Amendments to the Olympia Municipal Code (OMC) for Consideration in 2022

The City of Olympia is proposing amendments to the Olympia Municipal Code. The proposal includes multiple chapters in Title 18 (Unified Development Code), and changes to Title 16 (Buildings and Construction), Title 15 (Impact Fees), and Title 14 (Environmental Protection).

Each Title has Chapters, each Chapter has sections, and most sections have subsections. Headers have been used to identify which **Title** and Chapter is proposed for revision. Each proposal is separately numbered and identified with a **bold blue heading.** A brief explanation of why the amendment is proposed is provided *in italics*. Proposed amendments are shown at the subsection level of each section of the chapter. Each proposal includes a link to the section of the code proposed for amendment.

The complete existing code can be viewed online at:
https://www.codepublishing.com/WA/Olympia/?OlympiaNT.html

Existing and unchanged code language is shown in regular text (with hyperlinks in the existing code shown in blue underlined text). Proposed new text is shown as red and underlined text. Text that is proposed to be deleted is shown in ~~red and strikethrough text~~.

TITLE 18 – UNIFIED DEVELOPMENT CODE

OMC Chapter – 18.04, Residential Districts

Proposal #1 - 18.04.060.A, Residential Districts' Use Standard

Why this is proposed: Planning staff is often asked about attaching a covered porch on an ADU. The City code states that the size of the ADU is based on "gross floor area" of the ADU itself. The code defines gross floor area as "The area included within the surrounding exterior finished wall surface of a building or portion thereof, exclusive of courtyards." Under the current code, any attachments to an ADU that are not part of the gross floor area are allowed, as long as the lot coverages of the underlying zoning district are met. The proposed language would state that while covered spaces are allowed, such spaces shall not be enclosed, nor may they exceed 120 sq. ft. in size. The intent is to keep ADUs accessory and subordinate to the primary use.

18.04.060 Residential districts' use standards

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 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 18.100, Design Review and 18.175, 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 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 (1) family (as defined in Chapter 18.02, 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 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 (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 Section 18.04.080 are met. [NOTE: See Chapters 18.100, Design Review and 18.175, Infill and Other Residential for applicable design guidelines.]

Proposal #2 - 18.04.060.B, Residential Districts' Use Standard

Why this is proposed: Accessory structures are detached structures for a variety of uses, such as garages, sheds or storage, shops, the pursuit of hobbies, or similar uses. The current code limits detached structures to 800 square feet in most residential areas but does allow detached garages to exceed that size upon approval of a conditional use permit (CUP). The CUP is a "hearing upon request" process. Since 2007 the city has issued 19 large garage CUPs. None were requested to go through a hearing. 7 of the 19 permitted large garages were 1200 square feet in size or smaller. The 19 applications were all approved, with no conditions specific to the size of the garage. These amendments are proposed to:

1. *Clarify that the standards for garages and carports are the same, whether the structure is enclosed or not.*
2. *Add requirements for detached garages and structures to be designed so the appearance of the building remains consistent with the primary structure.*
3. *Increase the size for when garages and carports (not all accessory structures) need a CUP from 800 to 1,200 square feet. Add a requirement for detached garages over 1200 square feet in size to meet the garage standards in the Infill and Other Residential design review chapter.*

18.04.060 Residential districts' use standards

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. Subordinance 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. ~~G~~Detached garages and carports~~. Private garages and carports~~ shall meet the following standards:

   a. ~~Garages~~They shall not exceed a total of ~~eight~~ twelve hundred (~~8~~1200) 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 ~~including~~ addressing the following:

      i. Similar materials and colors as the primary use;

      ii. A roof ~~of equal or greater~~ type or pitch similar to~~as~~ the primary use;

   c. ~~G~~Detached garages or carports exceeding ~~eight~~ twelve hundred (~~8~~1200) 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 18.175.060 must be met. The ~~Hearing Examiner~~approval authority shall establish a maximum size for garages receiving conditional use approval. See Section 18.04.080.

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

OMC Chapter – 18.38, Parking and Loading

Proposal #3 – 18.38.080.B, Administrative Modifications

Why this is proposed: The code references an application fee for requests to modify parking standards. Such

requests are allowed under the code in certain instances and are determined as part of the Land Use Review process. A separate fee is not required and is not included on the City's fee schedule.

18.38.080 Administrative Modifications

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

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

   a. Modification requests may be granted based on the effectiveness of proposed transportation demand management strategies, significance and magnitude of the proposed modification, and compliance with this chapter.

   b. Modification requests may be denied or altered if the Director has reason to believe based on experience and existing development practices that the proposed modification may lead to excessive or inadequate parking or may inhibit or prevent regular and intended functions of either the proposed or existing use, or adjacent uses.

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

   a. For modification requests of up to twenty percent:

      i. Describe site and use characteristics, specifically:
         (A) Site accessibility and proximity to transit infrastructure and transit times;
         (B) Site accessibility and proximity to bicycle and pedestrian infrastructure;
         (C) Shared and combined parking opportunities; and
         (D) Employee or customer density and transportation usage and patterns.

      ii. Describe and demonstrate alternative transportation strategies such as carpooling, flexible work schedules, telecommuting, or parking fees, if used;

      iii. Demonstrate compliance with commute trip reduction measures as required by state law, if applicable;

      iv. Identify possible negative effects on adjacent uses and mitigation strategies, if applicable; and

   b. For modification requests greater than twenty percent and up to forty percent:

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

      ii. If increasing, provide a parking demand study prepared by a transportation engineer licensed in the state of Washington, which supports the need for more parking; or

iii. If decreasing, show that the site is or within six months of occupancy will be within a one-quarter-mile walk to transit service verified by Intercity Transit, and that the site is more than 300 feet from a single-family residential zone.

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

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

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

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

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

Proposal #4 - 18.38.100.A, Vehicular and Bicycle Parking Standards

Why this is proposed: The city code does not provide a minimum parking space size for parking spaces that are not in a parking lot or right of way. Staff is periodically asked what amount of space is required for parking in driveways on a residential lot. Additionally, if someone would like to add a parking space at their home, staff would like to be able to provide consistent information about the size and related stormwater requirements.

18.38.100 Vehicular and Bicycle Parking Standards

A. Required Vehicular and Bicycle Parking. A minimum number of bicycle parking spaces are required as set forth in Table 38-01 below. The specific number of motor vehicle parking spaces set forth in Table 38-01 must be provided, however the project proponent may increase or decrease by ten 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 (8) feet wide by eighteen (18) feet in length.

Proposal #5 – 18.38.220, Design Standards - General

Why this is proposed: Planners who work on project review have asked for additional clarification around driveway requirements and allowances. The proposed amendments address setback from property lines, driveway width, and surfacing materials.

18.38.220 Design standards-General

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

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

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

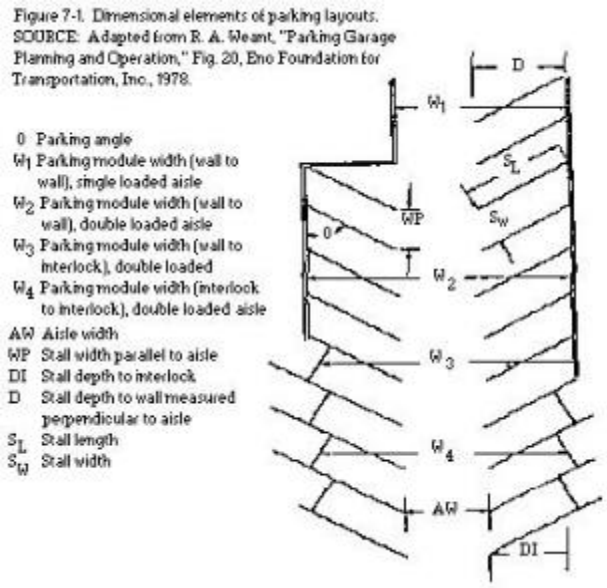

FIGURE 38-5

1. ~~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).

~~i.~~iii. Surfacing. A gravel surface driveway may be allowed for a single-family residence for that portion of the driveway that is more than seventy-five (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 eighteen (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.

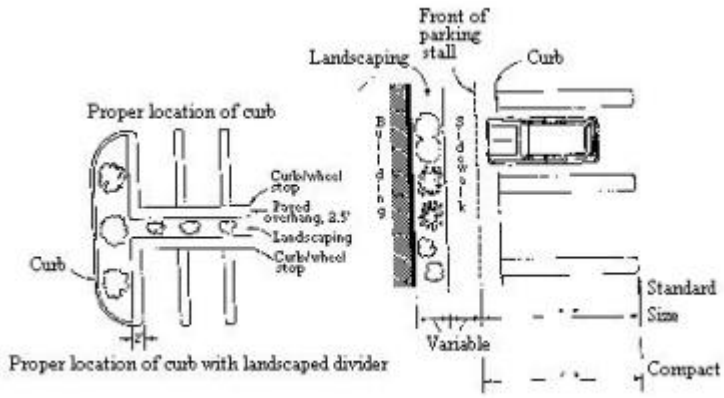

FIGURE 38-6

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

OMC Chapter – 18.40, Property Development and Protection Standards

Proposal #6 - 18.40.060, General Standards

Why this is proposed: Staff have often interpreted this section of code differently and have asked that it be modified so it is clear and will be applied consistently. Flanking streets are side yards of a corner lot that abut a street or non-alley public right of way. The current code language about fences adjacent to flanking streets is confusing to the public and is not always applied consistently by staff. The text should be improved for clarity. The changes below would implement the way staff have been interpreting this code section for several years.

18.40.060.C – Fences/Hedges, Walls and Site Perimeter Grading.

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 ten 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. ~~1.~~ Fence Heights:

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

i~~a~~. Front yard = 48" (4'-0");

ii~~b~~. Side yards = 72" (6'-0"), Flanking side yards = 72” (6’-0”);

iii~~c~~. Rear yards = 72" (6'-0");

iv~~d~~. 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 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 an explanation of ~~letter or form explaining~~ 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 seven (7)~~six (6)~~ 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 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 6-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.

TITLE 16 – BUILDINGS AND CONSTRUCTION

OMC Chapter – 16.04, Building Codes

Proposal #6b – 16.04.040, Amendments to the Referenced Codes

Why this is proposed: Amendments to Title 16 are proposed so the building and zoning codes match regarding when a building permit is required for fences. These proposed amendments are consistent with the International Building Codes.

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.~~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.

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).

TITLE 18 – UNIFIED DEVELOPMENT CODE

OMC Chapter – 18.78, Public Notification

Proposal #7 – 18.78.020, Procedures

Why this is proposed: There are two separate ways to process applications that are subject to review under the State Environmental Policy Act (SEPA) when a Determination of Significance (DS) will not be issued. The code currently contains public notice requirements that are consistent with and applicable with one process but not both. The proposed amendments would add public notice requirements so that either process could be used to match state law.

18.78.020 Procedures

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
SEPA, when using the Optional DNS Process	Environmental Checklist	Mail Post Site	Notice of Application/ notice of anticipated	PO RNA PR Agencies

TABLE 78-1 CITY OF OLYMPIA - PUBLIC NOTIFICATION				
PROCESS	**APPLICATION TYPE**	**NOTICE TYPES**	**WHEN**	**WHO**
		Notify Paper	SEPA Threshold Determination	
		Mail	Final Threshold Determination	PR Agencies
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
	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

The amendments in Proposal #7 also highlight the need to update the appeal language in the OMC, as follows:

TITLE 14 – ENVIRONMENTAL PROTECTION

OMC Chapter – 14.04, Environmental Policy

Proposal #7b - 14.04.160.A Appeals

Why this is proposed: Staff proposes referring to the appeal language in Title 18 rather than stating durations of appeal periods in two separate places within the code. This should help prevent any future inconsistencies that may arise.

14.04.160 Appeals

A. The following administrative appeal procedures are established under RCW 43.21C.075, WAC 197-11-680, and RCW Chapter 36.70B:

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 in accordance with OMC 18.75.020.b – SEPA Appeal Procedures. ~~within seven calendar days after the comment period expires.~~ 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.

TITLE 18 – UNIFIED DEVELOPMENT CODE

OMC Chapter – 18.75, Appeals/Reconsideration

Proposal #7c - 18.75.020.A and 18.75.020.B - Specific Appeal Procedures

Why this is proposed: Staff is proposing these amendments to ensure the Olympia Municipal Code aligns with State Law for both of the ways in which a Determination of Non-significance can be processed according to the State Environmental Policy Act (SEPA). The "Optional DNS" process was created in the 1990's to better align comment period and appeal period timing with the underlying permit application. This code update will ensure that the ability of someone to appeal a SEPA decision remains, however the deadline to appeal is tied to issuance of the decision, not the end of the comment period, which is consistent with how land use applications are processed in the City.

18.75.020 Specific Appeal Procedures

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

1. All Administrative Interpretations/Determinations
2. Boundary Line Adjustments
3. Home Occupation Permits
4. Preliminary Short Plats
5. Preliminary SEPA Threshold Determination (EIS required)
6. Shoreline Exemptions and staff-level substantial development permits
7. Sign Permits
8. Variances, Administrative
9. Building permits
10. Engineering permits

11. Application or interpretations of the Building Code

12. Application or interpretations of the Housing Code

13. Application or interpretations of the ~~Uniform~~ Fire Code

14. Application or interpretations of the ~~Uniform~~ Code for the Abatement of Dangerous Buildings

15. Application and interpretations of the ~~Uniform~~ Code for Building Conservation

16. Land Use (Director) decisions

17. Administrative decisions on impact fees

18. A recommendation to Thurston County to deny a permit to repair or replace existing, failing on-site septic systems that meet the criteria set forth in OMC 13.08.020(2), as required by RCW 35.21.940

19. Appeals of Drainage Manual Administrator decisions

20. Appeals of the requirements of the Engineering Design and Development Standards, including appeals to deviation request decisions made under Chapter 1 of such Standards.

B. SEPA.

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

   a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period, except when using the Optional SEPA Process which requires a fourteen (14) or twenty one (21) day appeal period as outlined in WAC 197-11-340-355) ~~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; 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 twenty-one (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, Public Notification.

OMC Chapter – 18.100, Design Review

Proposal #8 - 18.100.060, Projects Subject to Design Review

Why this is proposed: Staff would like to eliminate the statement of applicability for design review for sign permits. When the Downtown Design Guidelines and the Sign Code were both recently updated, changes were made so that only the Downtown Design District has design review requirements for signs. These downtown design requirements for signs were written as development standards and are required standards in order to obtain sign permit approval. As such, additional review is not required. In 2021 the City's fee schedule eliminated the Design Review Sign fee.

18.100.060 Projects Subject to Design Review

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 5000 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 5000 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.

TITLE 15 – IMPACT FEES

OMC Chapter – 15.04, General Provisions Governing the Assessment of Impact Fees

Proposal #9 – 15.04.060.A Exemptions

Why this is proposed: Staff proposed amendments to the exemptions section for impact fees, in order to address changes in state law (RCW 82.02.060) pertaining to Early Learning Facilities.

15.04.060 Exemptions

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 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%) 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 eighty percent (80%) reduction in impact fees; or

    ~~a.~~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 child care, 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.