

Ordinance No. _____

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING
VARIOUS SECTIONS AND SUBSECTIONS OF TITLE 14, ENVIRONMENTAL
PROTECTION; TITLE 15, IMPACT FEES; TITLE 16, BUILDINGS AND
CONSTRUCTION; AND TITLE 18, UNIFIED DEVELOPMENT CODE, OF THE
OLYMPIA MUNICIPAL CODE**

WHEREAS, on December 30, 2021, the City of Olympia Community Planning and Development Department proposed multiple minor amendments to various chapters in Title 14, Environmental Protection; Title 15, Impact Fees; Title 16, Buildings and Construction; and Title 18, Unified Development Code, of the Olympia Municipal Code (OMC) (the Proposed Amendments); and

WHEREAS, Notice of Application for the Proposed Amendments was routed to all Recognized Neighborhood Associations within the City of Olympia and to the Council of Neighborhoods Association on December 30, 2021; and

WHEREAS, on January 3, 2022, the Proposed Amendments were sent to the Washington State Department of Commerce Growth Management Services with the Notice of Intent to Adopt Development Regulation amendments as required by RCW 36.70A.106 and no comments were received from state agencies during the comment period; and

WHEREAS, on January 5, 2022, a legal notice was published in *The Olympian* newspaper providing notice of the Proposed Amendments; and

WHEREAS, on January 24, 2022, the Olympia Planning Commission received a briefing on the Proposed Amendments; and

WHEREAS, on February 9, 2022, the City of Olympia issued a Determination of Non-Significance pursuant to the State Environmental Policy Act (SEPA) on the Proposed Amendments; and

WHEREAS, on February 17, 2022, a legal notice was published in *The Olympian* newspaper regarding the date of the Olympia Planning Commission's public hearing on the Proposed Amendments; and

WHEREAS, on February 16, 2022, notice of the public hearing for the Proposed Amendments was provided to all Recognized Neighborhood Associations with the City of Olympia pursuant to Chapter 18.78 OMC, Public Notification; and

WHEREAS, on February 16, 2022, notice of the public hearing for the Proposed Amendments was provided to all Parties of Record pursuant to Chapter 18.78 OMC, Public Notification; and

WHEREAS, on February 28, 2022, the Olympia Planning Commission received a briefing, held a public hearing, and deliberated the Proposed Amendments; and

WHEREAS, following the public hearing and deliberations, on February 28, 2022, the Planning Commission provided to the City Council its recommendation to amend multiple chapters in Title 14, Environmental Protection; Title 15, Impact Fees; Title 16, Buildings and Construction; and Title 18, Unified Development Code, of the Olympia Municipal Code (OMC), as proposed; and

WHEREAS, the Proposed Amendments are consistent with the Olympia Comprehensive Plan and other chapters of Title 18 OMC; and

WHEREAS, the Proposed Amendments have been reviewed pursuant to the Rezones and Text Amendments process outlined in chapter 18.58 OMC; 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;

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

Section 1. Amendment of OMC 14.04.160(A). Olympia Municipal Code Subsection 14.04.160(A) is hereby amended to read as follows:

- A. The following administrative appeal procedures are established under RCW [43.21C.075](#), WAC [197-11-680](#), and RCW ~~Chapter~~[chapter 36.70B](#) RCW:
1. Any agency or person who may be aggrieved by an action may appeal to the Hearing Examiner the environmental review officers conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter [197-11](#).
 2. The responsible official's initial decision to require preparation of an environmental impact statement, i.e., to issue a determination of significance, is subject to an interlocutory administrative appeal upon notice of such initial decision and only to such appeal. Notice of such decision shall be provided as set forth in OMC [18.78.020](#). Failure to appeal such determination within 14 calendar days of notice of such initial decision shall constitute a waiver of any claim of error.
 3. All appeals shall be in writing, be signed by the appellant, be accompanied by the appropriate filing fee, and set forth the specific basis for such appeal, error alleged and relief requested. Any appeal must be filed ~~within seven calendar days after the comment period expires~~ in accordance with OMC 18.75.020(B) – SEPA Appeal Procedures. Where there is an underlying governmental action requiring review by the Hearing Examiner, any appeal and the action shall be considered together. Except for threshold determinations issued under the optional DNS process, an appeal period shall conclude simultaneously with an underlying permit decision.
 4. For any appeal under this subsection, the city shall keep a record of the appeal proceeding which shall consist of the following:
 - a. Findings and conclusions;
 - b. Testimony under oath; and
 - c. A taped or written transcript of any hearing.
 5. Any procedural determination by the city's responsible official shall be given substantial weight in any appeal proceeding.
 6. See OMC [18.75.020](#)~~-(B)~~ for additional requirements.

Section 2. Amendment of OMC 15.04.060(A). Olympia Municipal Code Subsection 15.04.060(A) is hereby amended to read as follows:

- A. The following shall be exempted from the payment of impact fees as follows:

1. Alteration of an existing nonresidential structure that does not expand the usable space or add any residential units shall be exempt from paying all impact fees;
2. Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs shall be exempt from paying all impact fees;
3. Demolition or moving of a structure shall be exempt from paying all impact fees;
4. Expansion of an existing structure that results in the addition of ~~one hundred twenty~~ (120) square feet or less of gross floor area shall be exempt from paying all impact fees;
5. Replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within ~~seventy-two~~ (72) months of the demolition or destruction of the prior structure shall be exempt from paying all impact fees. Replacement of a structure with a new structure of the same size shall be interpreted to include any structure for which the gross square footage of the building will not be increased by more than ~~one hundred twenty~~ (120) square feet. Such replacements shall be exempt from the payment of park, transportation impact fees, and school impact fees; provided that, park, transportation, and school impact fees will be charged for any additional residential units that are created in the replacement and, transportation impact fees shall be charged for any additional gross floor area greater than ~~one hundred twenty~~ (120) square feet added in the replacement;
6. Any form of housing intended for and solely occupied by persons ~~sixty-two~~ (62) years or older, including nursing homes and retirement centers, shall be exempt from the payment of school impact fees so long as those uses are maintained, and the necessary covenants or declaration of restrictions, in a form approved by the City Attorney and the School District attorney, required to ensure the maintenance of such uses, are recorded on the property;
7. The creation of an accessory dwelling unit shall be exempt from the payment of school impact fees and the creation of an accessory dwelling unit within an existing single-family structure shall be exempt from the payment of park impact fees;
8. A single room occupancy dwelling shall be exempt from the payment of school impact fees;
9. A change in use where the increase in trip generation is less than the threshold stated in OMC Section 15.04.040(C), Assessment of Impact Fees shall be exempt from paying transportation impact fees; or
10. Any form of low-income housing occupied by households whose income when adjusted for size, is at or below ~~eighty percent (80%)~~ 80 percent of the area median income, as annually adjusted by the U.S. Department of Housing and Urban Development shall be exempt from paying school impact fees provided that a covenant approved by the school district to assure continued use for low income housing is executed, and that the covenant is an obligation that runs with the land upon which the housing is located and is recorded against the title of the property.
11. Developments limited to residents who routinely receive assistance with activities of daily living such as, but not limited to, bathing, dressing, eating, personal hygiene, transferring, toileting, and mobility shall be exempt from paying park and school impact fees.
12. Any early learning facility, as defined in RCW 43.31.565, for the purposes of impact fee assessments, will not be subject to an impact fee that is greater than that imposed on commercial retail or office development activities that generate a similar number, volume, type, and duration of vehicle trips. Further, the early learning facility may receive:

- a. An 80 percent reduction in impact fees; or
- b. A full waiver from impact fees when the developer records a covenant with the Thurston County Auditor's Office that is compliant with RCW 82.02.060 and:
 - i. Requires that at least 25 percent of the children and families using the early learning facility qualify for state subsidized childcare, including early childhood education and assistance under chapter 43.216 RCW;
 - ii. Provides that if the property is converted to a use other than for an early learning facility, the property owner must pay the applicable impact fees in effect at the time of conversion; and
 - iii. Provides that if at no point during a calendar year does the early learning facility achieve the required percentage of children and families qualified for state subsidized child care using the early learning facility, the property owner must pay 20 percent of the impact fee that would have been imposed on the development had there not been an exemption within 90 days of the local government notifying the property owner of the breach, and any balance remaining thereafter shall be a lien on the property.

Section 3. Amendment of OMC 16.04.040(A). Olympia Municipal Code Subsection 16.04.040(A), is hereby amended to read as follows:

- 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. Reserved.~~
 - 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, Soil and Native Vegetation 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.
 - 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 structure for which the certificate is issued.
 - e. A statement that the described portion of the 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.
5. Add Subsection 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.

Section 4. Amendment of OMC 16.04.040(B). Olympia Municipal Code Subsection 16.04.040(B) is hereby amended to read as follows:

- 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. Reserved.~~
 - 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 structure for which the certificate is issued.
 - e. A statement that the described portion of the 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.
 - 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.
 - 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	WINTER DESIGN TEMP (Degrees)	ICE SHIELD UNDER-LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX (degrees)	MEAN ANNUAL TEMP (degrees)
25	110	D1	Moderate	12"	Slight to Moderate	17	No	Sept. 1, 2016	170	51

4. Add Section 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).

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

A. ACCESSORY DWELLING UNITS (ADU).

Accessory dwelling units (ADU) are permitted in all residential districts subject to the following requirements:

1. Number. One (1) ADU shall be allowed per residential lot in conjunction with any detached single-family structure. (See ~~OMC Section~~ [18.04.080\(A\)\(3\)](#) regarding ADUs in new subdivisions.)
2. Location. The ADU shall be permitted as a second dwelling unit added to, created within, or detached from the original dwelling. The ADU shall be oriented in a way that maintains, to the extent practical, the privacy of residents in adjoining dwellings. (See ~~Chapters~~ [chapter 18.100 OMC](#), Design Review, and [chapter 18.175 OMC](#), Infill and Other Residential.)
3. Size. The ADU shall have a gross floor area of no more than ~~eight hundred fifty (850)~~ square feet. Covered porches or patios (or similar covered spaces) do not count toward the gross floor area of the ADU but are limited to a total of 120 square feet in size for each ADU and may not be enclosed.
4. Accessory Dwelling Units may be attached to accessory structures such as a garage or shop building. In such circumstances, the ADU may be up to 850 square feet in size and the accessory structure may be up to ~~eight hundred~~ 800 square feet in size (or larger if the underlying zoning district allows or a conditional use permit for a large garage has been approved).
5. Occupancy. No more than one (~~±~~) family (as defined in [Chapter 18.02 OMC](#), Definitions) shall be allowed to occupy an ADU.
6. Existing ADUs. Accessory dwellings created prior to the enactment of these regulations, June 19, 1995, may be approved subject to applicable requirements. If the owner of an existing unauthorized ADU applies to make the unit legal, but cannot meet all of the standards, the owner will be allowed a "grace period" of six months from date of application to comply with applicable standards. However, where health and safety ~~is~~ are an issue, the Building Official will determine

when the necessary modifications must be made. If the owner cannot meet the standards, the unauthorized accessory unit must be removed or its use as a dwelling must be suspended.

7. Deviation From Requirements. The Director or the Director's designee may allow deviation from the requirements of this section (OMC 18.04.060(A)) as follows:
 - a. To allow use of the entirety of a single floor in a dwelling constructed two ~~(2)~~ or more years prior to the date of application in order to efficiently use all floor area; and
 - b. To enable ADUs to be established in structures constructed prior to June 19, 1995, which are located in rear or side setbacks, provided that ~~Uniform~~ Building Code requirements and the Development Standards contained in ~~OMC Section 18.04.080~~ are met. [NOTE: See ~~Chapters chapter 18.100 OMC, Design Review,~~ and chapter 18.175 OMC, Infill and Other Residential for applicable design guidelines.]

Section 6. Amendment of OMC 18.04.060(B). Olympia Municipal Code Subsection 18.04.060(B) is hereby amended to read as follows:

B. ACCESSORY STRUCTURES.

Accessory structures are detached structures and are permitted in all residential districts subject to the following requirements:

1. Time of Establishment. Accessory structures shall not be built prior to commencing construction of the main building on the lot. However, lots may be created which contain an accessory structure (without an associated primary use) constructed prior to submission of the subdivision application.
2. Subordination to Primary Use. Accessory structures shall be clearly incidental and subordinate to the use of the lot (e.g., structures used for storage of personal property or the pursuit of hobbies) or used for agricultural purposes. In residential districts with a maximum density of twelve units or less per acre each accessory structure shall not exceed ~~eight hundred (800)~~ square feet in size, except for:
 - a. structures accessory to an agricultural use which are located on a parcel one ~~(1)~~ acre or larger in size.
 - b. garages and carports as described below.
3. ~~Garages. Private garages shall meet the following standards:~~ Detached garages and carports shall meet the following standards:
 - a. ~~Garages shall~~Shall not exceed a total of ~~eight hundred (800)~~ 1,200 square feet of floor space per dwelling unit, unless approved as a conditional use.
 - b. Must be designed so the appearance of the building remains consistent with the primary structure by addressing the following:
 - i. Similar materials and colors as the primary use;
 - ii. A roof type or pitch similar to the primary use;

~~c. Garages~~ Detached garages or carports exceeding ~~eight hundred (800)~~ 1,200 square feet per dwelling unit may be permitted as conditional uses in the districts specified in Table 4.01 provided that they will not be adverse to the public interest and are compatible with the surrounding neighborhood. The criteria for garages/carports outlined above in OMC 18.04.060(B)(3) and OMC 18.175.060 must be met. ~~The Hearing Examiner approval authority shall establish a maximum size for garages receiving conditional use approval. See Section OMC 18.04.080.~~

4. See ~~OMC Section 18.04.060(P)(4)~~ regarding accessory structures in mobile home/manufactured home parks.

Section 7. Amendment of OMC 18.38.080(B). Olympia Municipal Code Subsection 18.38.080(B) is hereby amended to read as follows:

B. Administrative Modifications. A modification to increase or decrease the number of required parking spaces within the range of ~~ten-10~~ percent to ~~forty-40~~ percent shall be considered by the Director at the request of the project applicant. The project applicant shall present any modification request ~~including application fee~~, and any evidence and reports, prior to any final, discretionary approvals, such as land use approval, environmental review, or construction permits.

1. The general criteria for an administrative modification request are:

- a. Modification requests may be granted based on the effectiveness of proposed transportation demand management strategies, significance and magnitude of the proposed modification, and compliance with this chapter.
- b. Modification requests may be denied or altered if the Director has reason to believe based on experience and existing development practices that the proposed modification may lead to excessive or inadequate parking or may inhibit or prevent regular and intended functions of either the proposed or existing use, or adjacent uses.

2. Submittal Requirements. A report shall be submitted by the applicant providing the basis for more or less parking and must include the following:

a. For modification requests of up to ~~twenty-20~~ percent:

- i. Describe site and use characteristics, specifically:
 - (A) Site accessibility and proximity to transit infrastructure and transit times;
 - (B) Site accessibility and proximity to bicycle and pedestrian infrastructure;
 - (C) Shared and combined parking opportunities; and
 - (D) Employee or customer density and transportation usage and patterns.
- ii. Describe and demonstrate alternative transportation strategies such as carpooling, flexible work schedules, telecommuting, or parking fees, if used;
- iii. Demonstrate compliance with commute trip reduction measures as required by state law, if applicable;
- iv. Identify possible negative effects on adjacent uses and mitigation strategies, if applicable; and

b. For modification requests greater than ~~twenty-20~~ percent and up to ~~forty-40~~ percent:

- i. Provide the contents of a ~~twenty-20~~ percent or less request;

- ii. If increasing, provide a parking demand study prepared by a transportation engineer licensed in the state of Washington, which supports the need for more parking; or
 - iii. If decreasing, show that the site is or within six months of occupancy will be within a one-quarter-mile walk to transit service verified by Intercity Transit, and that the site is more than 300 feet from a single-family residential zone.
3. To mitigate the need for motor vehicle parking or to minimize hard surfaces, the Director may require measures, such as more efficient parking geometrics and enhanced bicycle parking and pedestrian amenities. As a condition of approval of any increase in motor vehicle parking, at minimum the Director shall require the compliance with the provisions below. Any exceptions shall be based on site and project constraints identified and described in the approval.
- a. Double the amount of required interior landscaping for that area of additional parking. This additional area may be dispersed throughout the parking area. Fifty ~~(50)~~ percent of this requirement may be in the form of parking spaces surfaced with a driveable planted pervious surface, such as 'grasscrete' or 'turfblock.'
 - b. Without unduly compromising other objectives of this Chapter, ~~ninety (90)~~ percent of the parking area shall be located behind a building. Any parking area along a flanking street shall have added landscaping and a superior design to strengthen pedestrian qualities, such as low walls, arcades, seating areas, and public art.
 - c. Any preferential parking shall be located near primary building entrances for employees who ride-share.
 - d. In locations where bus service is provided, the applicant shall install a transit shelter meeting Intercity Transit standards if none is available within ~~six hundred (600)~~ feet of the middle of the property abutting the right-of-way. Alternative improvements may be accepted if supported by Intercity Transit's Director.

Section 8. Amendment of OMC 18.38.100(A). Olympia Municipal Code Subsection 18.38.100(A), is hereby amended to read as follows:

- A. Required Vehicular and Bicycle Parking. A minimum number of bicycle parking spaces are required as set forth in Table 38-01 below. The specific number of motor vehicle parking spaces set forth in Table 38-01 must be provided, however the project proponent may increase or decrease by ~~ten (10)~~ percent ~~(10%)~~ automatically. This is not exclusive of other modifications as outlined elsewhere in the chapter. Residential uses, when parking is on site and not located in a parking lot, shall provide parking space(s) that are at least eight feet wide by 18 feet in length.

Section 9. Amendment of OMC 18.38.220. Olympia Municipal Code Section 18.38.220 is hereby amended to read as follows:

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

- A. General Requirements. Also see the specific zone district design standards of OMC [18.38.240](#).

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

STANDARD PARKING DIMENSIONS
FIGURE 38-4

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

- 0 Parking angle
- W₁ Parking module width (wall to wall), single loaded aisle
- W₂ Parking module width (wall to wall), double loaded aisle
- W₃ Parking module width (wall to interlock), double loaded
- W₄ Parking module width (interlock to interlock), double loaded aisle
- AW Aisle width
- WP Stall width parallel to aisle
- DI Stall depth to interlock
- D Stall depth to wall measured perpendicular to aisle
- S_L Stall length
- S_W Stall width

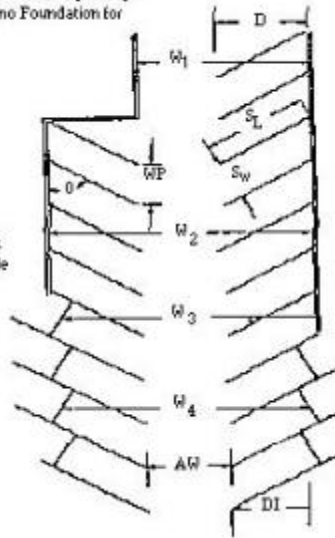


FIGURE 38-5

1. Driveways.

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

- b. For residential driveways once the driveway is outside of the public right of way, the provisions below apply.
 - i. Setback. A driveway may be located within any required setback.
 - ii. Width. All driveways shall meet the access width requirements of the Fire Department (see OMC 16.32.050).
 - iii. Surfacing. A gravel surface driveway may be allowed for a single-family residence for that portion of the driveway that is more than 75 feet from the right of way line where access is provided. Any driveway approved for a gravel surface shall include a paved apron in front of the garage automobile door entrance extending a minimum depth of 18 feet and at least the width of the garage door.

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 in the Engineering Design and Development Standards.

3. Maneuvering Areas.

- a. All maneuvering areas, ramps, access drives, etc. shall be provided on the property on which the parking facility is located; however, if such facility adjoins an alley, such alley may be used as a maneuvering area. A garage or carport entered perpendicular to an alley must be located a minimum of ~~ten~~(10) feet from the property line. A garage or carport entered parallel to an alley may be placed on the rear property line; provided sight distances are maintained.
- b. Maneuvering areas shall be provided so that no vehicle is obliged to back out of a parking stall onto the street, except into neighborhood collector and local access streets within the R-1/5, RLI, R-4, R 4-8, and R 6-12 use districts, or where approved by the City Engineer.

4. Parking Surface. All parking, maneuvering, and driving areas must be paved and designed to meet drainage requirements. Approved pervious surfaces may be used.

5. Landscaping. Parking areas shall be landscaped according to the requirements of Chapter [18.36](#).

6. Wheel Stop, Overhang. Appropriate wheel and bumper guards shall be provided to protect landscaped areas, to define parking spaces and to clearly separate the parking area from any

abutting street rights-of-way and property lines. Vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing is provided.

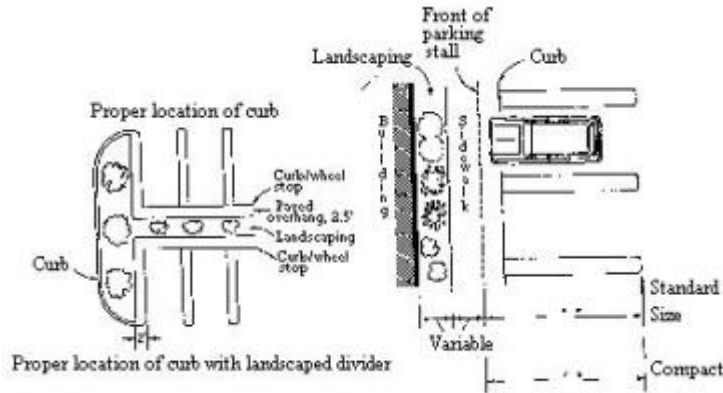


FIGURE 38-6

7. Contiguous parking lots shall not exceed one (1) acre in size. Parking lots exceeding one (1) acre in size shall be separated by a minimum ten (10) foot wide landscaped strip. This strip is in addition to interior and perimeter landscaping and may be used for stormwater management or pedestrian access.
8. Structured Parking Dimensions. Structured parking facilities may be designed to the general design standards found in Figures 38-4 and 38-5 above, Figure 38-7 below, or to the following structured parking design standard. Within parking structures, small spaces shall not exceed 30% of spaces within each structure.

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

Section 10. Amendment of OMC 18.40.060(C). Olympia Municipal Code Subsection 18.40.060(C) is hereby amended to read as follows:

- C. Fences/Hedges, Walls and Site Perimeter Grading. It shall be the responsibility of property owners to ensure fences are within property lines and that a building permit is obtained when required. "Fences" as used in this section includes walls and similar above-grade unenclosed structures forming a continuous or nearly continuous line or row exceeding six feet in length. Also see definition, OMC 18.02.180-(F). For this section only, any portion of a special purpose lot, tract or parcel, such as a stormwater or tree tract, which is within ten feet of any public street right-of-way shall be a "front yard," and all other yards shall be defined as if such tract were a buildable lot.

For the purpose of fencing, the front yard is considered to be the first 10 feet of any lot, tract, or parcel that abuts a public street or right of way, excluding alleys. Corner lots adjacent to two public rights of way shall have a front yard and a flanking side yard.

1. Fence Heights:

a. Fences, when located within a required yard, shall not exceed the following height limits:

- a.i. Front yard = 48" (4'-0");
- b.ii. Side yards = 72" (6'-0"), Flanking side yards = 72" (6'-0");
- c.iii. Rear yards = 72" (6'-0");
- d.iv. Clear Sight Triangle = 30" (2'-6").

b. Agricultural uses. Rear and side yard fences for legally established agricultural uses may be permitted to a maximum height of eight feet from the ground; provided, at a minimum, the portion of the fence above six feet is composed of a fence material that is of a deer fence-type design.

Examples of deer fence designs include wire with rectangular openings generally four inches by four inches in size. Additionally, the eight-foot fences shall not be constructed of chain link or chicken wire.

c. Gardens. Front yard fences surrounding a defined garden bed may be permitted to a maximum height of eight feet from the ground and shall be composed of a fence material that is of a deer fence-type design.

Examples of deer fence designs include wire with rectangular openings generally four inches by four inches in size. Additionally, the eight-foot fences shall not be constructed of chain link or chicken wire.

For purposes of this section, a front yard shall not exceed ~~ten~~ 10 feet in depth, regardless of any other provision found in this Title.

2. Fence height is measured to the top of the fence, excluding posts. Point of ground measurement shall be the high point of the adjacent final grade.
3. Fences, walls, and hedges are permitted within all yard areas provided that regardless of yard requirements, no closed gate, garage door, bollard or other feature shall obstruct a driveway or other motor vehicle private ingress within ~~twenty~~ (20) feet of a street right-of-way nor obstruct automobile views exiting driveways and alleys (see clear vision triangle). This 20-foot requirement is not applicable within the downtown exempt parking area as illustrated at Figure 38-2. Additional exceptions may be granted in accordance with OMC 18.38.220(A)(2).
4. Front yard fences, of any common areas, such as tree, open space, park, and stormwater tracts, must be a minimum of ~~twenty five~~ (25) percent unobstructed, i.e., must provide for visibility through the fence.
5. Fence pillars, posts, and similar features may project a maximum of two ~~(2)~~ feet above maximum fence height.
6. Site Perimeter Grading. Within required yard areas, no single retaining wall (nor combination of walls within five horizontal feet of each other) shall exceed a height of 30 inches as measured from the lowest adjacent grade, nor shall any modification of grades or combination of retaining walls result in grade changes exceeding 30 inches within five feet of a property line nor 60 inches within 10 feet of an existing or proposed property line.

7. An administrative exception may be approved by the Department to exceed maximum fence height and other provisions of these standards ~~under~~ where all of the following conditions exist.
 - a. Variation of existing grade on either side of the fence results in a fence lower than the maximum height as measured from the highest point of grade within five (5) feet of either side of the fence; or other special circumstances relating to the size, shape, topography, location, or surroundings of the subject property warrant an exception to permit a fence comparable with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
 - b. The special conditions and circumstances do not result from the actions of the applicant;
 - c. Granting of the exception will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property is located;
 - d. The granting of the exception will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated; and
 - e. The exception is the minimum necessary to provide the rights and privileges described above.

~~f. Rear and side yard fences for legally established agricultural uses may be permitted to a maximum height of eight feet from the ground; provided, at a minimum, the portion of the fence above six feet is composed of a fence material that is of a deer fence type design.~~

~~Examples of deer fence designs include wire with rectangular openings generally four inches by four inches in size. Additionally, the eight foot fences shall not be constructed of chain link or chicken wire.~~

~~g. Front yard fences surrounding a defined garden bed may be permitted to a maximum height of eight feet from the ground and shall be composed of a fence material that is of a deer fence type design.~~

~~Examples of deer fence designs include wire with rectangular openings generally four inches by four inches in size. Additionally, the eight foot fences shall not be constructed of chain link or chicken wire.~~

Applications for additional fence height or other exceptions shall include ~~a letter or form explaining an explanation of~~ the exception sought and its purpose ~~of~~; and fence illustrations and plan drawing that depicts proposed fence location and height, other structures, landscaping, and proposed grades in relation to existing grades.

[NOTE: A building permit is required for all fences exceeding ~~six (6) seven~~ feet in height. Fences and hedges may exceed maximum heights if located outside of required yards. But see Design Guidelines.]

8. Hedges. Hedges are allowed in all required yard areas subject to the following maximum height limits:
 - a. Front yard = 48" (4'0")

- b. Side yard, Flanking side yard = Unlimited
- c. Rear yard = Unlimited

[Note: Clear Sight Triangle = 30" (2'-6"), see OMC Section ~~18.40.060.(C)~~]

9. Barbed and/or razor wire fences. No person or persons being the owner of or agent for or in possession and control of any property within the city limits shall construct or permit to exist any fence around or in front of such premises, consisting wholly or partially of barbed and/or razor wire, except to provide security at a government-owned property or privately owned utility where security for the property is mandated by law; provided that the provisions of this section shall only extend to fences that are within ~~ten~~ (10) feet of a street or alley or other public place within the City.
10. Electric fences. It is unlawful to erect or install or maintain any electric fence within the city limits except for low-voltage, solar fences installed atop a ~~six~~-foot non-electric fence for the purposes of protecting farms or agricultural animals. "Electric fence" means any fence with above-ground electric conductors carrying electric current supplied by batteries, commercial power or any other source of electricity, erected for the purpose of retaining or excluding any animals, livestock, or persons.

Section 11. Amendment of OMC 18.78.020. Olympia Municipal Code Section 18.78.020, Table 78-1, is hereby amended to read as follows:

TABLE 78-1 CITY OF OLYMPIA - PUBLIC NOTIFICATION				
PROCESS	APPLICATION TYPE	NOTICE TYPES	WHEN	WHO
CONCEPTUAL DESIGN REVIEW	Multifamily/Commercial in DR districts/Master Planned Development	Mail	Public Meeting 10 Days	PO RNA PR
SEPA	Environmental Checklist	Mail	Notice of Application	PO RNA PR Agencies
		Post site Mail Notify Paper	SEPA Threshold Determination	PO RNA PR Agencies
<u>SEPA, when using the Optional DNS Process</u>	<u>Environmental Checklist</u>	<u>Mail</u> <u>Post Site</u> <u>Notify</u> <u>Paper</u>	<u>Notice of Application/ notice of anticipated SEPA Threshold Determination</u>	<u>PO RNA PR Agencies</u>
		<u>Mail</u>	<u>Final Threshold Determination</u>	<u>PR Agencies</u>
SUBDIVISIONS	Short Plats	Post Site	Application	
HEARING EXAMINER	Subdivision Variance Rezone Conditional Use Master Planned Development	Post Site Mail Publish in Paper	Public Hearing - 10 days	PO RNA PR

**TABLE 78-1
CITY OF OLYMPIA - PUBLIC NOTIFICATION**

PROCESS	APPLICATION TYPE	NOTICE TYPES	WHEN	WHO
	Conditional Use - Wireless Communications Facility	Post Site Mail Publish in Paper	Public Hearing - 30 days	PO RNA PR
		Mail	Decision	RNA PR
SHORE LANDS	Substantial Development Permit	Post Site Mail	Public Hearing - 15 days	PO RNA PR
		Publish in Paper Mail	Decision	RNA PR
LAND USE REVIEW	Multifamily Commercial Industrial Master Planned Development	Mail	Meeting - 5 days	RNA PR
			Decision	RNA PR
DETAILED DESIGN REVIEW	Multifamily/Commercial Master Planned Development	Mail	Public Meeting 10 days	RNA PR
		Mail	Decision	RNA PR
APPEALS	Administrative to Hearing Examiner	Post Site Mail	Open Hearing - 10 Days	RNA PR
	Hearing Examiner to City Council OCC	Mail	Closed Hearing 10 Days	PR RNA
ANNEXATION	10 Percent Notice of Intent	Mail	Public Meeting 10 days	PO RNA PR
	50/60 Percent Petition	Mail Post Publish in Paper	Public Hearing - 10 days	PO RNA PR
COMPREHENSIVE PLAN AMENDMENT/ZONING MAP AMENDMENT	Proposal	Mail Publish in Paper	Proposal Availability	RNA
	Application	Mail Publish in Paper	Public Hearing - 10 days	PO RNA PR

LEGEND

PO = Property Owner within 300 feet of site
RNA = Recognized Neighborhood Associations
PR = Parties of Records on File with the Case

Section 12. Amendment of OMC 18.75.020(A). Olympia Municipal Code Subsection 18.75.020(A) is hereby amended to read as follows:

- 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 [OMC 18.72.080](#) for other appeal authorities).
1. All Administrative Interpretations/Determinations
 2. Boundary Line Adjustments
 3. Home Occupation Permits
 4. Preliminary Short Plats
 5. Preliminary SEPA Threshold Determination (EIS required)
 6. Shoreline Exemptions and staff-level substantial development permits
 7. Sign Permits
 8. Variances, Administrative
 9. Building permits
 10. Engineering permits
 11. Application or interpretations of the Building Code
 12. Application or interpretations of the Housing Code
 13. Application or interpretations of the ~~Uniform~~ Fire Code
 14. Application or interpretations of the ~~Uniform~~ Code for the Abatement of Dangerous Buildings
 15. Application and interpretations of the ~~Uniform~~ Code for Building Conservation
 16. Land Use (Director) decisions
 17. Administrative decisions on impact fees
 18. A recommendation to Thurston County to deny a permit to repair or replace existing, failing on-site septic systems that meet the criteria set forth in OMC [13.08.020\(2\)](#), as required by RCW [35.21.940](#)
 19. Appeals of Drainage Manual Administrator decisions
 20. Appeals of the requirements of the Engineering Design and Development Standards, including appeals to deviation request decisions made under Chapter 1 of such Standards.

Section 13. Amendment of OMC 18.75.020(B). Olympia Municipal Code Subsection 18.75.020(B) is hereby amended to read as follows:

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~~ except when using the Optional SEPA Process which requires a 14- or 21-day appeal period as outlined in WAC 197-11-340-355. 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; except when SEPA Determination is combined with a project decision in which case appeals should follow OMC 18.175.020(C)(1) which allows for a 21-day appeal period.
 - 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 OMC](#), Public Notification.

Section 14. Amendment of OMC 18.100.060(A). Olympia Municipal Code Subsection 18.100.060(A) is hereby amended to read as follows:

A. The following projects are subject to design review:

1. Projects within designated design review districts and corridors, as shown on the Official Design Review Map (See OMC-Section [18.100.080](#));
2. Commercial projects adjacent to residential zones;
3. Commercial or residential projects for Heritage Register properties or those within an historic district;
4. Projects with a building area greater than 5,000 square feet that require a Conditional Use Permit in a residential zone;
5. Multifamily projects;
6. Single family housing, including designated manufactured homes, on lots less than 5,000 square feet or on substandard lots;
7. Dwellings proposed on lots within the area depicted on Figure 4-2a, "Areas Subject to Infill Regulations";
8. Master Planned Developments;
9. Manufactured housing parks;
10. Duplexes, triplexes, fourplexes, townhouses, accessory dwelling units, and cottage housing;
11. All projects within scenic vistas as identified on the official maps of the City (See OMC Section [18.100.110](#)); and,
- ~~12. Signs within designated design review districts and corridors or associated with a project that is subject to design review.~~
13. For the purpose of design review, projects within one of the Downtown Design Sub-Districts will be reviewed for consistency with the criteria in OMC Chapter [18.120](#) only.

Section 15. Olympia Municipal Code. Copies of the Olympia Municipal Code are and shall be retained on file with the office of the City Clerk.

Section 16. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 17. 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 18. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 19. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: