

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO ENGINEERING DESIGN AND DEVELOPMENT STANDARDS AND AMENDING CHAPTER 12.02, AND SECTIONS 12.08.010, 12.16.100, 12.44.010, 17.36.090, 18.36.060, 18.40.060 AND 18.150.040 OF THE OLYMPIA MUNICIPAL CODE.

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

WHEREAS, on November 22, 2016, a public hearing was held to consider and approve amendments to the EDDS; and

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

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

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

WHEREAS, this Ordinance is consistent with the comprehensive plan; and

WHEREAS, the City of Olympia had previously adopted low impact development (LID) standards to be effective on December 1, 2016; and

WHEREAS, this Ordinance is structured to amend in part the LID standards that were adopted but not effective yet because the 2016 EDDS update is scheduled to be effective after the LID ordinance is scheduled to be effective; and

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

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

Section 1. Amendment of OMC Chapter 12.02. Olympia Municipal Code Chapter 12.02 is hereby amended to read as follows:

Chapter 12.02
OLYMPIA-ENGINEERING DESIGN AND DEVELOPMENT STANDARDS

12.02.000 Chapter Contents

Sections:

12.02.020 Engineering design and development standards.

- 12.02.030 Standards.
- 12.02.040 Applicability of standards.
- 12.02.050 Alternate standards of methods.
- 12.02.060 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction.

12.02.020 Engineering design and development standards

There is hereby adopted by reference "~~Olympia-2016 Engineering Design and Development Standards, with 2015 amendments,~~" one (1) copy of which shall be kept on file in the office of the City Clerk and the Olympia Public Works Department. These standards shall be considered a part of this ordinance as though fully set forth herein.

12.02.030 Standards

These City of Olympia "~~Development Guidelines and Public Works Standards~~Engineering Design and Development Standards" shall be referred to in the text as the "Standards."

12.02.040 Applicability of standards

These standards shall govern all new construction and upgrading of facilities both in the rights-of-way and on-site for transportation and transportation related facilities; storm drainage facilities; sewer and water facilities; and park, recreation, and open space facilities.

12.02.050 Alternate standards of methods

The Public Works Director may, on a case-by-case basis, approve different or alternate requirements or methods of construction from those specified in the standards, so long as such requirements or methods are functionally equivalent to those set forth in the standards and carry out their purposes.

12.02.060 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction.

A. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

B. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC Chapter 4.44, Uniform Code Enforcement.

Section 2. Amendment of OMC 12.08.010. Olympia Municipal Code 12.08.010 is hereby amended to read as follows:

12.08.010 Standards adopted

That certain document, ~~one (1) copy of which shall be kept on file in the office of the City Clerk~~ ~~three copies of which are on file in the office of the city clerk-treasurer~~, being marked and designated as Standard Specifications for Road, Bridge, and Municipal Public Works Construction, 1975-2016 Edition, prepared by the Washington State ~~Chapter of the American Public Works Association~~ Department of Transportation, including all supplements and appendices therein, and all subsequent additions and editions, is adopted as the standard specifications for public works in the city.

Section 3. Amendment of OMC 12.16.100. Olympia Municipal Code 12.16.100 is hereby amended to read as follows:

12.16.100 Criteria for approval

No petition to vacate a street or alley shall be approved unless all of the following criteria can be met:

- A. The proposed vacation will not be materially detrimental to other properties in the vicinity, nor will it endanger public health, safety or welfare. Typical detriments or endangerments include, but are not limited to: depriving property of reasonable and convenient access; increasing traffic safety hazards; or decreasing transportation service levels.
- B. The subject rights-of-way is not needed for general access, emergency services, utility facilities or other similar public purposes, nor is it necessary as part of a long range circulation plan, pedestrian/bicycle pathway plan or street improvement plan. Providing easements, relocating facilities or implementing other similar alternatives equal or superior to the existing or planned facilities may cause the petition to comply with this criteria;
- C. The subject vacation is consistent with the adopted Olympia Comprehensive Plan and all other related land use and circulation regulations and policies, including but not limited to the Olympia Engineering Design and Development Standards and Titles 17 (Subdivisions) and 18 (Zoning) of the Olympia Municipal Code;

D. The subject vacation would not directly or indirectly result in an adverse impact on historical or cultural resources, the natural environment or otherwise negatively affect an environmentally sensitive area as defined by Chapter 18.76 of the Olympia Municipal Code.

Section 4. Amendment of OMC 12.44.010. Olympia Municipal Code 12.44.010 is hereby amended to read as follows:

12.44.010 Scope

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

Section 5. Amendment of OMC 17.36.090. Olympia Municipal Code 17.36.090 is hereby amended to read as follows:

17.36.090 Review criteria

A large lot subdivision shall be approved when:

A. Each lot within the proposed division meets the access requirements of the Olympia Engineering Design and Development Standards;

B. The proposed division conforms to the comprehensive plan, Shoreline Master Program, and zoning ordinance;

C. The property owner(s) agree to dedicate rights-of-way in accordance with the development standards, and fulfills all conditions of reviewing departments and agencies. (Note: Frontage improvements abutting the original parcel being divided may be deferred, provided that any improvements required to serve the proposed lots are installed.);

D. The requirements of the State Environmental Policy Act have been met;

E. There is compliance with the requirements of the county health department and Public Works Department as evidenced by the signatures of said departments on the large lot plat map;

F. The county treasurer has certified, on the large lot plat map, that all taxes on the land have been fully paid and discharged;

G. The Planning Department has examined the large lot subdivision and found compliance with all conditions of approval.

Section 6. Amendment of OMC 18.36.060. Olympia Municipal Code 18.36.060 is hereby amended to read as follows:

18.36.060 General requirements

A. Existing Trees and Associated Vegetation.

1. The applicant will be required to retain existing trees and associated vegetation pursuant to the City's Tree Protection and Replacement Ordinance, OMC 16.60. This may require site design modifications including, but not limited to: relocating buildings and other site improvements, additional perimeter setback, changes in the size and locations of parking lot islands, etc.
2. Where existing trees and associated vegetation serve the same or similar function to the required landscaping, they shall have priority over and may substitute for the required landscaping, provided the following conditions are met:
 - a. The trees must be healthy and not constitute a hazard as determined by a qualified professional forester. Pursuant to OMC 16.60. Trees must be appropriate for the site at mature size.
 - b. A tree protection and replacement plan must be developed, by a qualified professional forester. Pursuant to OMC 16.60.
 - c. The tree protection and replacement plan must be approved by the City of Olympia's Urban Forester.
 - d. Supplemental landscaping is provided within or adjacent to these areas, as necessary, to accomplish the specific intent and purpose of this chapter.
3. All portions of the site not proposed for building, other site improvements and required landscaping, shall be retained in a predeveloped, uncompacted, forested and vegetative condition. The approval authority may require clearing and supplemental landscaping in these areas. (See 18.04A.070 and 18.06A.090, Landscape Design).

B. Coverage. All planting areas shall have plant materials that provide seventy-five (75) percent coverage within three years.

C. Irrigation.

1. Areas planted with grass or sod shall have a permanent irrigation system. If used elsewhere, irrigation shall be appropriate to the maintenance of plants. See Groundcover/Turf below.
2. All irrigation systems shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple start capability and flexible calendar programming. They must also allow

for at least seven day timing cycles. Timers should be set to reduce evaporation (e.g., water during evening hours after sundown).

3. Irrigation systems shall be designed and operated to minimize runoff and overspray to non-irrigated areas.

4. The water schedule for each circuit identified on the approved landscape plan must be posted inside the corresponding controller.

D. Groundcover/Turf.

1. Ground cover shall be planted and spaced in a triangular pattern which will result in complete coverage in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may be included in total ground cover calculations.

2. Grass species shall be appropriate for the location, use, and size of lawn area. (See Suitability below.)

E. Suitability.

1. The vegetation selected for the landscape plan shall be suited to the climate, location, and physical conditions of the site so it can be reasonably expected to survive. Trees shall be selected and located to minimize the potential for interfering with or damaging power lines, underground utilities, or impervious surfaces. Trees shall be selected for their compatibility with the site design at their mature size. Trees shall be selected and located to minimize potential damage to structures and injuries to people.

2. All developments are encouraged to use native and drought-tolerant plant materials where conditions and location support their survival, and to reduce the amount of sod and lawn areas which are highly dependent on labor, water and chemicals. A list of native and drought tolerant plant materials is available from the Department.

3. In order to reduce water use and improve survivability, design principles using xeriscape techniques are encouraged. In meeting water conservation goals, plantings that are not drought tolerant should be grouped together and separated from drought tolerant plantings. If installed, separate irrigation systems should be provided as necessary for each group. (See 18.36.060(3), Irrigation, for sprinkler requirements).

F. Mulch/Soil.

1. To reduce erosion, minimize evaporation, provide for weed control and to enhance the growing conditions, all areas to be planted should be mulched approximately four (4) inches deep with composted or other approved organic material. If uncomposted mulch is used, it should be amended

with a sufficient amount of fertilizer to compensate for typical nitrogen deficiencies caused by the uncomposted mulch.

2. Existing soil types shall be identified on landscape plans. Soils that are found to be inadequate to provide for the long-term health of proposed landscaping shall be amended up to twenty-four (24) inches deep with soil amendments such as bio-solids or other material as deemed necessary by the approval authority.

G. Trees.

1. Deciduous Trees. Size - Shall have a caliper of at least two (2) inches, measured six (6) inches above the ground line. Quality - Shall be State Department of Agriculture Nursery Grade No. 1 or better.

2. Conifer Trees. Size - Shall be a minimum of six (6) feet in height, measured from ground line. Quality - Shall be State Department of Agriculture Nursery Grade No. 1 or better.

3. Street Trees. Street trees will be required as part of frontage improvements pursuant to City of Olympia Engineering Design and Development Standards and subject to any applicable street tree plan adopted by the city. In the absence of an approved street tree plan the species and spacing of required trees will be determined by the City of Olympia's Urban Forester, or designee, consistent with the provisions of this Chapter.

H. Clear Sight Triangle. Fences and landscape plants at maturity shall not exceed two and a half (2.5) feet in height within a clear sight triangle for traffic safety as measured from the street centerline. (See 18.40.060(C) for triangle dimensions.)

I. Waste Containers, Mechanical Equipment and Open Storage.

1. Waste Containers and Mechanical Equipment: Solid waste containers (dumpsters, carts, drop boxes and compactors) and mechanical and electrical equipment in industrial, commercial, multi-family and mixed-use projects, which would otherwise be visible from adjoining streets shall be screened from public view by a Type II Visual Screen unless such would interfere with access and service, in which case a Type III Visual Buffer shall be provided.

2. Open Storage: All outside storage areas shall be fully screened by a Type I Solid Screen a minimum of five (5) feet in width, unless the Department finds such storage material is not visually obtrusive.

J. Stormwater Pond and Swales.

1. Stormwater drainage ponds and swales shall be located where they will not unreasonably impede pedestrian access to or between buildings. They shall be attractively landscaped and integrated into the site design.

2. Existing water bodies and wetlands should be incorporated into the site design as an amenity.

K. Pedestrian Facilities. Pedestrian facilities, transit stops, and barrier free access may be allowed in required landscape areas without requiring additional buffer area, provided the intent of this Chapter is met and that the function and safety of the pedestrian facility, transit stop or barrier free facility is not compromised. (See Sections 18.06A.180, 18.06A.190 and 18.06A.200, Pedestrian Design Guidelines.)

L. Types of Perimeter Landscape.

1. Solid Screen (Type I). Purpose: This type of landscaping is intended to provide a solid sight barrier between totally separate and incompatible land uses such as residential and industrial areas. It is also used around outdoor storage yards and service yards.

Materials: Landscaping shall consist of evergreen trees, tall shrubs and ground cover which will provide one hundred percent sight-obscuring screen; OR a combination of seventy-five (75) percent evergreen and twenty-five (25) percent deciduous trees with large shrubs and ground cover backed by a one hundred (100) percent sight-obscuring fence. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

2. Visual Screen (Type II). Purpose: This type of vegetation or landscape structure, or both, is intended to create a visual separation that may be less than one hundred (100) percent sight-obscuring. It is typically found between commercial and industrial zones; high density multifamily and single family zones; commercial/office and residential zones; and to screen commercial and industrial use waste containers, mechanical and electrical equipment from the street.

Materials: Vegetative landscaping shall consist of evergreen OR a combination of approximately sixty (60) percent evergreen and forty (40) percent deciduous trees, interspersed with large shrubs and ground cover. A sight-obscuring fence or other landscape structure can be used and may be required if necessary to reduce site specific adverse impacts to adjacent land uses. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section (See Section 18.170.050, Multifamily Residential, Fences and Walls).

3. Visual Buffer (Type III). Purpose: This type of landscaping is intended to provide partial visual separation of uses from streets and main arterials and between compatible uses in order to soften the appearance of parking areas and building elevations. Landscaping shall consist of no more than fifty (50) percent deciduous species. Waste containers may be buffered from view using vegetation or a landscape structure or both.

Materials: Vegetative landscaping shall be a mixture of evergreen and deciduous trees interspersed with large shrubs and ground cover. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

Section 7. Amendment of OMC 18.40.060. Olympia Municipal Code 18.40.060 is hereby amended to read as follows:

18.40.060 General standards

These standards apply to more than one (1) land use district and are therefore combined in this Chapter. These standards are to be considered in addition to standards and design guidelines located in specific land use district chapters.

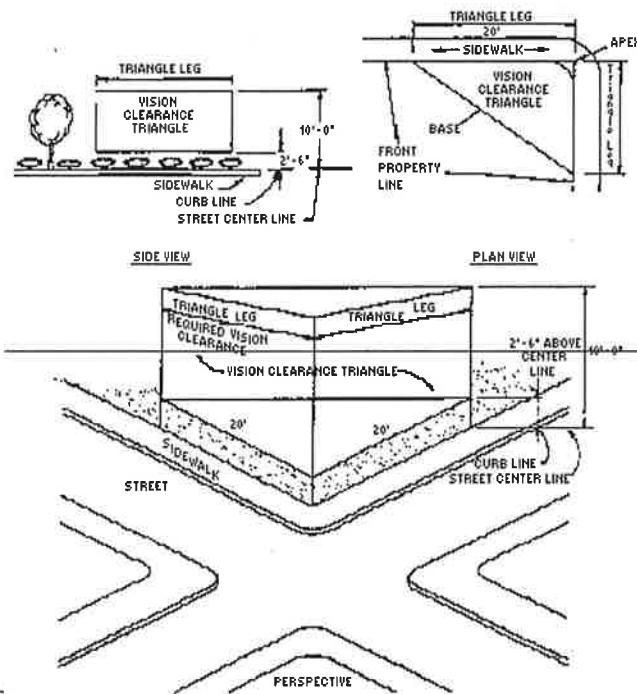
A. Required Building Site.

1. Building Site--Number of Buildings. Every main building hereafter erected shall be located on a legal lot of record as provided for in this title. There shall be no more than one (1) main building on any one (1) lot in the R-4, R 4-8, and R 6-12 use districts.
2. Lot or Building Site--Reduction. No lot or parcel of land now existing or hereafter established shall be so reduced or diminished that yards, open space, width or total lot area be made smaller than the minimum required by this title; nor shall any existing lot or parcel of land that is now smaller than the minimum required by this title be further reduced or diminished in any manner.

B. Clear Sight Triangle. (See Clear Sight Triangle definition.)

- 1.—All corner building sites located in use districts that require a front and side yard shall maintain a clear sight triangle at the intersection of the street rights-of-way for the purpose of traffic safety. Such building, other structures, and landscaping shall conform to those standards set forth in Chapter 4 of the Public Works and Engineering Design and Development Standards of the City. ~~No building, structure, object or growth over two and one-half (2.5) to ten (10) feet in height, measured from the street centerlines of the intersecting streets, shall be allowed within this triangle.~~
- 2.—~~Absent an Engineering Standard, one angle of this triangle shall be formed by the intersecting street rights-of-way and the sides of the triangle measured along the property lines from said angle shall be twenty (20) feet in length; the third side of such triangle shall be a straight line connecting the ends of the two (2) aforementioned lines.~~
- 3.—~~The Public Works Director may alter the clear sight triangle. Such alteration is contingent on unusual site topography, proposed site design features, and other unique circumstances pertaining solely to the site and surrounding properties. The Public Works Director or designee shall make written findings that the alteration does not constitute a traffic or pedestrian safety hazard.~~
- 4.—~~Street lights, power poles, traffic signs, or similar street fixtures less than one (1) foot wide or other objects above ten (10) feet in height above the adjacent street elevation shall be allowed in the clear sight triangle unless the Public Works Director determines that, individually or cumulatively, they would~~

pose a public safety hazard. The Public Works Director may authorize other objects in the clear sight triangle which do not comply with this standard upon determining that they would not pose a risk to



public safety.

FIGURE 40-1

C. Fences/Hedges, Walls and Site Perimeter Grading. It shall be the responsibility of property owners to ensure fences are within property lines. "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.

1. Fences, when located within a required yard, shall not exceed the following height limits:
 - a. Front yard = 48" (4'-0");
 - b. Side yards = 72" (6'-0");
 - c. Rear yards = 72" (6'-0");
 - d. Clear Sight Triangle = 30" (2'-6").

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 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) 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 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) 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 = 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.

D. Lighting. All display and flood lighting shall be constructed and used so as not to unduly illuminate the surrounding properties and not to create a traffic hazard.

E. Outdoor Storage.

1. Except as provided in the underlying district, there shall be no outdoor storage of goods or materials, and there shall be no warehousing or indoor storage of goods or materials beyond that normally incidental to the uses permitted in each underlying district. Permitted outdoor storage must be screened from view of any public way.

2. Materials covered by buildings with roofs but without sides shall be considered outdoor storage and shall be subject to the screening provisions of this section. This provision shall not apply to display of new or used motor vehicles or watercraft where such activities are an integral part of an automobile or watercraft dealership. Refuse may be stored in cans outdoors, provided that they are enclosed in a screened enclosure area.

3. Storage in residential areas shall comply with the same requirements as those specified for business establishments and shall, in addition, comply with the following:

a. Motor vehicles, appliances, and any other mechanical equipment which is no longer operable or licensed shall not be stored outside for a period exceeding thirty (30) days;

b. Operable motor vehicles, boats, trailers, recreational vehicles and the like may be stored on the premises provided that they do not obstruct the use of public right-of-way or interfere with traffic visibility, especially the visibility of and at intersections of streets. Vehicles, boats, and the like, so stored shall not be used for living quarters. The storage of boats with a beam exceeding eight (8) feet may be permitted only if it is determined by the Hearing Examiner that such storage will not be detrimental to surrounding property or the neighborhood. In no event shall such vehicles, boats and the like be stored within less than five (5) feet of any side or rear property line without written approval of the occupant of the adjoining property.

4. Storage in or on the public right-of-way is prohibited. All vehicles, boats, trailers, recreational vehicles, household and business equipment, landscape material and any other personal items shall not be placed within a public right-of-way longer than twenty-four (24) hours. Stored item(s) shall be tagged by the police and a warning issued to remove within seventy-two (72) hours. Failure to do so will result in removal by the city at the owners expense. (Also see RCW 46.55.085.)

F. Pleasure Boat Storage.

1. Private pleasure boats shall be allowed to moor in any use district and such moorage, exclusive of yacht clubs, marinas and other commercial moorage facilities shall be subject to the following requirements:

2. The height of any covered boat house shall not exceed sixteen (16) feet above the ordinary water level.

3. The side or end of a covered boat house that faces the water shall not be more than sixty (60) feet beyond the natural shoreline.

4. All structures shall conform to the side yard requirements of the use district in which they are located.

5. Any side wall or roof of any moorage structure shall consist of rigid or semi-rigid materials and the roof area shall not exceed one thousand (1,000) square feet.

6. Covered boat houses shall not occupy more than fifty (50) percent of the width of the lot at the shoreline upon which it is located.

7. A moored boat shall not be used as a place of residence unless some means is employed to connect such boat with the city sewer system.

EXEMPT: Any boat moorage in water under government supervision is exempt from the above-mentioned requirements.

G. Underground Utility Lines.

1. Except as follows, all electrical, telephone or other utility distribution and service lateral lines or wires shall be underground.

Exemptions:

a. Electric utility substations, switching stations, pad-mounted transformers and switching facilities. These above ground facilities shall be screened from view;

- b. Electric transmission systems of a voltage of fifty-five (55) kv or more (including poles and wires) and equivalent communications facilities;
 - c. Street lighting (poles);
 - d. Telephone pedestals and other equivalent communication facilities;
 - e. Police and fire sirens, or any similar municipal equipment, including traffic control equipment;
 - f. Temporary services for construction;
2. The cost of constructing new facilities underground or relocating existing aerial facilities underground shall be borne by the serving utilities, the owners of the real property to be served or others requesting such underground service in accordance with the applicable filed tariffs, or the rules and regulations or the published policies of the respective utilities furnishing such service, or as may be contractually agreed upon between the utility and such owner or applicant.
3. In the absence of filed tariffs, rules or regulations, published policies or contractual agreement, the cost of constructing new facilities underground or relocating existing aerial facilities underground may be financed by any method authorized by state law.

H. Yards.

- 1. In addition to the following, yard regulations found in Section 18.04.060(B) (Accessory Structures) apply to all building sites in all use districts of the city.
- 2. Yards/Setbacks.
 - a. The required setback area shall be parallel to the structure requiring a setback. Setback width shall be measured from the outermost edge of the building foundation to the closest point of the parallel (or nearly parallel) adjoining lot line. In the event of a planned unit development or binding site plan, such development shall meet all Uniform Building Code separation requirements. (See Figure 40-4.)
 - b. A required yard area shall be kept free of any building or structure taller than thirty (30) inches, except that a building or projection shall be allowed as provided below:
 - i. Cornices, window sills, bay windows, flues and chimneys, planters, and eaves of roofs may project two (2) feet into the required yard area.
 - ii. Marquees and awnings of commercial buildings may project into required setback areas.

- iii. Fences may project into the required yard area if they meet fence height requirements found in Section 18.40.060(C).
 - iv. Uncovered steps, porches, or patios, which are no more than thirty (30) inches above the adjacent grade may be placed within the required setback area.
 - v. Uncovered swimming pools, hot tubs and satellite dish antennas may be placed in the rear or interior side yard setback area. See 18.04.060(X)(2)(f).
 - vi. Signs in compliance with Chapter 18.42
 - vii. Refer to each land use district for other allowed projections in required yards.
- c. No building construction nor projection is allowed within any utility, access or public/private easement.
- d. The front yard setback for a flag lot shall be a minimum of ten (10) feet measured from the nearest parallel or nearly parallel lot line adjacent to the front facade of the dwelling.

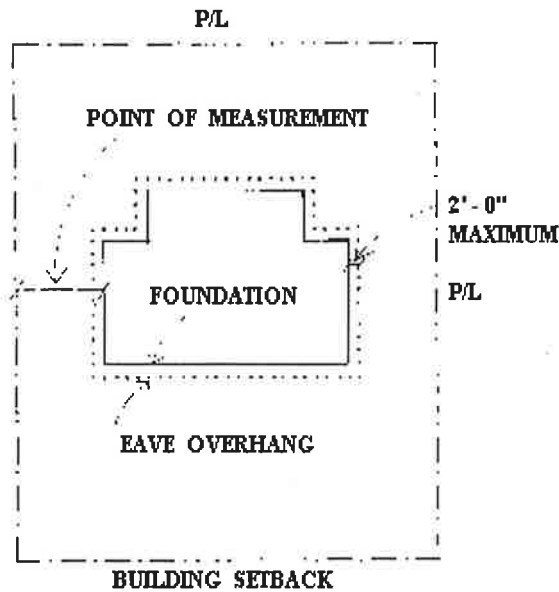


FIGURE 40-4

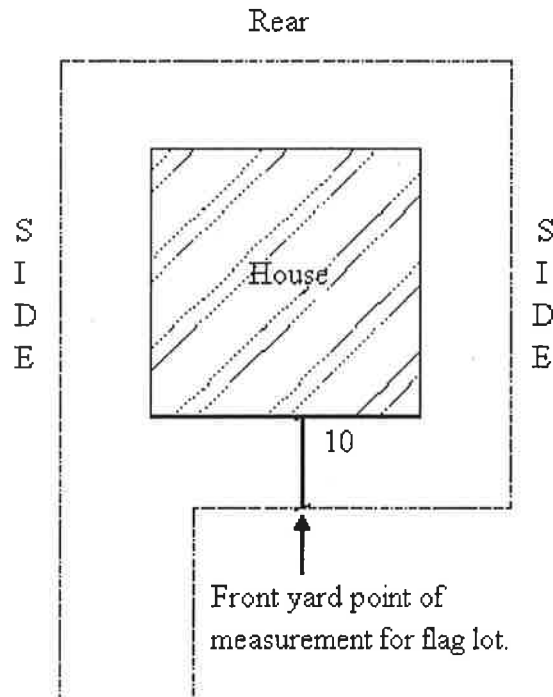


FIGURE 40-5

3. Use of Yard by Another Building. No yard or other open space required by this chapter for any building shall be considered as a yard or other open space for any other building; nor shall any yard or open space on one building site be considered as a yard or open space for a building on any other building site.

I. Minimum Street Frontage.

1. Each lot, other than in townhouse, cottage and co-housing projects, shall have a minimum of thirty (30) feet of frontage on a public or private street. With respect to binding site plans, this requirement shall apply to the entirety of the binding site plan and not to each individual site or lot. The Director may allow the street frontage to be reduced or eliminated to the minimum extent necessary to enable access to property where public street access is not feasible for such reasons, including but not limited to, physical site conditions or preexisting development or to protect environmentally Critical Areas.

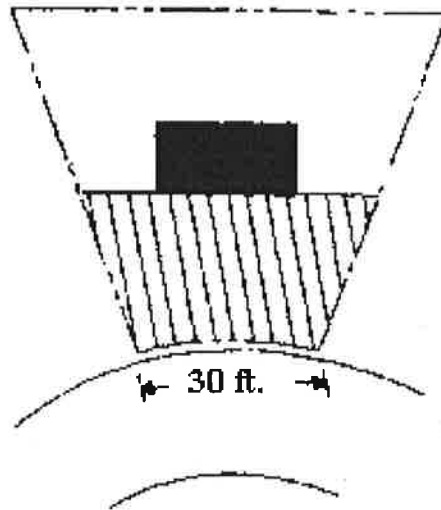


FIGURE 4-2

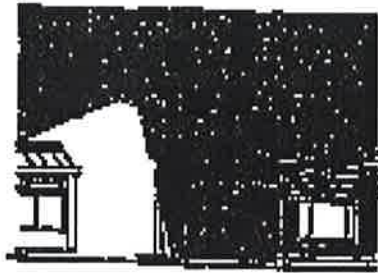
2. Subdivisions, short subdivisions, binding site plans, and lot line adjustments creating flag lots (with street frontages of less than thirty (30) feet) are subject to the following conditions.
 - a. The project shall be designed to minimize the creation of flag lots.
 - b. Adjoining flag lots shall share a common driveway wherever possible.
 - c. All driveways accessing flag lots shall be designed to allow fire truck access to within one hundred fifty (150) feet of all exterior points of the building(s) on the lot(s), unless alternate forms of fire protection approved by the Chief of the Fire Department are provided, including but not limited to, sprinkler systems.
 - d. The area of a flag lot which is less than thirty (30) feet in width shall not be considered part of the minimum lot area required in Table 4.04.

Section 8. Amendment of OMC 18.150.040. Olympia Municipal Code 18.150.040 is hereby amended to read as follows:

18.150.040 Site design –Lighting

- A. REQUIREMENT: Accent structures, as well as provide visibility, security, and conserve energy with lighting.
- B. GUIDELINE:
 1. Use lighting to accent key architectural elements or to emphasize landscape features.

2. Add adequate lighting to sidewalks and alleys, to provide for well lighted pedestrian walkways in accordance with the ~~Olympia~~ Chapter 4 of the Engineering Design and Development Standards-Table III, Lighting.
3. Locate lighting so as not to have a negative impact on adjacent properties such as shining off site into adjacent buildings.



Section 9. 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 10. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 11. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darre Nienaber DCA

CITY ATTORNEY

**PASSED:
APPROVED:
PUBLISHED:**