding interior remodel; or~~

~~b. Any engineering permit necessary to develop property; or~~

~~c. Any subdivision of property; or~~

d. For those activities not covered above and requiring a city permit, any development which alters the predeveloped or developed condition of a property.

2. ~~Tree Plan~~ ~~Soil and Vegetation Plan~~ Requirements. ~~The Soil and Vegetation Protection Area Plan~~ must be developed by a qualified professional forester as defined in the ~~tree, soil, and native vegetation protection and replacement ordinance~~. Specific ~~Plan~~ requirements are outlined in the ~~Tree Protection and Replacement Ordinance Urban Forestry Manual (OMC 16.60)~~:

a. ~~Tree, Soil and Vegetation inventory~~. General description of existing trees, soils and other vegetation including:

i. ~~Species, sizes and locations of existing trees and associated other vegetation;~~

ii. ~~Soils description and;~~

iii. ~~health and condition of existing trees;~~

iiii. ~~Species, locations, and extent coverage of invasive species;~~

v. ~~Landmark/Specimen trees;~~

vi. ~~Off-site trees adversely affected by proposal.~~

b. ~~Tree, Soil and Vegetation Protection Area plan (included on the grading plan)~~:

i. ~~Locations of trees, soils, and groundcover vegetation to be preserved;~~

ii. ~~Description, and detail of how trees, soils and groundcover vegetation will be preserved;~~

iii. ~~Limits of clearing and grading around protected trees, soils and groundcover vegetation;~~

iv. ~~Timeline for clearing, grading and installation of tree protection measures. (See the Urban Forestry Manual for specific protection standards.)~~

c. ~~Landscaping plan~~. The landscape plan as required by this Chapter shall be included as one of the required sections of the ~~tree, soil and vegetation protection and replacement plan~~.

d. ~~Street trees plan~~. The street tree plan for ~~s~~Street trees required as part of frontage improvements, shall be included as one of the required sections of ~~in the tree soil and~~

~~vegetation protection and replacement plan. It should be drawn to scale on the site plan and should include the following information:~~

- ~~i.— Location, size, and species of trees to be planted;~~
- ~~ii.— Description and detail showing site preparation, installation and maintenance measures;~~
- ~~iii.— Timeline for site preparation, installation and maintenance of street trees;~~
- ~~iv.— Cost estimate for the purchase, installation and maintenance for a minimum of three years of street trees;~~
- ~~v.— The description and location of any underground or overhead utilities within the rights-of-way or near proposed street trees;~~
- ~~vi.— Additional information. The City's Urban Forester may require any additional information deemed necessary to ensure compliance with the provisions of this chapter;~~
- ~~vii.— Information waiver. The City's Urban Forester may waive the requirements for a scaled drawing and other submission data if they find that the information presented is sufficient to determine the project's compliance with the provisions of this Chapter;~~
- ~~viii.— Design guidelines: See Sections OMC Chapters 18.100 through 18.180 in general and section 18.170.010 in particular, 18.04A.070 and 18.06A.090.~~

AB. Landscape Plan.

1. Plan Preparation.

- a. Four (4) or Less Multifamily Units and Commercial Development having less than 20,000 square feet of gross floor area. Landscape plans required by this section shall be prepared by a person experienced in the selection and installation of plant materials and landscape design. Plans shall be drawn to scale and meet all plan submittal requirements of item 2 below.
- b. Five (5) or More Multifamily Units; Commercial Development consisting of 20,000 square feet or more of gross floor area; and all development located on a High Density Corridor or Design Review Corridor. Landscape plans required by this section shall be prepared by a Registered Landscape Architect or Certified Washington State Landscaper or Nurseryman. Plans prepared by others shall have their design plans certified by one of the aforementioned groups, attesting that all requirements of this Chapter have been met or exceeded.

2. Plan Requirements. New landscape plans must identify location, species and diameter or size of plant materials using both botanical and common names. Drawings shall reflect the ultimate size of plant materials at maturity. All drawings shall depict:

- a. Existing property lines and perimeter landscape areas;
- b. All public and private open space, including plazas, courts, etc.;
- c. Parking lot planting areas and vehicle use areas, driveways and walkways;
- d. Location of clear sight triangle, if applicable;
- e. Location of buildings or structures (existing and proposed);
- f. Location of aboveground stormwater drainage pond(s) and swales;
- g. Street tree location;
- h. Screening of mechanical equipment;
- i. Existing soil type and required amendments;
- j. Planting details describing method of installation;
- k. Location and description of existing trees or groves of trees to be retained;
- l. Location and description of existing soils and groundcover vegetation to be retained;
- m. Location and type description of any invasive plants and timeline for removal;
- ln. Planting locations showing mature size of plants, size of planting stock, species of plant materials, and tree density calculations;
- mo. Timeline for site preparation and installation of plant materials;
- np. Cost-estimate for the purchase, installation and three (3) years maintenance of landscaping.

18.36.100 Alternative landscape plans

A. The applicant may formally request in writing a modification from the landscaping requirements set forth in this Chapter; provided there is:

1. No reduction in critical area and buffer, unless permitted by the Chapter 18.32 Critical Areas Ordinance; and
2. No reduction in required tree density;~~;-and~~
3. No reduction in required Soil and Vegetation Protection Area.

B. The Department may administratively approve a modification of landscape requirements for reasons of increased safety, a design which clearly exceeds Chapter requirements or environmental protection, to achieve the goals and requirements of the low impact development aspects of the Drainage Manual, or when the application of this Chapter is infeasible within prior built environments. The applicant shall provide evidence that either strict application of this Chapter is infeasible and/or it is in the long-term best interest of the city to modify landscape requirements. Required landscape plans may be modified only under the following circumstances, as applicable.

1. The proposed landscaping clearly exceeds the requirements of this Chapter.
2. The proposed landscaping maintains or increases solar access for purposes of solar energy devices.
3. The proposed landscaping provides for the preservation of existing trees, soils, and associated vegetation, ~~that does not~~ Trees shall not constitute a hazard as determined by a qualified professional forester, pursuant to OMC 16.60. ~~and/or provides for wildlife habitat as determined by environmental review.~~
4. Strict application of this Chapter violates special easement requirements.
5. A site that can not comply with landscape requirements because of prior development (after investigating alternatives to reduce required parking, etc.).
6. In those instances where above ground stormwater requirements serve the same or similar function as required landscaping. The proposed landscaping significantly improves stormwater treatment and aquifer recharge beyond what can be achieved by this Chapter.
7. The preservation of Scenic Vistas.

18.36.120 Conflicting requirements

In the event of a conflict between the standards for individual uses and other general requirements of this chapter the more stringent shall apply. Determination of the appropriate standards shall be made by the Director of the Community Planning and Development Department.

18.36.140 Residential landscape requirements

A. Perimeter Landscape. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the required width and the intent and purpose of screening is achieved.

1. Plant Coverage. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area.

2. Native Vegetation. Required landscaping shall be comprised of a minimum of 60% native vegetation, or Well-Adapted Drought-Tolerant vegetation, where site conditions are appropriate for establishment and long-term survival.

23. Buffer Area Next to R-4 and R 4-8.

a. Any land use of higher density, intensity or use that is directly adjacent to an R4 or R 4-8 zone district shall have a solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of use.

b. Mixed use developments or in areas where combined commercial and residential pedestrian use is desired, a Type II or III screen should be used. Screening area and materials for commercial and residential developments may be combined to achieve the desired screening and pedestrian enhancement. See Section 18.36.060(L) for types of screening.

18.36.160 Commercial landscape requirements

A. Perimeter Landscape. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the standard width requirement and the intent and purpose of screening is achieved.

1. Plant Coverage. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area. Type II and III perimeter landscaping shall be used depending upon adjacent perimeter land uses. (See Types of Perimeter Landscape, Section 18.36.060(L).)

2. Native Vegetation. Required landscaping shall be comprised of a minimum of 60% native vegetation, or well-adapted drought-tolerant vegetation, where site conditions are appropriate for establishment and long-term survival.

23. Buffer Area Next to Incompatible Uses.

a. Where a development subject to these standards is contiguous to a residential zoning district, areas of residential development or other incompatible use, then the required perimeter area shall be landscaped with solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of use.

b. Mixed use developments or in areas where combined commercial and residential pedestrian use is desired, a Type II or III screen should be used. Screening area and materials for commercial and residential developments may be combined to achieve the desired screening and pedestrian enhancement. See Section 18.36.060(L) for types of screening.

18.36.180 Parking lot landscape and screening

A. Applicability.

1. The standards of this section shall apply to both public and private parking lots; and
2. Any use within a residential district requiring more than ten (10) parking spaces; and
3. All commercial and industrial uses of land and development.

B. Perimeter Landscaping

In order to soften the appearance of parking lots, separate one parking area from another or from other uses, the following standards apply:

1. Screening strips – Perimeter landscaping strips shall be provided as follows:
 - a. Between parking lots and street rights-of-way, screening strips shall be a minimum of ten (10) feet in width; and
 - b. All other zone districts without setbacks shall install a perimeter screening strip at least five (5) feet wide, except as provided in (2) below; and
 - c. Exceptions to (a) and (b) above are allowed by administrative exception below:
2. Administrative Exception. The following landscape screen exceptions shall only apply to commercial and industrial districts:
 - a. Parking lot screening strips abutting a non-residential use or district may be reduced in width to the minimum needed to accommodate and maintain the screening materials, as determined by the Department; provided plant materials are placed an appropriate distance from sidewalks or other public facilities to prevent future damage or obstruction.

b. The Director may allow the alteration of screening strips as necessary to provide for direct pedestrian access between sidewalks and building entrances or between parking lots and building entrances, for 'low impact' stormwater management, or for trash receptacles, utility boxes, or driveways.

3. Perimeter Landscaping - Materials.

a. Native Vegetation. Required landscaping shall be comprised of a minimum of 60% native vegetation, or well-adapted drought-tolerant vegetation, where site conditions are appropriate for establishment and long-term survival. Grass lawn is prohibited unless as needed and approved for stormwater conveyance.

b. Deciduous trees shall have a minimum size of two (2) inches in caliper measured six (6) inches above the base. Evergreen trees shall be a minimum six (6) feet in height at planting.

c. Shrubs and ground cover. Ground cover shall be planted and spaced in a triangular pattern which will result in eighty (80) percent complete coverage in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may also be included in total ground cover calculations.

C. Interior Parking Lot Landscaping.

1. The following interior parking lot landscape area is required for all development covered by 18.36.180(A). Space requirements are considered minimums, additional landscape area may be necessary to meet design requirements below.

Required landscape area per parking stall.

Stall size	(1-20)	(21-30)	(31-40)	(41 +)
Standard	23 sq.ft. (8.25%)	27 sq.ft. (9.75%)	31 sq.ft. (11.25%)	35 sq.ft. (12.75%)
<u>Compact-Small</u> <u>Space</u>	17 sq.ft. (8.3%)	20 sq.ft. (9.8%)	23 sq.ft. (11.3%)	26 sq.ft. (12.7%)

2. Landscape Islands - Design.

a. Landscape Islands ~~should~~ shall be a minimum of one forty-four (144) square feet and no more than five hundred (500) square feet in size. The minimum island size may be reduced if appropriate 'structural soil' is provided to ensure that trees can achieve maturity. Islands shall be designed so that trees will be planted a minimum of ~~six (6)~~ four (4) feet from any hard scape surface. The minimum island size may be reduced, on a case by case basis, if appropriate

'structural soil' is provided to ensure that trees can achieve maturity. The maximum allowable size of five hundred (500) square feet may be increased to allow for the preservation of existing trees and associated vegetation pursuant to OMC 16.60 or to accommodate stormwater infiltration/treatment/conveyance practices.

b. Islands shall be provided in the following location:

i. Landscaping islands ~~should~~ shall be placed at the end of every parking row and with a ~~maximum~~ spacing of at least approximately about one (1) island for every nine (9) parking spaces consistent with a goal of maximizing canopy tree coverage at maturity; and

ii. Between loading doors/maneuvering areas and parking area; and

iii. Any remaining required landscaping shall be dispersed throughout the parking lot interior to reduce visual impact.

c. Permanent curbing shall be provided in all landscape areas within or abutting parking areas. Based on appropriate surface water considerations, other structural barriers such as concrete wheel stops may be substituted for curbing.

3. Landscape Islands - Materials.

a. One tree shall be planted for every two hundred (200) square feet of landscape island area; provided that every landscape island. ~~Each planting area~~ must contain at least one (1) tree. Planting areas shall be provided with the maximum number of trees possible given recommended spacing for species type, and the estimated mature size of the tree.

b. All landscape islands within parking areas shall ~~use drought-tolerant trees, shrubs and ground covers. Lawn is not permitted within areas less than two hundred (200) square feet in size and shall only be used as an accessory plant material to required trees, shrubs and ground cover or to accommodate stormwater treatment/conveyance practices.~~ be comprised of a minimum of 60% native vegetation, or well-adapted drought-tolerant vegetation, where site conditions are appropriate for establishment and long-term survival. Grass lawn is prohibited except as needed and approved for stormwater conveyance.

c. No plant material greater than twelve inches in height shall be located within two (2) feet of a curb or other protective barrier in landscape areas adjacent to parking spaces and vehicle use areas.

d. Deciduous and/or evergreen trees shall be used which form a canopy. Deciduous trees shall have a minimum size of two (2) inches in caliper measured six (6) inches above the base. Evergreen trees shall be a minimum six (6) feet in height at planting.

e. Shrubs and ground cover. Ground cover shall be planted and spaced in a triangular pattern which will result in eighty (80) percent complete coverage in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may also be included in total ground cover calculations.

f. Motor vehicle overhang. Parked motor vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing are provided. Plants more than twelve (12) inches tall are not allowed within the overhang area.

18.36.190 Landscape Requirements for Antennas and Wireless Communications Facilities

A. Applicability.

1. The standards of this section shall apply to radio, television, and other communication antenna support structures (towers) and equipment compounds, and
2. Wireless communications facilities antenna support structures and equipment compounds.

B. Screening. Equipment compounds which are visible from adjoining streets, parking areas, or other abutting properties shall be screened from view by a Type I Solid Screen a minimum of five (5) feet in width.

C. Perimeter Landscape.

1. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the required width and the intent and purpose of screening is achieved.
2. Plant coverage. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area. Type II or III perimeter landscaping shall be used depending on adjacent perimeter land uses. (See Types of Perimeter Landscape, Section 18.36.060(L).)
3. Buffer area next to incompatible uses. Where a facility subject to these standards is within or contiguous to a residential zoning district, areas of residential development or other incompatible use, then the required perimeter area shall be landscaped with solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of the abutting use.

4. Alternative landscaping. In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower supporting the antenna than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items (2) and (3) above but may deviate from the specific requirements, and it must demonstrate to the satisfaction of the City that the public interest will be equally served by such plan.

18.36.200 Performance assurance

A. Landscape Installation.

1. All required landscaping shall be installed prior to issuance of a Certificate of Occupancy (CO) or final inspection; excluding street trees within plats which may use a surety device to guarantee their installation.
2. A CO may be issued prior to completion of required landscaping provided the following criteria are met:
 - a. An applicant or property owner files a written request with the Department five (5) days prior to the CO inspection; and
 - b. The request explains what factors are beyond the applicant's control or which create a significant hardship to prevent the installation of landscape prior to the issuance of a CO; and
 - c. The applicant or property owner has demonstrated a good faith effort to install all required landscaping; and
 - d. Provided requirements (a) through (c) are met, a performance assurance must be posted with the city in a form listed in paragraphs B, C, and D below.
3. The time extension to complete all landscaping may not exceed ninety (90) days after issuance of a Certificate of Occupancy.
4. Failure to complete the installation of required landscape within ninety (90) days after the CO is issued shall constitute a violation of the zoning ordinance.

B. Performance assurance devices shall take the form of one of the following:

1. A surety bond in a form approved by the City Attorney executed by a surety company authorized to transact business in the state;

2. Cash;

3. Assigned savings pursuant to an agreement approved by the City Attorney.

C. If a performance assurance device is employed, the developer/property owner shall provide the City with a non-revocable notarized agreement granting the City and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.

D. If the developer/property owner fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

18.36.220 Maintenance

A. Plant Maintenance. Whenever landscaping is required under the provisions of this Chapter, all shrubs and trees in the landscape and planting areas shall be maintained in a healthy condition. Property owners shall be responsible for pruning vegetation which interferes with pedestrians and bicyclists, and that obstructs vehicle clear vision triangles.

B. Irrigation. All portions of any irrigation system shall be maintained in order to perform its original function. Uncontrolled emission of water from any pipe, valve, head, emitter or other irrigation device shall be considered evidence of non-maintenance and a violation of this ordinance.

C. Hard scape. Maintenance of all landscape areas shall also include the painting, repairing, reconstruction, and restoration of landscape structures such as fences, walls, overheads, trellises, etc.

D. Bonding. In addition to any other remedy provided within this code for any landscape maintenance requirements imposed by this Chapter, the city may also require a performance or maintenance bond if maintenance is not adequately provided.

~~18.36.240 Preferred plantings~~

~~Recommended plantings and other information is available from the Department to help create a water smart landscape. Choosing the right plant in the right location, and using the proper soil are the first steps in creating a healthy and lush landscape.~~

Section 29. Amendment OMC 18.38.040. Olympia Municipal Code Section 18.38.040 is hereby amended to read as follows:

18.38 Parking and Loading

18.38.040 Applicability

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

~~EXEMPT: Land uses within the Downtown are exempt from all parking requirements; however, if parking facilities are provided they must meet required parking ratios and design standards (See figure of exempt parking, 18.38.160(D)(2)).~~

Section 30. Amendment OMC 18.38.060. Olympia Municipal Code Section 18.38.060 is hereby amended to read as follows:

18.38.060 Parking and loading general regulations

A. Off-street parking and loading spaces shall be provided in accordance with the provisions of this chapter when any of the following actions occur. These provisions apply to all uses and structures in all land use districts unless otherwise specified.

1. When a main or accessory building is erected.
2. When a main or accessory building is relocated or expanded.
3. When a use is changed to one requiring more or less parking or loading spaces. This also includes all occupied accessory structures.
4. When the number of stalls in an existing parking lot is decreased or increased by twenty-five (25) percent or 6 stalls, whichever is less. Only those stalls and areas proposed to be added or removed shall be subject to the provisions of this Chapter. (Note: proposed expansions of existing parking lots not subject to the minimum parking requirements of this Chapter).

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

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

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

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

F. For Landscape Requirements refer to Chapter 18.36

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

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

I. Shared Parking. The Director may require an applicant to provide proof that shared parking is infeasible when adjacent land uses or business hours of operation are different. Adjoining property owners will submit a joint letter explaining why an agreement can or cannot be reached. (See Section 18.38.180, Shared and Combined Parking Facilities.)

~~J. Compact Parking. No more than thirty (30) percent of total required parking may be devoted to compact cars, provided design standards in Section 18.38.220 are met.~~

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

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

Section 31. Amendment OMC 18.38.080. Olympia Municipal Code Section 18.38.080 is hereby amended to read as follows:

OMC 18.38.080 Administrative variance modifications

A. Project applicants may request an administrative modification to increase or decrease the number of parking spaces for motor vehicles, bicycles and loading otherwise required by this chapter. No modification is

required to increase or decrease the number of required spaces by up to ten percent. Modifications greater than forty percent may only be granted by the Hearing Examiner and only pursuant to the criteria of OMC Chapter 18.66.

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

1. The general criteria for an administrative modification request are:

a. Modification requests may be granted based on the effectiveness of proposed transportation demand management strategies, significance and magnitude of the proposed modification, and compliance with this chapter.

c. Modification requests may be denied or altered if the Director has reason to believe based on experience and existing development practices that the proposed modification may lead to excessive or inadequate parking or may inhibit or prevent regular and intended functions of either the proposed or existing use, or adjacent uses.

2. Submittal Requirements. A report shall be submitted by the applicant providing the basis for more or less parking and must include the following:

a. For modification requests of up to twenty percent:

i. Describe site and use characteristics, specifically:

(A) Site accessibility and proximity to transit infrastructure and transit times;

(B) Site accessibility and proximity to bicycle and pedestrian infrastructure;

(C) Shared and combined parking opportunities; and

(D) Employee or customer density and transportation usage and patternspractices.

ii. Describe and demonstrate alternative transportation strategies such as carpooling, flexible work schedules, telecommuting, or parking fees, if used;

iii. Demonstrate compliance with commute trip reduction measures as required by state law, if applicable;

iv. Identify possible negative effects on adjacent uses and mitigation strategies, if applicable; and

b. For modification requests greater than twenty percent and up to forty percent:

i. Provide the contents of a twenty percent or less request;

ii. If increasing, provide a parking demand study prepared by a transportation engineer licensed in the state of Washington, which supports the need for more parking; or

iii. If decreasing, show that the site is or within six months of occupancy will be within a one-quarter-mile walk to transit service verified by Intercity Transit, and that the site is more than 300 feet from a single-family residential zone.

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

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

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

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

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

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

~~A. GENERAL:~~

~~1. An administrative variance from required parking standards must be received prior to any issuance of building and engineering permits.~~

~~2. Various methods to reduce or increase parking may not be combined to reduce or increase parking by more than forty percent. In addition, any stalls gained through sharing, combining or on-site park and ride shall be counted toward total parking needs. For example:~~

~~Evidence is submitted to support one hundred (100) additional stalls to the five hundred (500) already require;~~

~~Combined parking opportunity = twenty five (25) stalls;~~

~~Twenty (20) percent administrative variance option is used = one hundred (100); additional stalls based on five hundred (500) total, but twenty five (25) have already been found; so~~

~~The total number of stalls derived from administrative variance = seventy five (75) stalls.~~

~~3. The project developer shall present all findings to the Director prior to any final, discretionary approvals; e.g., design review, site plan review, environmental review, or any planning, building or engineering permits. The Director shall authorize an increase in parking, based on compliance with the strategies in Section 18.38.080(C).~~

~~4. Public Notification. Property owners within three hundred (300) feet of a site shall be notified by mail of all variance requests to increase or decrease parking by twenty one (21) to forty (40) percent.~~

B.— CRITERIA TO REDUCE AND INCREASE PARKING.

1.— Decrease in Required Parking. In addition to the following requirements, the Director may require that all or some administrative variance design requirements listed for increased parking be met (e.g., bike racks, landscaping, etc.), and require other measures to ensure all impacts associated with reduced parking are mitigated. Any motor vehicle parking spillover which can not be mitigated to the satisfaction of the Director will serve as a basis for denial.

Decrease of 10% to 20%

The Director may allow a 10% to 20% decrease in required parking after:

1. Shared and combined parking opportunities are fully explored; and
2. On-site park and ride opportunities are fully explored; and
3. Compliance with commute trip reduction measures as required by state law, if applicable; and
4. The site is shown to be no closer than 300 feet from a single-family residential zoned neighborhood; and
5. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects.

Decrease of 21% to 40%

The Director may allow a 21% to 40% decrease in required parking after:

1. Shared and combined parking opportunities are fully explored; and
2. On-site park and ride opportunities are fully explored; and
3. Compliance with commute trip reduction measures as required by state law, if applicable; and
4. The site is shown to be no closer than 300 feet from a single-family residential zoned neighborhood; and
5. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects; and
6. The site is served by transit or can be served within 6 months of occupancy (within 3 blocks or 600 feet, whichever is less).

2.— Increased Parking. Required parking may be increased if the criteria listed below is met to the satisfaction of the Director.

Increase of 10% to 20%

The Director may allow a 10% to 20% increase above required parking after:

1. Shared and combined parking opportunities are fully explored; and
2. On-site park and ride opportunities are fully explored; and

Increase of 21% to 40%

The Director may allow a 21% to 40% increase above required parking after:

1. Shared and combined parking opportunities are fully explored; and
2. On-site park and ride opportunities are fully explored; and

Increase of 10% to 20%

3. Compliance with commute trip reduction measures as required by state law, if applicable; and
4. All design and facility requirements listed in step 5 below are met to the satisfaction of the Director; and
5. A report is submitted which supports the need for more parking.

Increase of 21% to 40%

3. Compliance with commute trip reduction measures as required by state law, if applicable; and
4. All design and facility requirements listed in step 5 below are met to the satisfaction of the Director; and
5. A parking demand study is submitted, as determined by the Transportation Section, which supports the need for increased parking.

[NOTE: The total increase/decrease that is allowed is a percentage of total required parking and is only permitted after exploring other alternate means e.g., combined and shared parking, on-site park and ride lot, commute trip reduction, etc.]

C. — PROCESS TO REDUCE AND INCREASE PARKING.

Requests to reduce parking need only follow steps 1 through 3:

1.— First Step: Submit evidence that decreased/increased parking is necessary. This may take the form of a brief report for all decreases and ten (10) to twenty (20) percent increases. The Director may require additional studies to ensure negative impacts are properly mitigated. A more complete and detailed parking demand study is only required for increases of twenty one (21) percent or more.

2.— Second Step: Describe site characteristics, specifically:

a.— Site accessibility for transit; e.g., pullouts;

b.— Site proximity to transit with fifteen (15) to thirty (30) minute headways (time between buses);

c.— Shared use of on-site parking for park and ride;

d.— Shared use of off-site and adjacent parking;

e.— Shared use of new proposed parking by existing or future adjacent land uses;

f.— Combined on-site parking; e.g., shopping centers;

g.— Employee density (one hundred (100) or more must meet state commuter trip reduction requirements);

h.— Adjacent land uses.

3.— Third Step: Determine if additional parking can be provided by shared and combined parking, on-site park and ride (install one (1) stall for two (2) stall credit), and by commute trip reduction measures.

4.— Fourth Step: If additional parking is still desired, the Director may require the applicant to complete a parking cost worksheet.

5.— Fifth Step: If additional parking is still desired an administrative variance is required. The site plan must meet design elements a — i below. To the extent practical, all requirements found below must be included in a project proposal to the satisfaction of the Director prior to approving any administrative variance to increase parking. In those instances where site constraints impede design requirements, written findings of fact shall be made identifying site and project constraints, and shall be identified in the final project approval letter. In its findings, the Director shall determine if a good faith effort has been made in building and site design in order to accomplish required design elements:

a.— Design internal roadway, parking area, and pedestrian paths to assure access between public and private transportation facilities; access to adjacent land uses; and access within parking lots.

b.— Install pedestrian amenities; e.g., walkways using textures and colors, lighting, arcades, etc.

c.— Explore alternative parking lot designs in order to reduce impervious surface; e.g., one (1) way instead of two (2) way access aisles.

d.— Double the amount of required interior landscape within that area of additional parking (fifty (50) percent of this requirement — if proven to be maintained — may be Grasscrete, Turfblock or other driveable planted pervious surface within areas receiving sporadic use: usually the farthest from the building entrance. This additional landscape area may be dispersed throughout the parking lot.

e.— Ninety (90) percent of the parking lot area shall be located behind the building, without unduly compromising other objectives of this Chapter. Parking lot area along flanking streets shall have added landscape and a superior design to strengthen pedestrian qualities e.g. low walls, arcades, seating areas, public art, etc.

f.— Preferential parking shall be located near primary building entrances for employees who ride share and for high occupancy vehicles (HOVs).

~~g. Purchase and install a transit shelter to meet Intercity Transit operational needs unless already available within six hundred (600) feet, as measured from the middle of the property abutting the rights-of-way. This distance may be increased by Intercity Transit if located in lower density zones.~~

~~h. Construct a transit pullout if requirement in letter g above is used and if Intercity Transit finds it practical. Credit may be given for other Intercity Transit demand management strategies if a transit shelter and pullout are infeasible.~~

~~i. Create a transit/ride share information center and place in a conspicuous location.~~

~~j. Use permeable pavement for all parking and associated drive areas exceeding required parking by 10%.~~

Section 32. Amendment OMC 18.38.060.C. Olympia Municipal Code Subsection 18.38.060.C is hereby amended to read as follows:

OMC 18.38.100 Vehicular and bicycle parking standards

C. Residential Exceptions.

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

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

3. Table 18.01 notwithstanding, senior (age 55 or 62 and over) multi-family housing requires three (3) motor vehicle parking spaces per four (4) units. This exception is at the discretion of the applicant and only applicable if an appropriate age-restriction covenant is recorded.

Section 33. Amendment OMC 18.38.220. Olympia Municipal Code Section 18.38.220 is hereby amended to read as follows:

OMC 18.38.220 Design standards-General

Off-street parking facilities shall be designed and maintained in accordance with the standards of the latest edition of the Transportation and Traffic Engineering Handbook and these hereunder, provided that up to ±530% of parking stalls may be small spaces as described in section B. unless otherwise stated. In the alternative, an applicant may propose and, if providing equal or better function, the Director may approve alternative parking geometrics consistent with the most recent specific standards promulgated by the Institute of Transportation Engineers or the National Parking Association.

A. General Requirements. [NOTE: Also refer to see the specific zone district design standards in this Chapter under of OMC Section 18.38.240.]

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width (ft)	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
A	2-Way Aisle-90° 9.00	9.00	17.5	17.5	26.0 <u>24</u>	61.0 <u>59</u>	61.0 <u>59</u>
A	2-Way Aisle-60° 9.00	10.4	18.0	16.5	26.0 24	62.0 60	59.0 57
A	1-Way Aisle-75° 9.00	9.3	18.5	17.5	22.0 20	59.0 57	57.0 55
A	1-Way Aisle-60° 9.00	10.4	18.0	16.5	18.0 16	54.0 52	51.0 49
A	1-Way Aisle-45° 9.00	16.5	16.5	14.5	15.0 13	48.0 46	44.0 42

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

STANDARD PARKING DIMENSIONS

FIGURE 38-4

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

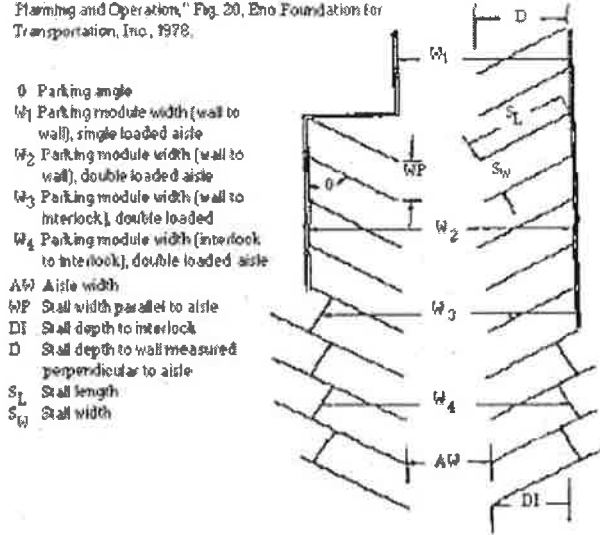


FIGURE 38-5

1. Driveways. Driveways and curb cuts within public rights-of-way shall be in accordance with the Olympia Engineering and Development Standards. Chapter 12.40, Driveways, Curbs and Parking Strips, Sections 12.40.010 through 12.40.060 and 12.40.110 through 12.40.170 and plans for such shall be submitted to and approved by the Public Works Director.
2. Ingress/Egress Requirements.
 - a. The Director, or designee, and after appropriate traffic study, including consideration of total parcel size, frontage on thoroughfares, uses proposed and other vicinity characteristics, shall have the authority to fix the location, width and manner of approach of a vehicular ingress and egress from a building or parking area to a public street and to alter existing ingress or egress as may be required to control street traffic in the interest of public safety and general welfare.
 - b. Generally, but not in all cases, the Internal circulation system and the ingress and egress to commercial or multifamily developments from an access street shall be so designed that the principal point of automobile cross-traffic on the street occurs at only one point--a point capable of being channelized for turning movements. Access shall be shared with adjoining parcels by placing ingress/egress points on shared lot lines, wherever safe and practical. Where parcels are bounded by more than a single street, generally, but not in all cases, access shall be provided only from the street having the lowest classification in the hierarchy of streets as established by the Public Works Director.
3. Maneuvering Areas.

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

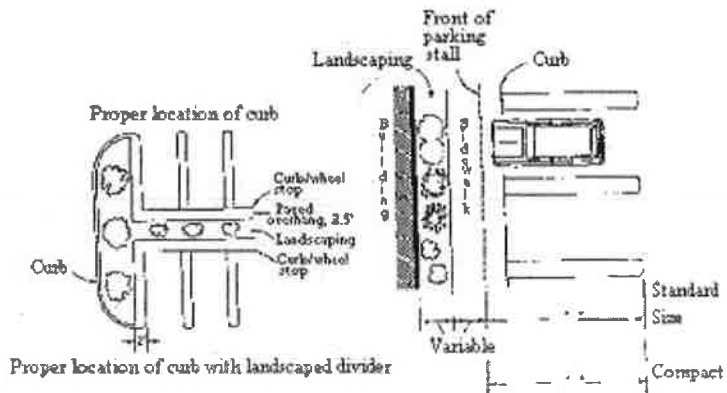


FIGURE 38-6

7. Contiguous parking lots shall not exceed one (1) acre in size. Parking lots exceeding one (1) acre in size shall be separated by a minimum ten (10) foot wide landscaped strip. This strip is in addition to interior and perimeter landscaping and may be used for stormwater management or pedestrian access ~~shall be of a different elevation than the parking lot.~~

8. ~~Downtown~~ Structured Parking Dimensions. Structured parking facilities may be designed to the general design standards found in Figures 38-4 and 38-5 above, Figure 38-7 below, or to the following structured parking design standard: Within parking structures small spaces shall not exceed 1530% of spaces within each structure.

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

B. Compact Car Dimensions, Layout and Circulation.

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

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

Section 34. Amendment OMC 18.64.080.D. Olympia Municipal Code Subsection 18.64.08.D is hereby amended to read as follows:

OMC 18.64.080 Development standards

D. ~~Building, Impervious and Hard Surface Coverage.~~ Outside of 'village' and 'center' districts subject to table 5.05, building and impervious surface Bbuilding coverage for an individual townhouse lot shall not exceed 60%

or the underlying district limit, whichever is greater, and hard surface coverage shall not exceed 70% or the underlying district, whichever is greater. Provided further that total coverage for each townhouse building shall not exceed building, impervious surface and hard surface coverages of the underlying district. the following standards:

1. ~~R4 and R 4-8 Districts: Sixty (60) percent building coverage;~~
2. ~~R 6-12 District: Seventy (70) percent building coverage;~~
3. ~~All other Districts: Same as the underlying district.~~

Section 35. Amendment OMC 18.75.020. Olympia Municipal Code Section 18.75.020 is hereby amended to read as follows:

OMC 18.75.020 Specific appeal procedures

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

1. All Administrative Interpretations/Determinations
2. Boundary Line Adjustments
3. Home Occupation Permits
4. Preliminary Short Plats
5. Preliminary SEPA Threshold Determination (EIS required)
6. Shoreline Exemptions and staff-level substantial development permits
7. Sign Permits
8. Variances, Administrative
9. Building permits
10. Engineering permits
11. Application or interpretations of the Building Code

12. Application or interpretations of the Housing Code
13. Application or interpretations of the Uniform Fire Code
14. Application or interpretations of the Uniform Code for the Abatement of Dangerous Buildings
15. Application and interpretations of the Uniform Code for Building Conservation
16. Land Use (Director) decisions
17. Administrative decisions on impact fees
18. Appeals of Drainage Manual Administrator decisions

B. SEPA.

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

- a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter [197-11](#). All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.
- b. The following threshold decisions or actions are subject to timely appeal.
 - i. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that fourteen (14) day period immediately following issuance of such initial determination.
 - ii. Determination of Nonsignificance or Mitigated Determination of Nonsignificance. Conditions of approval and the lack of specific conditions may be appealed to the Hearing Examiner within seven (7) calendar days after the SEPA comment period expires.
 - iii. Environmental Impact Statement. A challenge to a determination of adequacy of a Final EIS may be heard by the Hearing Examiner in conjunction with any appeal or hearing regarding the associated project permit. Where no hearing is associated with the proposed action, an appeal of the determination of adequacy must be filed within fourteen (14) days after the thirty (30) day comment period has expired.

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

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

i. Findings and conclusions; and

ii. Testimony under oath; and

iii. A taped or written transcript.

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

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

C. Land Use Approval.

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

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

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

D. Building and Fire Permits Appeals.

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

E. Takings and Substantive Due Process Review and Modifications.

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

2. In deciding and resolving any such issue, the Examiner may consider all law applicable to the City. Should the Examiner determine that, but for a taking without just compensation or a violation of substantive due process of law, imposition of any such condition would be required by standard, regulation, or ordinance the Examiner shall so state in the decision and so report to the Olympia City Council. In lieu of failing to impose such condition, the Examiner shall first provide the City with due opportunity to provide just compensation. The Examiner shall specify a time period in which the Council shall elect to or not to provide just compensation. Upon notice of the election of the City Council not to provide such compensation, the Examiner is authorized to and shall, within fourteen (14) days, issue a decision modifying to whatever degree necessary such condition to eliminate the taking or violation of substantive due process.

Section 36. 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 37. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 38. Effective Date. This Ordinance shall take effect on December 1, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



LOW IMPACT DEVELOPMENT

WHAT IS LOW IMPACT DEVELOPMENT (LID)?

Also referred to as “green stormwater infrastructure”, low impact development is an approach to land development that works with nature to manage rainwater as close to where it falls as possible. Smaller scale, dispersed stormwater infiltration areas on a site more closely mimic how water would move through an undisturbed, forested ecosystem.

In practice, low impact development includes such structural best management practices (BMPs) as permeable pavements, green roofs, bioretention and rain gardens, as well as LID development principles like maximum impervious surface standards and native vegetation requirements.

WHY UPDATE OLYMPIA DEVELOPMENT CODES FOR LID?

Stormwater runoff has been found to be a leading contributor of pollution to Puget Sound. Low impact development has been identified as an approach to site development that can help minimize the effects of development on the health of the environment.

Acknowledging this, the Washington Department of Ecology included provisions in the [2013-2018 Western Washington Phase II Municipal Stormwater Permit](#) (Permit) that requires revisions to the City’s codes and standards to make low impact development the “preferred and commonly-used approach to site development”.

Olympia’s development codes include the Engineering Design and Development Standards (EDDS), the Drainage Design and Erosion Control Manual for Olympia (DDECM), and portions of the Olympia Municipal Code (OMC). These three documents have been reviewed for opportunities to strengthen or add LID provisions and are presented as an integrated LID code update package.

HOW WILL THE CODE UPDATES BE ACCOMPLISHED?

The Permit specifies that the code evaluations and process should be consistent with the guidance document prepared by Puget Sound Partnership titled [Integrating LID into Local Codes: A Guidebook for Local Governments](#). The guidebook outlines a six step code revision process that begins with choosing a project team, continues through a comprehensive code analysis and revisions, and ends with code adoption by elected officials.

City staff reviewed existing codes and standards for potential barriers to and opportunities for further support of LID techniques. Twenty-two issue papers were developed to document staff’s findings. The issue papers are further summarized in papers on the following five LID topics: 1) Reducing site disturbance, 2) Minimizing impervious area on sites, 3) Minimizing impervious area for streets, 4) Increasing water quality treatment and infiltration, and 5) Procedures, process and codes.

A workgroup comprised of sixteen local development professionals reviewed staff’s issue papers for technical feasibility and implications. Olympia’s Utility Advisory Committee (UAC), composed of volunteers appointed by the City Council, will study the issues during fall 2015 before making a recommendation to the Planning Commission and City Council at the end of the year. LID supportive codes and standards will be adopted by the Council and in effect mid-2016, prior to the December 31, 2016 Ecology permit deadline.

WHAT IS OLYMPIA'S EXPERIENCE WITH LID?

The Olympia Public Works Department started installing structural LID techniques more than fifteen years ago. For example, in 2007, City Council approved direction for the department on the use of permeable pavements. One of the City's first projects and most commonly utilized installation since then has been pervious sidewalks. Currently, Olympia has more than four miles of pervious sidewalk scattered throughout the City. Staff has developed a map depicting some of the types and locations of LID installations located throughout the City.

Over the years, the City's zoning code and development standards have been updated to increasingly incorporate low impact development-friendly regulations. For example, Olympia reduced street lane widths in 2006 to some of the narrowest in the state. In addition, the City adopted a unique zoning district and associated set of mandatory LID regulations within a highly sensitive watershed, Green Cove, for the purpose of preventing further damage to aquatic habitat from urban development. A comprehensive set of policy revisions covering development density, impervious surface coverage, lot size, open space/tree retention, street design, block sizes, parking, sidewalks and stormwater management requirements were enacted.

Within the context of fostering urban-scale land use, Olympia always seeks to promote environmentally-sensitive development. More detail on Olympia's experience with and use of LID techniques is described in the LID issue papers.

WHAT ARE SOME OF THE CHALLENGES TO IMPLEMENTING LID?

Change is rarely easy or without complication. The following overarching hurdles confront our community in implementing LID:

Challenging in an urban setting- Space constraints on dense urban lots make it more difficult to accommodate stormwater infiltration on site compared to a rural setting.

Competing community objectives- Often there are trade-offs between transportation, stormwater, and community planning objectives. For example, while transportation planning may favor larger cul-de-sacs to easily facilitate solid waste truck turnaround, stormwater planning may support smaller cul-de-sacs in order to reduce impervious surface. An overarching emphasis on stormwater infiltration on site could have unintended consequences. For example higher costs or larger lots could push development to the city outskirts or out of the urban area.

Moves stormwater design to the initial stage of the project design process- Costly investigation of site soils, groundwater levels and native vegetation will be required as a first step of project design, often before a property owner knows if the project is viable.

Changes construction processes and sequencing- LID techniques require the infiltrative capacity of site soils be preserved and not compacted during construction, therefore necessitating changes to the traditional practices and sequencing of construction.

Changes to long-term maintenance- Vegetated LID systems require different types of maintenance than traditional stormwater infrastructure. Similarly, pervious pavements can clog at varying rates based on traffic loading, nearby trees, etc. City crews, as well as property owners, will need to monitor and perform maintenance regularly to preserve functionality and prevent future flooding. Maintenance costs associated with stormwater management could increase.

Requires a shift in how property owners can use their land- Rain gardens and bioretention cells require regular maintenance over time and may conflict with how a property owner would like to use their property.

Unknown costs and life cycles- While some preliminary data exist, LID techniques are often site-specific. It is difficult to generalize costs and long-term life cycles of LID techniques as they are scaled up to a much larger and more widespread level.

The benefits and challenges of low impact development will continue to be evaluated by staff, technical experts, and City Council and its citizen advisory committees. Community discussion is anticipated in early 2016. Specific code revisions will be considered by City Council in mid-2016.



January 14, 2016

Carole Richmond, Chair
Olympia Planning Commission
c/o Todd Stamm, Principal Planner
City of Olympia
PO Box 1967
Olympia, WA 98507-1967

Dear Chair Richmond:

SUBJECT: Utility Advisory Committee (UAC) Review of Low Impact Development Code Revisions

The UAC has reviewed the twenty-two elements of the City's proposed Low Impact Development (LID) Code Revisions during the course of our four meetings this fall. These were developed through a collaboration between SCJ Alliance, Public Works and Community Planning & Development. Public Works staff Eric Christensen, Engineering and Planning Supervisor, and Laura Keehan, Senior Planner, collaborated in facilitating our discussions, with contributions from several other staff.

The UAC supports staff's recommendations for these revisions. However, we hope this letter helps the Olympia Planning Commission and the City Council spend their time and energy efficiently on the potentially important issues in this rather dense and complicated Low Impact Development (LID) Elements document that was provided to the UAC during our review (hereafter referred to as the "Elements document").

Low impact development's fundamental goal is easy to state, though it's not easy to implement (and it's not easy to decide what's really needed to meet it.) The City is supposed to "make LID the preferred and commonly used approach to site development" in order to conform to a new requirement from the Department of Ecology (DOE). DOE administers the federal Clean Water Act in our state, and this requirement is part of the 2013-2018 Western Washington Phase II Municipal Stormwater Permit, which the City is now implementing.

The UAC thinks that a few of the twenty-two elements discussed in the Elements document involve significant policy decisions. They discuss techniques that might be widely applied and that might also deal with significant amounts of water in the locations where they were applied. They also imply increased trouble, and sometimes increased costs, for City staff and/or for developers. In these cases, the City has to decide how much more it wants to require, how "preferred" it wants these techniques to be, and how "commonly used" the City is going to insist on making them.

The UAC would like to see the City utilize LID treatment wherever feasible. From that point of view, the main question is whether it might be possible to adopt a more ambitious requirement than staff currently recommends in any of these potentially significant areas.

At present, staff estimates that at locations in the City that are actively managed for stormwater,

approximately 30 to 40% use LID techniques. The other approximately 60 - 70% of stormwater is managed using traditional techniques, such as treatment ponds and catch basins with filters in storm drains. Overall, roughly 65% of the City's development predates stormwater management requirements and is not treated or it drains to the wastewater collection system and is treated at LOTT's regional wastewater facility. If the City adopts the draft recommendations, staff estimates that the stormwater system can manage roughly 75% of the water in *newly* developed areas with low impact techniques.

However, there's limited development on completely new sites in the City. The proposals won't affect areas that are already developed, unless they are projects with over 5,000 square feet of new or replaced hard surfaces that are being significantly redeveloped. Although they are not discussed in the Elements document, City staff also intends to change their Drainage Design and Erosion Control Manual to alter the thresholds at which a project will be required to retrofit existing impervious surfaces on the site, and that will increase the number of projects requiring retrofits compared with Ecology's standards.

Review of the LID Elements

Administrative Elements - Elements that do not seem to involve significant policy decisions include the following:

Elements #16 - #21 are administrative steps needed to implement the LID actions. They would "help provide consistency and clarity for the design, review procedure and the post construction requirements" for techniques recommended in other sections. (Procedures, Process and Codes Overview, p. 1)

Element 18, Site Assessment, would require evaluating the potential of sites for LID techniques earlier in the application review process. This will likely increase ongoing costs for staff and for developers. For example, increased soils, vegetation, and topography information will be needed early in the project proposal process.

Costs will also increase for construction inspections and ongoing maintenance inspections proposed in Elements #19, Pre and During Construction Inspections and #20 Maintenance Standards and Inspections. However, these seem to be necessary prerequisites to successfully implementing any significant LID techniques.

Minor Elements - Some elements would only make minor changes, because they result in small changes to things the City already requires, because they would only be applied in a few situations, and/or because they would only handle small amounts of water. These elements include:

Element #5 Reduce Impervious Surfaces Associated with Parking Lots. Option 1, as identified by staff, is no change. Option 4 (making it easier to get a variance to install fewer stalls) "would only minimally result in reduced impervious surface." Staff recommends Option 2 (basing required aisle widths on more recent studies) which would reduce required aisle widths by 3%, from our current 61 foot requirement to 59 feet.

Option 3 (requiring pervious paving for “extra” parking above the normal allowance) which would not produce significant reductions since “in many cases” these increases already have to be pervious to meet the zoning limits on total impervious surfaces (Element #5, p. 4). Of course, one might produce larger reductions by requiring permeable pavement in *all* new parking areas, not just “extra” areas; this possibility is one aspect of Element #14, which is discussed in a subsequent section.

Option 6, which would require a certain percentage of compact stalls. This would produce more reductions than Option 5, which would merely allow more compact stalls. Since compact spaces are almost 25% smaller than standard stalls, going from one to the other is a significant reduction in impervious area. However, we currently allow up to 30% of the stalls to be sized for compact cars, and since the Elements document doesn't specify what percentage Option 6 would require, it's unclear whether or not it would increase actual outcomes much.

Element #6 Minimize Size of Cul-de-sacs would take about 600 square feet from the paved area of cul-de-sacs by increasing the radius of the required landscaped circle in their centers. This will be a minor change, particularly since the City already only allows cul-de-sacs in special circumstances where the topography interferes with a gridded street layout.

Element #7 Minimize Street Width. The City has already reduced street widths to the feasible minimums. Reductions of another two feet on a few streets in the Green Cove Creek basin have caused problems. According to page 3 of this section of the Elements document, Ecology now cites our street width standards as a model for low impact development.

Element #8 Increase Street Block Spacing states that increasing the size of allowed blocks would only produce “small, incremental changes” in the number of streets, and that the potential reduction in impervious area is “limited.” The Elements document also notes that smaller blocks help meet a number of the City's transportation goals, like reducing vehicle miles traveled, and that “a lot of work has been done to establish the current spacing requirements.” The UAC didn't have enough details to actually compare the estimated potential gains in pervious surfaces and losses in transportation goals in any quantified way, although staff may be able to provide some in the future.

Element #12 Stormwater Use of Landscaping, recommends Option 2, continuing to allow the use of landscaping areas to help meet stormwater requirements and removing some barriers from current codes. It also notes a number of reasons that developers are unlikely to do much more of this unless it's required, including increased complexity of construction, erosion control and site access challenges, specialized design needs, and increased maintenance costs. Option 3, which would require that some percentage of the landscaping provide stormwater services, might or might not result in significant increases in infiltration.

Element #13 Downspout Infiltration Systems, where staff recommends adding some details to the requirements for roof downspout controls that Olympia has had since 2005.

Element #15 Impervious Pavement with Underdrains, where staff recommends the status quo, which allows underdrains beneath parking lots and other on-site hardscapes. The Elements document states that Option 2, which would allow them under streets as well, has “too many risks and conflicts to be feasible.” (This is a little ironic, since the City's Decatur Street demonstration project is

apparently still working well, but the long list of potential problems in this section makes it seem pretty unlikely that either developers or the City would build roads like this even if the code allowed it.)

Element #22 Green Roofs, Rainwater Reuse, and LID Foundations, where even the incentives staff recommends adopting as the most supportive option “will result in relatively minor reductions in runoff City wide,” because of “limited use of the systems due to the complexity of their construction and maintenance and increased cost of installation.” (Element #22, p. 5)

Substantive Elements - Elements that suggest potentially more important policy and environmental implications include the following:

Element #1 Minimize Site Disturbance. This recommends requiring permits for any grading more than 10 feet (instead of 30) from structures, for clearing and grading of more than 7,000 feet for residential and duplex projects only (instead of 20,000), and for any clearing and grading involving more than 10 cubic yards of soil (instead of 50). Staff also intends to develop code changes to “fully implement an LID approach” to clearing and grading, though those are not yet settled. (Several possibilities are listed on page 7 of Element #1. These all involve continuing to clear and grade, but in more accordance with the natural terrain. Requiring that more of it be left untouched is considered under Element #2.)

Element #2 Retain and Plant “Native Vegetation.” We've put that phrase in quotes because this discussion actually uses it to mean not only “species that occur naturally” but also “species that are well adapted to current and anticipated environmental conditions in Olympia”. In other words, it means anything that's expected to grow well around here. Examples include common drought-tolerant species. (Element #2, p. 1)

Currently, the City only requires the retention of the native plants on the site in critical areas and associated buffers. Trees must be retained or planted in tree tracts in subdivisions with four or more lots. (These are roughly 10% of the site, and do not currently require preservation of “the critical understory vegetation.”) (Element #2, p. 2) The City also currently provides “many exemptions” to tree protection requirements. (Element 2, p. 5)

Option 2, which staff recommends, would add explicit language about protecting understory in tree tract areas. It would require multi-family and some commercial developments to meet the current requirement for a minimum tree density of 30 tree units per acre with trees in a tract rather than continuing to count trees anywhere on the project area toward the requirement. (However, staff also proposes making it easier to meet this expanded requirement by beginning to count stormwater treatment areas as part of any expanded landscaping requirements.) (Element #2, p. 7)

It's important to understand that in any discussion of the City's tree policies a “tree unit” is not the same as a tree. For example, the mature birch in the UAC chair's side yard, which has two trunks, is about 15 “tree units”, so preserving two trees like that on an acre project meets our current requirements. If you plant trees instead, an evergreen tree has to be at least 4 feet high, and deciduous trees have to have trunks at least 1.25 inches thick; it can take quite a while until those that survive over time look or function like what most people think of as trees.

As staff notes with respect to this element “the question is to what *extent* do we regulate the retention of native vegetation?” (Element #2, p. 7) This is probably the most important policy question in the document, since everything else about LID simply attempts to imitate, to the best of our ability, the way in which storm and surface water behaves in undisturbed tracts, and since we might leave much more land undisturbed if we were willing to sacrifice potential development in order to do so.

At this point, our LID requirements for the Green Cove Creek basin “result in the protection of approximately 60% of the overall development plat.” (Element #2, p. 7) This is less onerous than it may sound, because there are extensive wetlands in that area. They can be counted toward meeting this requirement; and they can't be filled and built on in any case because of the Critical Areas Ordinance. (Element #2, p. 8)

Option 3 would “expand the amount of area required as preserved natural vegetation within new development sites.” Staff notes that “Given growth management practices and Olympia's goal of creating relatively dense land uses, the feasibility of applying [the Green Cove Creek basin] regulations to other areas of the City is limited.” However, there's considerable space between preserving roughly 10% of a single family subdivision site or “up to 30% of a multi-family site” which “must include usable space” as the City now requires (Element #3, p. 3), and preserving 60% of it undisturbed. As the Elements document says “other less rigorous preservation requirements” [than the Green Cove Creek basin's 60%] are possible. (Element #2, p. 6)

It also states that “the implications of mandating increased natural vegetation are substantial” and that they would “require extensively revisiting our expectations for future land use.” (Element #2, p. 8) As this suggests, our committee has not had the data or the time to really consider this issue. It is, however, uniformly what engaged citizens who contact the UAC about stormwater issues advocate. If the Planning Commission or Council wish to explore ways to expand LID beyond the recommendations of the Elements document, this should be looked at more.

Element #3 Zoning Bulk and Dimension Standards. As the Elements document states, “a developer will typically... maximize square footages for commercial development and lot or unit count for residential projects.” City goals for increasing density are in harmony with this understandable aim; other City goals including increasing pervious areas are in conflict with it, and the current requirements are “a result of many years of adjustments” among these aims.

For multi-family housing, staff recommends the status quo, rather than increasing restrictions on coverage and/or making up for the reduction in possible units by increasing allowed heights. For single family housing, staff recommends incentives for clustering rather than increasing the requirements for open space in subdivisions. The Elements document also says that these “incentives would need to be compelling to overcome perceived objections to clustering,” which suggests that this step is unlikely to produce much change. Another option, which is not included in the Elements document, might be to incentivize smaller houses – as someone pointed out in our discussion the City currently charges almost the same fees to permit and construct a 400 square foot house and a 2,500 square foot one. Here again, these are basically political decisions about policy that the UAC has not explored in depth.

Element #4 Restrict Maximum Impervious Surface Coverage. This section of the Elements document basically reprises the discussion of Element #3 (above), stressing the need to balance the City's desire for denser development against its desire for more infiltration of stormwater, although these restrictions cover other surfaces like patios and driveways in addition to buildings themselves.

The Elements document recommends Option 3, reducing the limits on total impervious coverage by 5% to 10% for single family residential, multi-family, commercial and industrial zones. (Currently, some of Lacey's commercial zoning limits coverage to 70%, 15% less than we allow in "many" commercial zones.) (Element #4, p. 5)

It notes that, as in Element 3, "building height limits may need to be examined" to allow increases in height to make up for losses in development potential due to area reductions. Of course, the other paved areas included in maximum coverage units, like driveways, can't be allowed to be higher to make up for reductions in area, as the buildings discussed in Element #3 might be. The potential compromise here is that they might be made more permeable. (As noted above, this option is discussed as Element #14, although the Elements document envisions it as an important factor in arriving at the recommended option for a number of different elements.)

Element #9 Require Sidewalks on Only One Side of the Street. Staff recommends the status quo. Most of the discussion of hurdles centers on problems with arterials and other major roads. On local access roads, sidewalks on one side of the street would produce a significant 17% reduction in impervious surfaces. (They would also roughly double the rate at which the City could provide one sidewalk for pedestrians on the many streets where there currently aren't any, although the staff told the UAC that the City would probably still want to put a curb on the side of the street without a sidewalk, so it wouldn't be possible for stormwater to simply go off the pavement and infiltrate on that side.)

The Elements document's discussion of the issues about this option does seem somewhat contradictory. It begins with a quotation from the Low Impact Development Technical Guidance Manual for Puget Sound that says pedestrian accident rates are "similar in areas with sidewalks on one or both sides of the street," and that the limited available assessments "suggest that there's no appreciable market difference" between homes on the side of the street with a sidewalk and those on the side without one, and that the Americans with Disabilities Act "does not require sidewalks on both sides, but rather at least one accessible route from the public streets." (Element #9, p. 1)

Then the Elements document's discussion goes on to stress the importance of sidewalks on both sides for reducing accidents, says that the value of a house on the side without a sidewalk "could be diminished," and that "limitations on sidewalks do affect ADA accessibility." Since we already require sidewalks on only one side of local access streets in the Green Cove and Chambers basins, we should have some actual evidence about whether it's created problems for residents or not, although the Elements document doesn't discuss our actual experience in those areas, and our committee didn't get to that question in our discussion.

The other issue that the discussion raises, about safe walking routes to schools, might perhaps be met by requiring two sidewalks on streets where that's an issue. However, it also seems at least plausible that having a sidewalk on one side of the streets that don't have any now might meet the ADA standard

in the quote and provide safe walking for school kids better than having two sidewalks on half of them and none on the others for the foreseeable future.

Element #10 Minimize Driveway Surfaces, recommends Option 2, a 17% reduction in the maximum width allowed for residential driveways, from 24 feet to 20 feet. Since these represent “as much as 20% of [the] impervious cover in a residential subdivision” (Element #10, p. 1), this might be a fairly significant reduction.

Option 3 would produce “minimal” changes since it would only reduce the width of one-way driveways, and they’re infrequent. Option 4 would create maximum driveway widths for different kinds of commercial projects, but “would not have a large impact” since projects that don’t need a wider driveway generally already build one narrower than the maximum width that’s specified for any commercial project in the current code.

Element #14 Permeable Pavement, The City already requires permeable pavement for sidewalks where it’s feasible (Introduction to Elements #6-#10, p. 1), and is strongly opposed to its use on roadways, so this discussion is basically about whether to require it for parking lots, bikeways, and residential driveways - a good deal of surface. The problems with permeable pavement include construction challenges, uncertain durability and potential replacement costs, higher maintenance costs for regular suction cleaning and periodic testing, and limited feasibility because of factors like soils with poor drainage.

In particular, in our discussion, staff said that the City’s experience maintaining its own pervious projects according to Ecology’s standards has led to 90% reductions in their permeability over time. The Elements document recommends Option 2, which would remove code barriers to its use, but “is not likely to appreciably increase its use by developers at this time.” In fact, the discussion says that “Given the infeasibility criteria, it is likely that most private projects could opt out if desired.” (Element #14, p. 6)

It isn’t clear how these problems about widespread site infeasibility and long term maintenance fit together with the fact that in “many cases” the City allows commercial projects to build parking that would exceed the normal limits on total impervious surface by using permeable pavements, that we “routinely allow” “100% permeable parking lots” (Element #14, p. 2), or the suggestion that reducing the limits on total project coverage in Element #4 could be usefully offset by more use of permeable surfaces. (Element #4, p. 6) In fact, the discussion of Element #4 also suggests “some type of exemption or allowance be made for multi-family, commercial, and industrial sites “where soils do not support use of permeable pavement” (Element #4, p. 6), although this later discussion of the infeasibility criteria makes it sounds as if such an exemption or allowance would actually excuse “most private projects” from this tightened requirement.

The City’s use of permeable sidewalks is also given as a reason that sidewalks on one side of the street are not really needed, but if they are going to lose 90% or more of their permeability over time even with careful regular maintenance, they are going to shed nearly as much water as regular concrete ones.

Element #11 Bioretention Street Section, The UAC's discussion indicates that the City expects to quite significantly increase its reliance on bioretention features, like swales in median strips and in the right of way between curbs and sidewalks. Staff describes the problems associated with maintaining these (and especially about dealing with residents or homeowners' associations about maintaining them as "quite challenging"), and the UAC definitely concurs in that assessment. Staff has not yet worked out a detailed plan for trying to cope with these problems, but is committed to developing one.

If you have any questions, I can be reached via e-mail at tcurtz@ci.olympia.wa.us

Sincerely,



THAD CURTZ
Chair
Utility Advisory Committee

TC/lm

ec: Olympia City Council
Utility Advisory Committee
Rich Hoey, P.E., Public Works Director
Andy Haub, P.E., Water Resources Director
Keith Stahley, Community Planning and Development Director
Leonard Bauer, Community Planning and Development Deputy Director
Todd Stamm, Community Planning and Development Principal Planner

March 21, 2016

Honorable Members
Olympia City Council
P.O. Box 1967
Olympia, WA 98507-1967

Subject: Approval of the *Draft Olympia Municipal Code Revisions, Draft Drainage Design and Draft Erosion Control Manual Revisions, and Draft Engineering Design and Development Standards Revisions* as they pertain to Low-Impact Development

Dear Council Members:

We are pleased to submit this letter recommending approval of the *Draft Olympia Municipal Code Revisions, Draft Drainage Design and Draft Erosion Control Manual Revisions, and Draft Engineering Design and Development Standards Revisions* as they pertain to Low-Impact Development (LID). These revisions have been developed by the Public Works Department and endorsed by the Utility Advisory Committee.

Beginning in January, we received presentations from the staff on the scope and result of their work, which was organized according to the titles of the 22 issue papers they had requested from their technical advisers. Our task was to ask questions, hold a public hearing, and evaluate the work according to whether it complies with the letter and spirit of the 2014 Comprehensive Plan.

The Planning Commission recognizes there are still a number of unanswered questions relating to the adoption of the proposed LID rules and guidance. We agree with staff that it is important to proceed with what we know about reducing stormwater, even if there are still some uncertainties related to implementation and outcomes.

Because of current uncertainties, we suggest maintaining a list of the most important questions and issues that should be addressed *after* approval of the current revisions. It is clear that achieving the City's goal of making LID the preferred approach to land development will take more time and discussion, but the Commission believes we should proceed with caution and treat current revisions as experiments to be included in an "adaptive management" approach. We need to monitor what works and try to improve over time on what does not. As part of this approach, the staff may want to consider reporting on implementation success and "lessons learned" at regular intervals.

One area in which we diverge from staff recommendations is in regard to the percentage of compact parking stalls that should be provided in parking lots (OMC 18.38). While the staff proposes to reduce the amount of compact parking stalls to 15 percent, the Commission recommends retaining the current code's allowances of up to 30 percent.

In summary, we find the proposed draft revisions of the Low-Impact Development regulations and guidance manuals, as modified above, to be in line with the community's vision and State requirements.

Respectfully yours,





Carole Richmond, Chair
Olympia Planning Commission

[Home](#) » [City Utilities](#) » [Storm & Surface Water](#) » [Low Impact Development](#)

Low Impact Development

Featured Links

- [LID Analysis Report](#)
- [LID Technical Manual for Puget Sound \(WSU\)](#) 
- [Olympia Stormwater/Drainage Manual](#)
- [LID Resources and Training](#) 

Navigation

- [Storm & Surface Water](#)
- [Private Stormwater System Maintenance](#)
- [Policies & Regulations](#)
- [Reporting Spills](#)

Upcoming Meetings

- **June 21:** Council Public Hearing, 7:00 p.m., Olympia City Hall

What is LID?

Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage stormwater as close to where it falls as possible.

LID employs principles such as preserving and re-creating natural landscape features, and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

By implementing LID principles and practices, stormwater can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem.

- [View a map of LID projects in Olympia](#)





Low Impact Development Code Revisions

The Washington Department of Ecology recently included provisions in the [2013-2018 Western Washington Phase II Municipal Stormwater Permit](#) that require revisions to the City's codes and standards to make low impact development the "preferred and commonly-used approach to site development".

- **View the May 10, 2016 [City Council briefing presentation](#).** New!

[What is the City required to do?](#)

The revisions need to be designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations. Specifically, the permit requires the City to:

1. Review, revise and make effective local development-related codes, rules, standards, or other enforceable documents to incorporate and require LID principles and LID best management practices (BMPs).
2. Adopt a drainage manual equivalent to Ecology's [2012 Stormwater Management Manual for Western Washington](#)  .

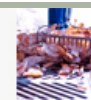
The Permit specifies that the code evaluations and process should be consistent with the guidance document prepared by Puget Sound Partnership titled [Integrating LID into Local Codes: A Guidebook for Local Governments](#). The guidebook outlines a six step code revision process that begins with choosing a project team, continues through a comprehensive code analysis and revisions, and ends with adoption.

[What is the timeline for the code revisions?](#)

- **August 1, 2013** Complete ✓
Department of Ecology re-issues Olympia its Municipal Stormwater Permit requiring code revisions to support Low Impact Development techniques.
- **Spring 2014 - Spring 2015** Complete ✓

Rake a Drain

YOU CAN HELP PREVENT FLOODING



Rain Gardens

LEARN ABOUT OUR REIMBURSEMENT PROGRAM



Aeration

LEARN ABOUT OUR FREE LAWN AERATOR RENTAL PROGRAM



City Calendar

- 06/21** - 08:30 a.m.
[Civil Service Commission Meeting](#)
- 06/21** - 5:30 p.m.
[Study Session](#)
- 06/21** - 7:00 p.m.
[City Council Meeting](#)
- 06/22** - 09:00 a.m.
[Site Plan Review Committee](#)
- 06/22** - 4:30 p.m.
[General Government Committee](#)

→ [View full calendar...](#)

City Updates

LEAD INFORMATION - OLYMPIA'S WATER QUALITY.

In the midst of recent news stories about lead and water quality, we have compiled some helpful information about Olympia's water system, our quality control measures and how you can keep your water safe at home. [More...](#)

SUMMER FIRE SAFETY MOVIE SPECTACULAR!

Olympia Fire Department is having a street party to promote summer fire safety on July 2nd from 10am until 2pm at the Capitol Theater. Enjoy popcorn, ice cream, cool prizes, a screening of Disney's Planes Fire & Rescue, and more! [More...](#)

SUMMER CAMPS - REGISTER NOW!

Did you know we offer summer camps for kids of all ages and interests. Spots fill fast - find your favorite and register now! [More...](#)

2016 ADOPTED BUDGET. 2016 Adopted Operating Budget

is now available to view online. For more information on Olympia's Budget process or how you can be involved please see our [Budget 365 page](#)

SATURDAY DROP-OFF SITE

The Saturday Drop-off Site is open every Saturday from 9:00 a.m. to 2:00 p.m. to accept recycling for free and yard waste

Staff reviews current codes for potential LID updates.

- **Summer 2015** Complete ✓
Draft code revisions reviewed by the [LID Technical Workgroup](#) and public.
- **September 2015 - December 2015** Complete ✓
Utility Advisory Committee review and recommendation to City Council.
- **January 2016 - March 2016** Complete ✓
Planning Commission review and recommendation to City Council.
- **Spring 2016 - Summer 2016**
City Council review of Low Impact Development regulations.

Draft LID Code Revisions New!

The following set of amendments are proposed to Olympia's development regulations in order to make LID stormwater techniques the commonly used approach to site development.

May 2016 - City Council Drafts:

- [Draft Olympia Municipal Code Revisions](#)
 - [OMC Revisions - Summary Table](#)
- [Draft Drainage Design and Erosion Control Manual \(DDECM\) Revisions](#)
- May 2016 - Draft Engineering Design and Development Standards Revisions:
 - [Chapter 2 Revisions](#)
 - [Chapter 3 Revisions](#)
 - [Chapter 4 Revisions](#) [Chapter 4 Revisions - Drawings](#)
 - [Chapter 5 Revisions](#) [Chapter 5 Revisions - Drawings](#)
 - [Chapter 9 Revisions](#)
 - [EDDS Revisions - Summary Table](#)

January 2016 - Planning Commission Drafts:

- [Draft Olympia Municipal Code Revisions](#)
- [Draft Drainage Design and Erosion Control Manual \(DDECM\) Revisions](#)
- January 2016 - Draft Engineering Design and Development Standards Revisions:
 - [Chapter 2 Revisions](#)
 - [Chapter 3 Revisions](#)
 - [Chapter 4 Revisions](#) [Chapter 4 Revisions - Drawings](#)
 - [Chapter 5 Revisions](#) [Chapter 5 Revisions - Drawings](#)
 - [Chapter 9 Revisions](#)

Comment on the Draft Revisions

1. E-mail comments to LIDcode@ci.olympia.wa.us
2. Come to the Olympia City Council Public Hearing on Tuesday, June 21, 2016 at 7:00 PM at Olympia City Hall, 601 4th Avenue East, Olympia, WA 98501.

Other Documents

[LID Technique Issue Papers](#)

Staff developed 22 issue papers that analyze options for how to incorporate low impact development techniques into Olympia's codes and standards.

- [1: Minimize Site Disturbance](#)
- [2: Retain and Plant Native Vegetation](#)
- [3: Zoning Bulk and Dimension Standards](#)
- [4: Restrict Maximum Impervious Surface](#)
- [5: Reduce On-Site Parking](#)
- [6: Minimize Cul-de-Sacs](#)
- [7: Minimize Street Widths](#)
- [8: Increase Street Block Spacing](#)
- [9: Require Sidewalks On Only One Side](#)
- [10: Minimize Driveway Surface](#)
- [11: Bioretention Street Section](#)
- [12: Stormwater Use of Landscaping](#)
- [13: Downspout Infiltration Systems](#)
- [14: Permeable Pavements](#)
- [15: Pavement with Underdrains](#)
- [16: Definitions](#)
- [17: Adopt New DDECM](#)
- [18: LID Site Assessment](#)
- [19: Inspections](#)
- [20: Maintenance](#)
- [21: Variances, Deviations](#)
- [22: Green Roofs, Rainwater Reuse, Foundations](#)

for a small fee. [More...](#)








US 101/WEST OLYMPIA ACCESS PROJECT. Learn about the recommended highway ramp additions on US-101 at West Olympia. [More...](#)

LOW IMPACT DEVELOPMENT. Learn about the Low Impact Development code revision process and comment on the draft revisions. [More...](#)

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

MEETINGS. [Agenda and Minutes](#)
[☰](#) for City Council and most advisory committees.

View additional Research & Resources

- [Integrating LID into Local Codes: A Guidebook for Local Governments](#) 
- [Low Impact Development Code Update and Integration Toolkit](#)
- [2012 Stormwater Management Manual for Western Washington](#) 
- [LID Technical Guidance Manual for Puget Sound](#) 
- [Department of Ecology- Low Impact Development Resources](#) 
- [Western Washington Low Impact Development Operation and Maintenance](#) 
- [Cost Analysis for Western Washington LID Requirements and Best Management Practices](#)
- [2013 - 2018 Western Washington Phase II Municipal Stormwater Permit](#)
- [Integrating Stormwater Best Management Practices into Thurston County Code](#) 
- [Washington Stormwater Center LID Code Update and Integration](#) 

Questions?

Contact Laura Keehan at **360.753.8321** or lkeehan@ci.olympia.wa.us

Stay Informed!

To stay up to date on this project and learn about public involvement opportunities [sign up for our E-newsletter](#).

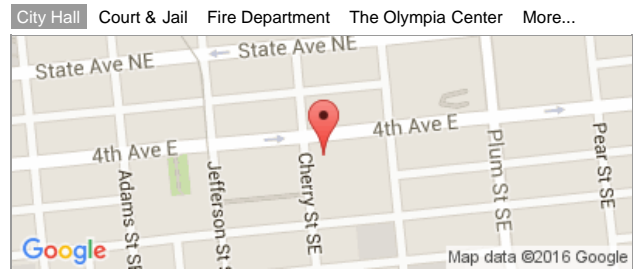
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City Council

Public Hearing on the Community Development Block Grant (CDBG) Program Year 2016 Action Plan

Agenda Date: 6/21/2016
Agenda Item Number: 5.B
File Number: 16-0754

Type: public hearing **Version:** 1 **Status:** Public Hearing

Title

Public Hearing on the Community Development Block Grant (CDBG) Program Year 2016 Action Plan

Recommended Action

Committee Recommendation:

The General Government Committee recommends holding a public hearing to receive public comments on the draft CDBG Program Year (PY) 2016 Action Plan.

City Manager Recommendation:

Hold a Public Hearing on the CDBG Program Year 2016 Action Plan.

Report

Issue:

Whether to hold a public hearing to accept public comments on the draft CDBG Program Year 2016 Action Plan.

Staff Contact:

M. Anna Schlecht, CDBG Program Manager, Community Planning & Development Department
360.753.8183

Presenter(s):

M. Anna Schlecht, CDBG Program Manager, Community Planning & Development Department

Background and Analysis:

Each year the General Government Committee reviews options and develops goals for the coming CDBG Program Year. As identified in the attached CDBG Annual Cycle, this process starts in October or November of the prior program year and concludes with the CDBG Annual Action Plan that is submitted to the federal Housing and Urban Development (HUD) regional office by July 15 of the subject year. CDBG Program Year 2016 will be September 1, 2016 - August 31, 2017.

The City's CDBG allocation for Program Year 2016 will be \$340,892 with an estimated \$150,000 in program income from prior year projects for a total of \$490,892 in CDBG funds. Of this amount, staff

estimates that there will be approximately \$392,714 available for programs and projects during PY 2016.

CDBG Regulatory Guidelines: Federal regulations limit flexibility in project spending in several primary ways:

1. CDBG funds must be allocated for clearly identified, specific projects (i.e., the Isthmus Park Building Demolition in 2015) or for defined programs with clear guidelines for activities (i.e., the CPTED Program).
2. Federal regulations require the timely expenditure of funds to ensure that tax monies are not “banked” indefinitely for the future.
3. Funds for direct social services are capped at 15% of total CDBG expenditures.
4. Over each 3-year period, at least 70% of the City’s CDBG expenditures must provide benefit to low-to-moderate income people.

The attached PY2016 Action Plan project list recommended by General Government Committee meets these requirements.

Committee Recommendation:

The General Government Committee recommended the activities listed in attached PY2016 Recommendations for the CDBG Program Year 2016 Action Plan. Additionally, the committee recommended a revision of the Five-Year CDBG Consolidated Plan strategies to prioritize housing rehabilitation and social services, along with continued activity on the original priority of economic development established in the initial plan.

The Council accepted the proposed PY 2016 CDBG Activities as follows:

- 1) **\$98,178 Program Administration** essential to continue the City’s CDBG program in a compliant manner with federal requirements.
- 2) **\$55,397 CRC Downtown Ambassador Program** Street outreach portion of the walking Ambassador Program that provides referrals and limited services to homeless, mentally ill and other street dependent people. ***Please note:*** *this contains 10% Activity Delivery Costs for staffing. (continuing existing program)*
- 3) **\$27,500 Crime Prevention Through Environmental Design** (CPTED) Program intended to provide loan funds to projects that increase safety and reduce crime downtown. ***Please note:*** *this contains 10% Activity Delivery Costs for staffing. (continuing existing program)*
- 4) **\$200,000 Providence Community Care Center** in downtown Olympia, offering one-time funding for improvements in an existing building to establish this community center intended to serve homeless, mentally ill and other street dependent people. While the primary

beneficiaries of this facility will be the street dependent people who reside in downtown, it is anticipated that there will be significant ancillary benefits for the businesses as well as the cultural and economic environment of downtown.

- 5) **\$44,817 Micro-Enterprise or small business training programs** for low- and moderate-income entrepreneurs and business owners. ***Please note:*** *this contains 10% Activity Delivery Costs for staffing.*
- 6) **\$65,000 - Housing Rehabilitation:** Funding for housing rehabilitation projects that improve the quality of existing housing for low- and moderate-income people. ***Please note:*** *These funds were originally proposed for the annual debt service payment on the City's Section 108 Loan Guarantee Program, however, an amendment to the current PY 2015 CDBG Annual Action Plan funded the pre-payment of this annual obligation. Contains 10% Activity Delivery Costs for staffing.*

CDBG Public Process:

Tonight the Council will hold a public hearing as part of the CDBG public process required by our CDBG Citizen Participation Plan, which calls for a 30-day period to allow review of the specific activities and locations where the City proposes to invest CDBG funds in PY 2016. The City has notified citizens and other stakeholders of this public process, described as follows:

June 10, 2016: Commencement of CDBG Public Process

The City prepared the draft PY 2016 CDBG Annual Action Plan and released it for review and public comment on Friday, June 10, 2016. This plan was made available in the full HUD required format as well as an auxiliary four-page "***CDBG Citizens Summary***" for easier citizen access to the information. This 30-day public comment period (June 10, 2016 - July 11, 2016) was announced as follows: 1) published legal notice; 2) City website notice; 3) direct email notice to stakeholders; and, announcements at appropriate community meetings of stakeholders.

Citizens are advised to submit their comments in one of the following methods:

Email: citycouncil@ci.olympia.wa.us <<mailto:citycouncil@ci.olympia.wa.us>>
Mail: Olympia City Council, PO Box 1967, Olympia, WA 98507
Testify: Public Hearing, 7 pm Tuesday June 21, 2016

June 21, 2016: Public Hearing

Council will hold a public hearing during the 30-day public comment period on the draft PY 2016 CDBG Annual Action Plan in order to receive public comments.

July 11, 2016: Closure of Public Process:

After 30 days, the City will close the CDBG public process, collect all public comments and incorporate them into the final draft PY 2016 Annual Action Plan. The City will finalize the

draft PY 2016 CDBG Action plan for review and submittal.

July 12, 2016: Council Approval

Council to review and approve the draft PY 2016 CDBG Annual Action Plan, and direct staff to submit the full document to HUD on or before July 15, 2016.

July 15, 2016: Submission of Annual Action Plan: The City will submit the PY 2016 CDBG Annual Action plan to HUD.

Neighborhood/Community Interests:

All Olympia residents have an interest in how CDBG funds are allocated. A 30-day public comment process, including tonight's public hearing, is required before the City Council adopts the PY 2016 CDBG Action Plan.

Options:

1. Hold a public hearing on the draft PY 2016 CDBG Action Plan.
2. Delay the public hearing on the draft PY 2016 CDBG Action Plan and direct staff to conduct further research on one or more potential projects for further consideration. Please note this option may risk loss of funding by delayed submittal to HUD.

Financial Impact:

The City will receive \$340,892 in PY 2016 CDBG funds along with an estimated \$150,000 in prior year program income for a total of \$490,892.

Attachments

PY2016 CDBG Recommendations
CDBG Program Milestones

DRAFT CDBG PY 2016 ACTIVITIES

7

Project	Meets 70% LMI Benefit	Allocation
General Administration	N/A	\$ 98,178
Housing Rehabilitation <i>(In place of Section 108 Payment*)</i>	Yes	\$ 65,000**
CRC Downtown Ambassador Program	Yes	\$ 55,397*
Crime Prevention Through Environmental Design (CPTED)	Yes: If low-mod income	\$ 27,500**
Providence Community Care Center	Yes	\$ 200,000
Business Training Programs: <ul style="list-style-type: none"> • Micro Business Assistance - Start-ups \$18,953 • Existing Small Business – Tune-ups \$25,953 	Yes	\$ up to 44,817**
Totals		\$490,892

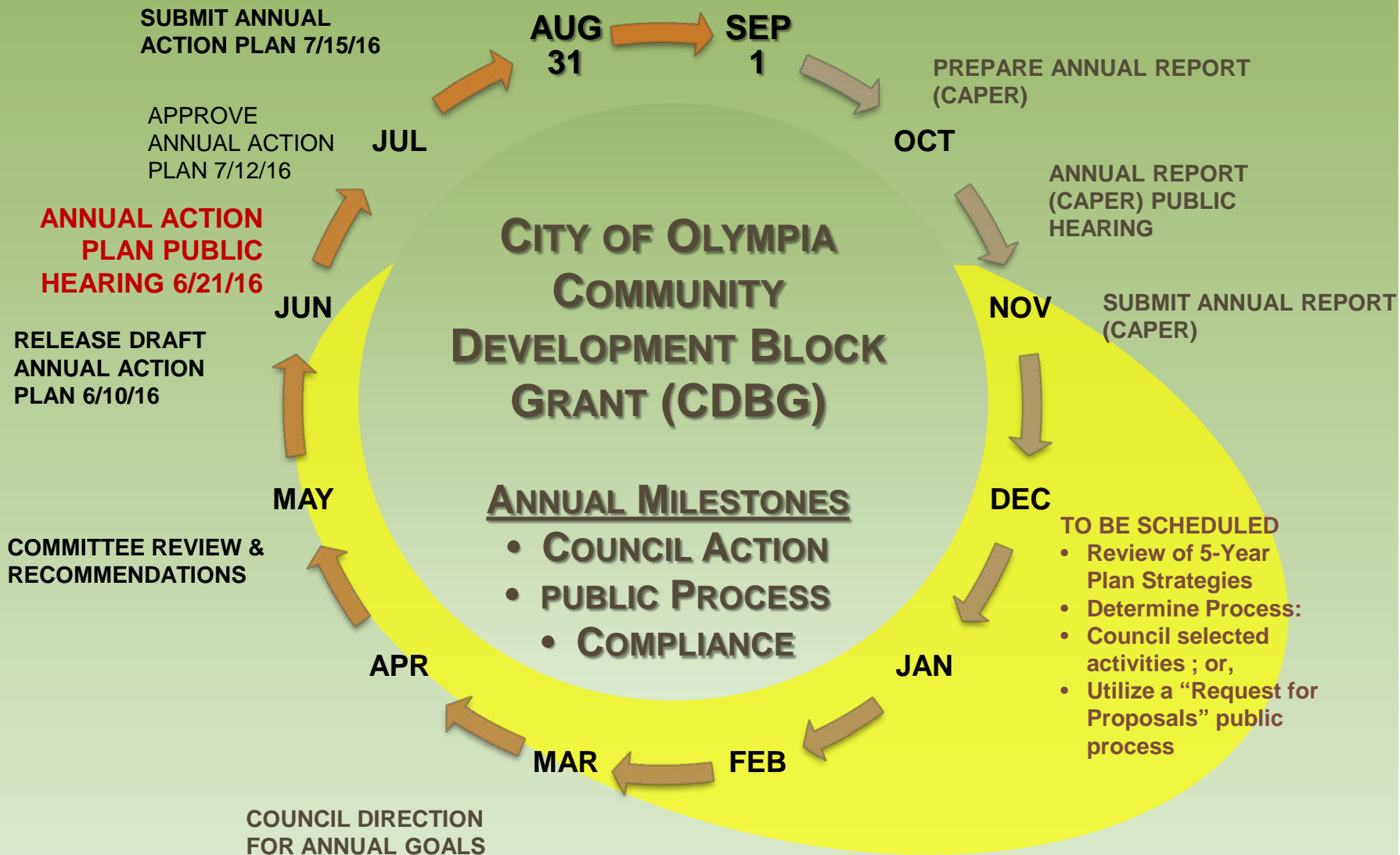
* *Section 108 payment was pre-paid during PY 2015, no PY 2016 Payment required*

** Includes estimated 10% activity delivery costs

OLYMPIA CDBG PROGRAM – ANNUAL CYCLE

PROGRAM YEAR ENDS

PROGRAM YEAR STARTS





City Council

Downtown Ambassador Early Morning Clean Team Update

Agenda Date: 6/21/2016
Agenda Item Number: 6.A
File Number: 16-0743

Type: report **Version:** 1 **Status:** Other Business

Title

Downtown Ambassador Early Morning Clean Team Update

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive the update on the human waste collection data from April 1, 2016 - May 30, 2016 and the impacts of human waste to business and the neighborhood community.

Report

Issue:

Whether to receive the update on the human waste collection data and the impacts of human waste on businesses and the neighborhood community.

Staff Contact:

Mark Rentfrow, Downtown Liaison, Community Planning and Development, 360.570.3798

Presenter(s):

Mark Rentfrow

Background and Analysis:

In April of 2016, the City of Olympia signed a contract addendum with Capitol Recovery Center to provide 7-day a week Clean Team support with the intent of collecting human waste during early morning hours before businesses and patrons could be affected

The Initial priorities of the Clean Team expansion included:

1. Reducing the current state of human waste on the streets and alleys of Downtown Olympia
2. Training and Certifying Clean Team members for all health and safety precautions
3. Maintaining a Downtown environment that is sanitary and welcoming for all

The Early morning human waste collection service went live Friday April 15. Between April 1, and May 30, 2016 The Clean Team and the Downtown Ambassadors have identified 104 site specific

instances in Downtown Olympia where human waste was collected. This information was collected through the Downtown Ambassador Program (**See the attached May Human Waste Management DAP**)

Nearly 70 business in Downtown Olympia were impacted by human waste issues during this time (**See Attached Human Waste Map**)

Neighborhood/Community Interests (if known):

The Downtown Neighborhood Association along with various business leaders, property owners and citizens of Downtown have indicated that human waste is an urgent issue and that the need exists for a more long term solution for human waste collection. (Public Restrooms)

Options:

1. Receive the update on the human waste collection data and the impacts of human waste on businesses and the neighborhood community.
2. Do not receive the update.

Financial Impact:

Unknown

Attachments:

May Human Waste Management DAP
Human Waste Map

Human Waste Management by DAP

Date	Location	Business Affected	Amount	Reported	Result	Notes	Time taken to remove waste
May							
5/1/2016	Behind 114 4th Ave E	McMenamins Spar Café	1 deposit	Found by Clean Team	Removed by Clean Team	By dumpsters	
5/2/2016	425 Franklin St SE	Big Whiskey Saloon	1 deposit	Found by Clean Team	Removed by Clean Team		
5/3/2016	Alley Behind 209 4th Ave E	Free Wall	1 deposit	Found by Clean Team	Removed by Clean Team		
5/3/2016	Alley next to 108 Franklin St NE	Old School Pizzeria	1 deposit	Found by Clean Team	Removed by Clean Team		
5/4/2016	420 Franklin St SE	Art House Designs	1 deposit	Found by Clean Team	Removed by Clean Team	By entrance	
5/4/2016	324 4th Ave E	Adam's Market	1 deposit	Found by Ambassadors	Removed by Ambassadors	On sidewalk	
5/6/2016	Corner of Water and State	Parking Lot	1 deposit	Found by Clean Team	Removed by Clean Team		
5/9/2016	510 Franklin St SE	YMCA	1 deposit	Found by Clean Team	Removed by Clean Team		
5/9/2016	Alley Behind 209 4th Ave E	Free Wall	1 deposit	Found by Clean Team	Removed by Clean Team		
5/9/2016	Behind 125 Columbia St NW	Mekong Thai Restaurant	1 deposit	Found by Clean Team	Removed by Clean Team		
5/10/2016	Alley next to 515 State Ave NE	Pilates at Play	1 deposit	Found by Clean Team	Removed by Clean Team		
5/10/2016	Alley next to 312 4th Ave E	OlyMEGA Makerspace	1 deposit	Found by Clean Team	Removed by Clean Team	By OlyMEGA entrance	
5/10/2016	510 Franklin St SE	YMCA	1 deposit	Found by Clean Team	Removed by Clean Team	Behind YMCA	
5/10/2016	205 4th Ave E	Rush In Dumplings	1 deposit	Found by Clean Team	Removed by Clean Team	On sidewalk	
5/10/2016	701 Franklin St SE	First Christian Church	1 deposit	Dispatch Call	Removed by Ambassadors	On sidewalk	45 minutes
5/11/2016	407 4th Ave E	Pet Works	1 deposit	Found by Clean Team	Removed by Clean Team		
5/11/2016	Alley next to 512 Washington St SE	Washington Center	1 deposit	Found by Clean Team	Removed by Clean Team		
5/11/2016	Corner of Franklin and State	Bayside Quilting	1 deposit	Found by Clean Team	Removed by Clean Team		
5/12/2016	403 Columbia St SW	Earth Magic	1 deposit	Dispatch Call	Removed by Clean Team		
5/12/2016	223 5th Ave SE	Washington Business Bank	1 deposit	Found by Clean Team	Removed by Clean Team	Parking Lot	
5/12/2016	311 4th Ave E	Jake's On 4th	1 deposit	Found by Clean Team	Removed by Clean Team	Behind Building	
5/13/2016	Alley next to 515 State Ave NE	Pilates at Play	1 deposit	Found by Clean Team	Removed by Clean Team		
5/14/2016	Alley next to 515 State Ave NE	Pilates at Play	1 deposit	Found by Clean Team	Removed by Clean Team		
5/14/2016	Behind 114 4th Ave E	McMenamins Spar Café	1 deposit	Found by Clean Team	Removed by Clean Team	Behind Building	
5/14/2016	106 4th Ave W	Olympia Gear Exchange	1 deposit	Found by Clean Team	Removed by Clean Team	On sidewalk	
5/15/2016	311 4th Ave E	Jake's On 4th	1 deposit	Found by Clean Team	Removed by Clean Team		
5/15/2016	212 4th Ave W	Lemon Grass Restaurant	1 deposit	Found by Clean Team	Removed by Clean Team	Behind Building	
5/15/2016	704 4th Ave E	Sizisis Coffee House	2 deposit	Found by Clean Team	Removed by Clean Team	Behind Building	
5/16/2016	100 4th Ave E	Sherburne Antiques	1 deposit	Found by Clean Team	Removed by Clean Team	Behind Building	
5/16/2016	106 4th Ave W	Olympia Gear Exchange	1 deposit	Found by Clean Team	Removed by Clean Team		
5/16/2016	Alley next to 512 Washington St SE	Washington Center	1 deposit	Found by Clean Team	Removed by Clean Team	Alley way	
5/16/2016	421 4th Ave E	Cryptatropa Bar	1 deposit	Found by Clean Team	Removed by Clean Team		
5/16/2016	119 Washington St NE	Mixx 96.1	1 deposit	Found by Clean Team	Removed by Clean Team		
5/16/2016	Parking lot behind 600 Franklin St SE	Thurston First Bank	2 deposit	Found by Clean Team	Removed by Clean Team	In Parking Lot	
5/16/2016	Alley next to 515 State Ave NE	Pilates at Play	1 deposit	Found by Clean Team	Removed by Clean Team		
5/17/2016	505 Plum St SE	5th Ave Fitness	1 deposit	Found by Clean Team	Removed by Clean Team	Parking Lot	
5/17/2016	620 Legion Way SE	Gloryhouse Foursquare Church	1 deposit	Found by Clean Team	Removed by Clean Team		
5/17/2016	116 Legion Way SE	Former Urban Onion	1 deposit	Found by Clean Team	Removed by Clean Team	Behind Building	
5/17/2016	318 4th Ave E	Rj's Gourmet Grill	1 deposit	Found by Clean Team	Removed by Clean Team	Behind Building	
5/19/2016	114 4th Ave E	McMenamins Spar Café	1 deposit	Found by Clean Team	Removed by Clean Team		
5/19/2016	Alley next to 512 Washington St SE	Washington Center	1 deposit	Found by Clean Team	Removed by Clean Team	Alley way	
5/20/2016	123 5th Ave SW	Hannah's Bar & Grille	1 deposit	Found by Clean Team	Removed by Clean Team		

Human Waste Management by DAP

Date	Location	Business Affected	Amount	Reported	Result	Notes	Time taken to remove waste
5/21/2016	212 4th Ave E	King Solomon's Reef	1 deposit	Found by Clean Team	Removed by Clean Team	Parking Lot	
5/23/2016	705 4th Ave E	Courtyard Antiques	1 deposit	Found by Clean Team	Removed by Clean Team	Parking Lot	
5/23/2016	Alley next to 220 Legion Way SE	Selden's Home Furnishings	2 deposits	Found by Clean Team	Removed by Clean Team	Alley way	
5/24/2016	315 5th Ave SE	Propel Insurance	1 deposit	Found by Clean Team	Removed by Clean Team	Parking Lot	
5/24/2016	Alley next to 515 State Ave NE	Pilates at Play	1 deposit	Found by Clean Team	Removed by Clean Team	Alley Way	
5/27/2016	212 4th Ave E	King Solomon's Reef	1 deposit	Found by Clean Team	Removed by Clean Team		
5/31/2016	Alley next to 515 State Ave NE	Pilates at Play	1 deposit	Found by Clean Team	Removed by Clean Team		
5/31/2016	100 4th Ave E	Sherburne Antiques	1 deposit	Found by Clean Team	Removed by Clean Team	Parking Lot	
5/31/2016	Alley next to 119 Capitol Way N	Brotherhood Taven	1 deposit	Found by Clean Team	Removed by Clean Team	Alley Way	
5/31/2016	113 Columbia St NW	Midnight Sun	1 deposit	Found by Clean Team	Removed by Clean Team	Behind Building	

Downtown Olympia site locations for Clean Team human waste collection April & May 2016





City Council

Approval of an Ordinance Imposing an Excise Tax on Certain Unearned Income of Residents in the City of Olympia

Agenda Date: 6/21/2016
Agenda Item Number: 6.B
File Number: 16-0778

Type: ordinance **Version:** 1 **Status:** Other Business

Title

Approval of an Ordinance Imposing an Excise Tax on Certain Unearned Income of Residents in the City of Olympia

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Do not pass the substitute ordinance; instead allow the ordinance supported by the citizen petition to proceed to the ballot for voter consideration.

Report

Issue:

Whether to support a substitute excise tax ordinance to be imposed on residents of City.

Staff Contact:

Steve Hall, City Manager, 360.753.8244

Presenters:

Steve Hall, City Manager

Background and Analysis:

Background:

1. In April, the City of Olympia became aware of a petition drive to place a ballot item before voters that would impose an excise tax on household incomes in excess of \$200,000. Subsequent legal and administrative analysis determined significant challenges, inconsistencies and concerns.
2. On May 17, the City Council passed, on a 4 - 3 vote, a motion to direct City staff to prepare a substitute ordinance that changed the proposal to a graduated income tax on all Olympia households.
3. On June 14, the Council reviewed the graduated income tax ordinance. After discussion, the

Council, on a 4 - 3 vote, agreed to change the draft ordinance to a tax on unearned income.

Analysis: City staff lacks the expertise and time to provide reliable information on this topic. Tax law is extremely complex. Staff cannot advise the Council on who would be impacted, how much revenue would be generated or what rate to apply. While some administrative issues have been addressed in the latest ordinance, questions and concerns about tax collection, auditing, enforcement and distribution remain.

Neighborhood/Community Interests:

N/A

Options:

1. Adopt the draft ordinance on first reading.
2. Amend the ordinance.
3. Decide not to support a substitute ordinance and allow the original initiative to move forward.

Financial impact:

The financial impact of the proposed initiative is undeterminable at this point. City staff has no reliable information about the amount of funds that might be generated by a tax on unearned income.

Attachments:

- Substitute Ordinance to Impose a Tax on Olympia Residents for Certain Unearned Income
Draft Ordinance with Mark Up by Mayor Pro Tem 6-16-16

Opportunity for Olympia – Draft Council Ordinance

This measure would provide funding for ~~up to~~at least one year of community or technical college tuition for each City of Olympia public high school graduate or GED high school equivalency certificate recipients, or an equivalent amount of money for such public high school graduates and GED recipients who choose to attend public universities and colleges in the State of Washington, or any public school included in the Western Undergraduate Exchange (WUE). All funds (less reasonable administrative costs) must be spent on tuition. The measure would be funded by establishing an excise tax of 4% on unearned income from wealth, in the form of taxable interest, ordinary dividends, and net capital gains only for those households with adjusted gross income in excess of \$150,000 in the City of Olympia ~~tax on unearned income on all City of Olympia taxpayer adjusted gross income.~~

AN ORDINANCE of the City of Olympia, Washington imposing an excise tax measure based on unearned income ~~from wealth~~ with reference to the federal tax on ~~individual household~~ income, the revenues therefrom to be dedicated to ~~all or a portion of~~ tuition for at least one year of community or technical college for each year's City of Olympia public high school graduates or General Education Development Certificate ("GED") recipients, or an equivalent amount of money for such public high school graduates and GED recipients who choose to attend, public universities and colleges in the State of Washington or any public school in the Western Undergraduate Exchange; establishing a special fund; and providing for an advisory vote of the electors of the City.

WHEREAS, making higher education more affordable and accessible for public high school graduates and GED recipients will lead to opportunities for further education and jobs and to a higher quality of life for all citizens; and

WHEREAS, the City of Olympia has a significant interest in making higher education more affordable and accessible for its high school graduates and GED recipients: and

WHEREAS, RCW 35A.11.050 provides, in part, that the general grant of municipal power conferred on cities by Chapter 35A RCW "is intended to confer the greatest power of local self-government consistent with the Constitution of this state and shall be construed liberally in favor of such cities. Specific mention of a particular municipal power or authority contained in this title or in the general law shall be construed as in addition and supplementary to, or explanatory of the powers conferred in general terms by [that] chapter": and

WHEREAS, RCW 35A.11.020 provides, in part, that "the legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law", specifically including the rendering of educational services commonly or conveniently rendered by cities; and

WHEREAS, RCW 35A.11.020 also provides that “legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, 82.36.440, 48.14.020, and 48.14.080”; and WHEREAS, RCW 35A.82.020 additionally authorizes code cities “to impose excises for regulation or revenue in regard to all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades and professions and any other lawful activity”;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OLYMPIA DO ORDAIN as follows:

Section 1. Legislative Findings and Intent. The above recitals are adopted and confirmed as if set forth here in full. To the extent revenues from the tax imposed by this Ordinance and other legally available amounts allocated for that purpose by the City Council are sufficient, the Council intends to fund ~~not to exceed~~at least one year of tuition for community or technical college in the State of Washington for each year's City of Olympia public high school graduates and GED recipients, or an equivalent amount of money for such graduates and GED recipients who choose to attend public universities or public colleges in the State of Washington, or any public school in the Western Undergraduate Exchange. The City Council intends to raise such funds through the exercise of the City of Olympia's power under RCW 35.11.050, RCW 35A.11.020, and RCW 35A.82.020 by imposing an excise tax on wealth measured with reference to the federal tax on ~~individual~~ unearned income received by households with adjusted gross income in excess of \$150,000.

Section 2. Definitions.

The definitions in this section apply throughout this Ordinance unless the context clearly requires otherwise.

(1) The terms “community college” and “technical college” mean the public community colleges and public technical colleges in the State of Washington governed under chapter 28B.50 RCW.

(2) The terms “university” and “college” mean any public university or public college in the State of Washington governed under chapter 28B.10 RCW, together with any public institution included in the Western Undergraduate Exchange (WUE) for the relevant academic year.

~~(3)~~ “Academic Year” means three (3) academic quarters or two (2) academic semesters

~~(4)~~ “Adjusted gross income” means adjusted gross income as determined under the federal internal revenue code (line 37 of the 2015 IRS 1040 form). A federal individual income tax return filed with the United States Internal Revenue Service (“IRS”) creates a presumption of a taxpayer’s income for purposes of this chapter.

~~(5)~~ “Department” means the Administrative Services department that the city manager directs to implement the provisions of this Ordinance.

~~(6)~~ “GED” means General Education Development Certificate.

(75) "Gift aid" means financial aid received from federal and state grant and scholarship programs that provide funds for educational purposes with no obligation of repayment. Student loans and work study programs are not included.

~~(6) "Income" means income as determined under the Internal Revenue Code. A federal income tax return filed with the United States Internal Revenue Service creates a presumption of a taxpayer's income for purposes of this Ordinance.~~

(87) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective at any time, or from time to time, for the relevant taxable year.

(98) "Qualified student" means an individual who:

(a) earned either a high school diploma from a public high school ~~in the City of Olympia, Washington~~ or a GED as provided under RCW 28A.305.190; and

(b)(i) ~~legally~~ resided or was domiciled in the City of Olympia during the entire academic year ~~preceding the date on which he or she received a high school diploma or GED in which he or she received a high school diploma or GED~~; or

(ii) had no regular, fixed residence but was domiciled in the City of Olympia in a temporary shelter, institution or place not ordinarily used as a residence during at least 50% of the year preceding the date on which he or she received a high school diploma or GED; and

(c) enrolled in a community college, technical college, university or college within two years of ~~earning~~ receiving a high school diploma or GED.

(109) "Resident taxpayer" means a taxpayer who:

(a) has maintained a residence or domiciled in the City of Olympia for the entire taxable year; or

(b) is not domiciled in the City of Olympia ~~for the entire taxable year, but resides in the City of Olympia more than one hundred eighty-three days of the taxable year in the aggregate, but maintains a permanent place of abode in the City of Olympia and spends in the aggregate more than one hundred eighty three days of the tax year in the City of Olympia~~, unless the individual establishes to the satisfaction of the department that the individual is in the City of Olympia only for temporary or transitory purposes; or

(c) ~~claims lists~~ the City of Olympia as residence for federal income tax purposes.

(110) "Tax" means the excise tax on wealth established by this Ordinance, unless the context requires a different meaning.

(12) "Taxpayer" means (i) an individual who is not married, who is a surviving spouse or who does not make a single return jointly with his or her spouse; or

(ii) a married couple filing jointly for federal income tax purposes.

(11) "Taxpayer" means a taxpayer as defined in Section 7701 of the Internal Revenue Code who is subject to a tax imposed under Section 1 of the Internal Revenue Code, excluding estates and trusts. As used in this ordinance, and by way of example, a taxpayer may be a married individual who makes a single return jointly with his spouse, a surviving spouse, an unmarried individual (other than surviving spouses and heads of households), a married individual filing a separate return, or other categories of taxpayer as defined in Section 7701 of the Internal Code, excluding estates and trusts.

(12) "Year" means (3) academic quarters or two (2) academic semesters

(13) "Unearned Income" means solely taxable interest, ordinary dividends, and net capital gains as determined under the Internal Revenue Code (lines 8a, 9a, and 13 of the 2015 IRS 1040 form). For purposes of this ordinance, unearned income does not include business net income, taxable IRAs, pensions, unemployment compensation, Social Security benefits, and self-employed retirement benefits. taxable interest, ordinary dividends, and net capital gains as determined under the Internal Revenue Code (lines 8a, 9a, and 13 of the 2015 IRS 1040 form).

Section 3. Imposition of Excise Tax.

(1) The tax imposed by this Ordinance is effective with respect to income received on and after January 1, 2017.

(2) An annual excise tax is imposed on each resident taxpayer with adjusted gross income in excess of \$150,000 in an amount equal to ~~—~~4.0 percent of the amount shown as that taxpayer's unearned income on the taxpayer's federal income tax return.

(3) Every resident taxpayer subject to the tax assessed under this Ordinance shall make and file a local return, and pay the tax owed, on or before April ~~15~~30th of the year following the taxable year.

(4) Within three months from the final determination of any federal tax liability affecting a taxpayer's liability for the tax imposed under this Ordinance, such taxpayer shall make and file an amended local return based on such final determination of federal tax liability, and pay any additional tax shown due thereon or make claim for refund of any overpayment.

(5) All taxes imposed under this Ordinance and remaining unpaid after they become due shall bear interest at the rate of 1% per month or fraction thereof. At the department's discretion, the department may abate the interest owed, in whole or in part, upon showing of good cause.

Section 4. Establishment of the Opportunity for Olympia Fund.

(1) A fund of the City called the "Opportunity for Olympia Fund" is hereby created to support grants for higher education to qualified students.

(2) All revenues from the tax imposed by this Ordinance must be deposited in the fund and used for the purposes set forth in this Ordinance.

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(3) The City of Olympia may (but is not required to) solicit and receive grants and or other bequests from public and private entitles, including commercial enterprises, individuals, and foundations, to be deposited in the fund and used for the purposes set forth in this Ordinance.

(4) The total revenue received from the proceeds of the tax imposed less reasonable administrative fee, ~~not to exceed 15% of the proceeds of the tax~~ ~~+~~ will be devoted to grants or other related educational services under Section 5 of this Ordinance.

(5) Pending the receipt of excise taxes imposed by this Ordinance, the City may issue short-term obligations pursuant to chapter 39.50 RCW to pay for any portion of the costs of the ~~Olympia Grant Program~~ ~~Opportunity for Olympia Grant Program~~. Such short-term obligations may be paid or refunded with the tax proceeds received by the City.

Section 5. Opportunity for ~~Olympia Grant Program~~ ~~Opportunity for Olympia Grant Program~~.

(1) A qualified student shall be eligible for a grant under this section each ~~academic quarter or academic semester~~ ~~term~~ that such student is enrolled in one or more courses that are either:

(a) offered at a community college or technical college for one or more credits that can be applied to (i) a one-year or two-year curriculum for students who plan to transfer to another post-secondary institution of education ~~or to participate in an upper division/applied bachelor's degree provided through a community college~~; (ii) an associate's degree; (iii) a program in career and technical education; (iv) Basic Education for Adults; (v) Integrated Basic Education Skills Training; or (vi) such other programs as the department determines are appropriate; or

(b) offered for credit at a college or university.

(2) Except as provided in paragraphs (3) and (4) of this section, the amount of a grant shall not exceed the actual cost of tuition for courses satisfying the criteria in paragraph (1) of this section, including tuition as defined in RCW 28B.15.020, less other gift aid received by the student that is and must be dedicated solely to such tuition.. The department, in administering this program, shall take all reasonable steps to minimize the impact of grants awarded under this subsection (2) on other gift aid.

(3) Except as provided in paragraph (4) of this section, the total amount of dollars in grants awarded to a particular student under this chapter must not exceed the current average cost of tuition and fees for one academic year at South Puget Sound Community College, as determined by the department.

(4) The total amount of dollars in grants awarded in a calendar year under this chapter shall ~~not~~ ~~never~~ exceed the amount of dollars ~~deposited~~ in the fund ~~the prior tax year~~ ~~balance~~. If funds are insufficient, the department, in consultation with the City Council, will determine the priority by which grants are awarded.

(5) At the end of a taxable year in which more than 10% of the revenues deposited in the fund during the prior taxable year are not disbursed, the department may,

- (i) dedicate the surplus, or any portion thereof, to fund grants that exceed the one-academic-year limit of subsection (3) and award up to a second year of tuition for qualified students; and/or
- (ii) implement or support programs or policies that improve the academic success or completion rates for students who receive or will be eligible for a grant under this chapter.

(6) Nothing in this Ordinance shall be deemed to create an enforceable right in any individual to receive a grant under this section.

Section 6. Implementation and Accountability.

- (1) The City Manager is authorized to adopt any rules, procedures, forms and policies, to execute contracts and agreements, as he or she deems appropriate and to coordinate with any other public or private entity, including but not limited to the Olympia School District, the Washington Student Achievement Council, the Washington State Department of Revenue, and the Internal Revenue Service, to implement the provisions of this Ordinance. Rules adopted by the City Manager may, among other things, provide mechanisms by which taxpayers may, or may be required to, make partial payments or to have payment deductions in order to provide for the payment of the tax imposed by this Ordinance.
- (2) The city manager, or his or her designee, will prepare or cause to be prepared an annual report of the monies deposited in the fund, reporting on how the monies have been spent and estimating the number of residents benefited.

Section 7. Advisory Vote.

- (1) The City Council seeks advice and direction from its citizens regarding the excise tax on wealth imposed in this Ordinance and the expenditure of proceeds of that tax on the Opportunity for Olympia Grant Program. The City Council retains its full power and authority to impose the excise tax for local purposes under RCW 35A.11.020, including the authority to repeal or amend this Ordinance. It is the Council's intent to repeal this Ordinance if it is not supported by a majority of the electors of the City voting on an advisory proposition regarding the excise tax and the ~~Olympia Grant Program~~Opportunity for Olympia Grant Program.
- (2) It is found and declared that an emergency exists requiring the calling of a special election and the Auditor of Thurston County, Washington, as ex officio Supervisor of Elections, is requested to find and declare the existence of an emergency. The Auditor of Thurston County further is requested to call and conduct a special election in the City, in the manner provided by law, to be held therein on November 8, 2016, for the purpose of submitting to the voters of the City, for their advisory approval or advisory rejection, the question of whether or not the excise tax imposed by this Ordinance should be maintained, with the proceeds of that tax to be ~~devoted to the Opportunity for Olympia Grant Program~~Opportunity for Olympia Grant Program created by this Ordinance. The City's advisory proposition, Proposition No. 1, and suggested ballot title, is set forth in Attachment A, incorporated herein by this reference.
- (3) The City Clerk is authorized and directed to certify, no later than August 2, 2016, to the County Auditor, as ex officio Supervisor of Elections in the City, a copy of this ordinance and the

propositions to be submitted at that election. For purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the City Council designates the City Manager and the City Attorney as the persons to whom the Director of Elections shall provide such notice.

(4) Authorizations. The proper City officials are authorized to perform such duties as are necessary or required by law to the end that this advisory measure be submitted to the voters of the City at the November 8, 2016 election.

Section 8. 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 9. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 10. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

ATTACHMENT A

Proposed Ballot Title

CITY OF OLYMPIA

PROPOSITION No. 1

ADVISORY VOTE ON EXCISE TAX FOR OLYMPIA EDUCATION GRANT PROGRAM

The City Council of the City of Olympia has adopted Ordinance _____ concerning an advisory vote on excise taxes for college tuition. If approved, this advisory vote would indicate voter approval or disapproval of the excise tax on wealth imposed by Ordinance _____ and calculated at 4.0% of dividends, interest, and capital gains, only on those households with adjusted gross income exceeding \$150,000 ~~[based on a sliding scale of]~~ individual ~~[adjusted]~~ gross income and the dedication of tax revenues to fund an Olympia Grant Program Opportunity for Olympia Grant Program for one year of certain college tuition expenses for high school graduates in of Olympia residents.

Should the City Council of Olympia retain the tax imposed by Ordinance _____?

Yes •

No •