



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, March 19, 2024

6:00 PM

Council Chambers, Online and
Via Phone

Register to Attend:

https://us02web.zoom.us/webinar/register/WN_0ROhildfSiSd4SnvDygs0g

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

2.A [24-0241](#) Special Recognition - Proclamation Recognizing Transgender Day of Visibility

Attachments: [Proclamation](#)

2.B [24-0239](#) Special Recognition - The Switch Is On Campaign

Attachments: [Link to The Switch is On Website](#)

3. PUBLIC COMMENT

(Estimated Time: 0-30 Minutes) (Sign-up Sheets are provided in the Foyer.)

During this portion of the meeting, community members may address the City Council regarding items related to City business, including items on the Agenda. In order for the City Council to maintain impartiality and the appearance of fairness in upcoming matters and to comply with Public Disclosure Law for political campaigns, speakers will not be permitted to make public comments before the Council in these two areas: (1) where the public testimony may implicate a matter on which the City Council will be required to act in a quasi-judicial capacity, or (2) where the speaker promotes or opposes a candidate for public office or a ballot measure.

Individual comments are limited to two (2) minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the City Council will refrain from commenting on individual remarks until all public comment has been taken. The City Council will allow for additional public comment to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.

COUNCIL RESPONSE TO PUBLIC COMMENT (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

- 4.A [24-0226](#) Approval of March 5, 2024 City Council Meeting Minutes

Attachments: [Minutes](#)

4. SECOND READINGS (Ordinances)

- 4.B [24-0185](#) Approval of an Ordinance Amending Development Standards of the Retail/Commercial Zone of the Evergreen Park Planned Unit Development

Attachments: [Ordinance](#)

[Hearing Examiner Recommendation](#)

[Hearing Examiner Staff Report and Public Record](#)

[Presentation](#)

- 4.C [24-0192](#) Approval of an Ordinance Adopting Updated International Building Codes as Required by the State Building Codes Council

Attachments: [Ordinance](#)

- 4.D [24-0193](#) Approval of an Ordinance Revising Fees for Engineering, Building and Land Use Permits, and Plan Review

Attachments: [Ordinance](#)

4. FIRST READINGS (Ordinances) - NONE

5. PUBLIC HEARING

- 5.A [24-0232](#) Public Hearing on Relocation Assistance and Additional Renter Protections

Attachments: [OMC 5.82 Draft Amendments](#)

[Tenant Screening Sample Policies](#)

6. OTHER BUSINESS

- 6.A [24-0222](#) Olympia Police Department Automated License Plate Reader Cameras Implementation Plan Briefing

Attachments: [Automatic License Plate Readers Factsheet](#)

[Flock Safety Factsheet](#)

[Flock Safety Falcon Camera Factsheet](#)

[Flock Safety Privacy Factsheet](#)

[Ethics and Innovation Factsheet](#)

[Presentation](#)

- 6.B [24-0219](#) Community Representative Briefing of the December 2022 Officer Involved Shooting

7. CONTINUED PUBLIC COMMENT

(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes)

8. COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**9. CITY MANAGER'S REPORT AND REFERRALS****10. EXECUTIVE SESSION**

10.A [24-0245](#) Executive Session Pursuant to RCW 42.30.110(1)(g) - Personnel Matter

10. ADJOURNMENT

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's Executive Assistant at 360.753.8244 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.



City Council

Special Recognition - Proclamation Recognizing Transgender Day of Visibility

Agenda Date: 3/19/2024
Agenda Item Number: 2.A
File Number:24-0241

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

Title

Special Recognition - Proclamation Recognizing Transgender Day of Visibility

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize Transgender Day of Visibility.

Report

Issue:

Whether to recognize Transgender Day of Visibility.

Staff Contact:

Tobi Hill-Meyer, Diversity Equity Inclusion Program Manager, 360.753.8285

Presenter(s):

Valerie Dettenwanger, Oly Trans Fam

Andri Chavez, Oly Trans Fam

Annie Monahan, Oly Trans Fam

Background and Analysis:

Transgender Day of Visibility was originally created in to celebrate the achievements of trans people and promote the important works of trans artists, writers and community resources. This year there are legislative attacks against trans people across the country, including efforts to deny access to health care to both trans youth and trans adults, suppress resources for trans youth in schools, grant protections for students and faculty who bully trans students, criminalize the parental choice to support a trans child's healthcare needs, or for trans people to perform in public.

Climate Analysis:

Using the Climate Framework, it was determined this project does not involve buildings/energy use, transportation/land use, water/waste, or agriculture/forests/urban tree canopy.

Equity Analysis:

There are meaningful and significant disparities that transgender people face. This proclamation is a reminder for the City organization, the community, local businesses, organizations to support the powerful work and creations of trans people and to support trans people in a time of increasing denial of basic human rights.

Financial Impact:

No financial impact.

Options:

1. Recognize Transgender Day of Visibility 2024.
2. Do not recognize Transgender Day of Visibility 2024.
3. Recognize Transgender Day of Visibility 2024 at another time.

Attachments:

Proclamation

PROCLAMATION

WHEREAS, Transgender Day of Visibility was founded in 2009 by transgender activist Rachel Crandall, the executive director of Transgender Michigan, to acknowledge and honor the successes achieved by transgender people; and

WHEREAS, the City of Olympia celebrates the significant contributions transgender, gender non-conforming and non-binary people make to Olympia and affirms that they are vital members of our community; and

WHEREAS, Transgender Day of Visibility provides a forum for transgender communities and allies to raise awareness of the need for visible support and resources for transgender, non-binary and gender nonconforming people and awareness of the persistent transphobic prejudice that permeates our society; and

WHEREAS, transgender, gender non-conforming and non-binary community members are business owners, artists, educators, advocates, activists, family members and friends, who deserve to live free from discrimination and harassment of any form; and

WHEREAS, the City of Olympia honors the transgender, gender non-conforming, and non-binary people of Olympia for their resilience and activism within our community and acknowledges that work still needs to be done to address anti-transgender violence, particularly at this time when transgender rights and existence is being challenged; and

WHEREAS, the City of Olympia recognizes that our transgender and gender diverse community members deserve a safe place to not just survive, but to live and thrive; and

NOW, THEREFORE, BE IT RESOLVED, the Olympia City, does hereby proclaim March 31, 2024 as the

TRANSGENDER DAY OF VISIBILITY

and urges all its residents to respect and honor the right of our transgender and gender diverse community members to live openly in an authentic and accurate representation of who they are, free from violence, harassment and discrimination.

***SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS
NINETEENTH DAY OF MARCH 2024.***

OLYMPIA CITY COUNCIL

***Dontae Payne,
Mayor***



City Council

Special Recognition - The Switch Is On Campaign

Agenda Date:
Agenda Item Number: 2.B
File Number: 24-0239

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

Title

Special Recognition - The Switch Is On Campaign

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize the Switch Is On Campaign.

Report

Issue:

Whether to recognize the Switch Is On Campaign.

Staff Contact:

Pamela Braff, PhD, Director of Climate Programs, Office of Community Vitality, 360.753.8249

Presenter(s):

Pamela Braff PhD, Director of Climate Programs, Office of Community Vitality

Background and Analysis:

The Washington Switch Is On (SIO) campaign is a consumer awareness campaign, designed to educate, inspire, and empower residents, community groups, contractors, and other community leaders to advance building decarbonization through energy efficiency and electrification.

The SIO Campaign includes a web-based information hub that connects user locations (via zip code) with applicable incentives and nearby contractors. This web-based hub will be paired with an outreach and educational campaign, to help spread awareness and direct users to the central information hub. The outreach campaign, which launched in March 2024, will include community events, paid and earned media, and the development of additional outreach materials and web-based resources.

The Inflation Reduction Act (IRA) has the potential to kickstart widespread residential decarbonization. However, only a small number of people are aware of electric technologies and their

benefits. Even those who are aware still face barriers to implementation including high upfront costs, lack of specific localized information, and limited technical support to guide them along the way. By growing consumer awareness and providing a centralized information hub, the SIO Campaign will help to ensure that more residents can access the benefits of the IRA and building decarbonization.

Climate Analysis:

Building electrification is a key strategy to achieve Olympia’s greenhouse gas emissions reduction goals. The SIO Campaign will support a long-term reduction in greenhouse gas emissions through improved consumer awareness of building electrification tools and resources.

Equity Analysis:

The 2022 Inflation Reduction Act (IRA) includes a suite of rebates and incentives to help households implement electrification and efficiency improvements, with a special focus on low- and moderate-income households. Households will be able to take advantage of upfront rebates and tax credits to reduce the costs of electric appliances, such as heat pumps and heat-pump hot water heaters. A key goal of the SIO Campaign is to help increase awareness of these (soon-to-be) available rebates and incentives.

Financial Impact:

Several cities and counties in Washington State (including Olympia, Thurston County, Pierce County, King County, and Seattle) have partnered with the Building Decarbonization Coalition to launch the Switch Is On Campaign. Olympia’s contribution to fund the campaign is \$25,000.

Options:

1. Recognize The Switch is On Campaign.
2. Do not recognizing The Switch is On Campaign.
3. Take other action.

Attachments:

Link to The Switch Is On Website



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Switching to electric is safer than ever

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Everything gets better when you switch

When you switch your appliances from gas to electric, you can count on these things improving:



Your health

Electrifying improves air quality (both indoors and out) and reduces the likelihood of fires and gas leaks.



Your wallet

Homeowners can save on energy costs when upgrading to electric technologies.



Your home

Home improvement benefits are two-fold – increased home value and increased comfort.



Your planet

Switching to electric equipment cuts homeowner's carbon footprint.

Find the right solutions for your home

Electrify your home by upgrading appliances powered by fossil fuels to more modern, more efficient, and safer electricity-powered appliances. Electrification helps the environment by reducing pollution from buildings.

Space heating and cooling

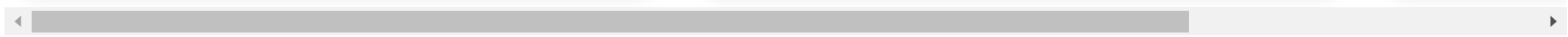
Heat pumps can meet all your heating and cooling needs in one unit.

Water heating

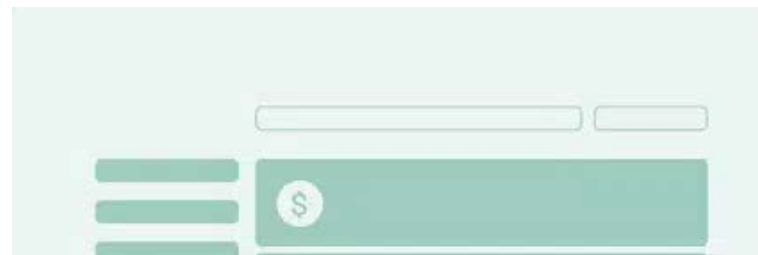
Modern water heaters use hybrid technology to provide hot water for your whole family more efficiently.

Cooking

Stovetop te
way to bring
efficiency, .



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City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8244

City Council

Approval of March 5, 2024 City Council Meeting Minutes

Agenda Date: 3/19/2024
Agenda Item Number: 4.A
File Number:24-0226

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

Title

Approval of March 5, 2024 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, March 5, 2024

6:00 PM

Council Chambers, Online and Via
Phone

Register to Attend:

https://us02web.zoom.us/webinar/register/WN_Qgd6EjdJTNOvdD4ik7iuBA

1. ROLL CALL

Present: 7 - Mayor Dontae Payne, Mayor Pro Tem Yến Huỳnh, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Robert Vanderpool

1.A ANNOUNCEMENTS - None

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [24-0212](#) Special Recognition - Proclamation Recognizing Billy Frank Jr Day

Councilmembers read a proclamation recognizing Billy Frank Jr. Day. Nisqually Tribal Vice Chairwoman Antonette Squally read a statement and presented the City with a photo and Nisqually flag. Chairman Wille Frank III thanked the Council for recognition of his father. Hanford MacLeod and the Canoe Family sang a song.

Councilmembers shared their appreciation for Billy Frank Jr.

The recognition was received.

2.B [24-0210](#) Special Recognition - Proclamation Recognizing Disability Awareness Month

Councilmember Parshley read a proclamation recognizing Disability Awareness Month.

Disability Inclusion Network representative Joslyn Nelson accepted the proclamation.

The recognition was received.

2.C [24-0213](#) Special Recognition - Proclamation Recognizing Red Cross Month

Councilmember Gilman read a proclamation recognizing Red Cross Month.

American Red Cross of South Puget Sound and Olympics Board Member Vic Martinez accepted the proclamation.

The recognition was received.

- 2.D** [24-0196](#) Special Recognition - Olympia Historical Society & Bigelow House Museum 2024 Gerry L. Alexander Heritage Award for the Renaming of Squaxin Park

Olympia Historical Society & Bigelow House Museum Board President Greg Griffith presented the City Council with the 2024 Gerry L. Alexander Heritage Award for the Renaming of Squaxin Park. He noted the award will also be presented to the Squaxin Tribal Council. Mr. Griffith also shared information regarding other award recipients.

The recognition was received.

3. PUBLIC COMMENT

The following people spoke: Kelsey Schaeffer, Jenny Boreman, Colette Paulson, Craig Chance, Jupert Barrios and Brian Brannies.

4. CONSENT CALENDAR

- 4.A** [24-0167](#) Approval of February 13, 2024 City Council Meeting Minutes

The minutes were adopted.

- 4.B** [24-0208](#) Approval of February 27, 2024 City Council Study Session Meeting Minutes

The minutes were adopted.

- 4.C** [24-0209](#) Approval of Bills and Payroll Certification

Payroll periods December 15, 2023 through February 15, 2024 and Direct Deposit transmissions: Total: \$10,042,306.58; Claim expenditures December 29, 2023 through January 4, 2024 and January 12, 2024 through January 25, 2024: Total: \$4,504,518.58.

The decision was adopted.

- 4.D** [24-0195](#) Approval of Bid Award for the Boulevard Road Trail Crossing and Bike Corridor Project

The decision was adopted.

- 4.E** [24-0171](#) Approval of 2024 Neighborhood Matching Grants Awards

The decision was adopted.

- 4.F** [24-0191](#) Approval of a Resolution Authorizing an Agreement with Washington State Department of Commerce Growth Management Services for a 2023-2025 Climate Planning Grant

The resolution was adopted.

- 4.G** [24-0211](#) Approval of a Resolution Authorizing an Option with Vine Street Associates to Lease Commercial Office Space at 925 Plum Street SE

The resolution was adopted.

4. SECOND READINGS (Ordinances) - None

4. FIRST READINGS (Ordinances)

- 4.H** [24-0192](#) Approval of an Ordinance Adopting Updated International Building Codes as Required by the State Building Codes Council

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

- 4.I** [24-0193](#) Approval of an Ordinance Revising Fees for Engineering, Building and Land Use Permits, and Plan Review

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

Approval of the Consent Agenda

Councilmember Parshley moved, seconded by Councilmember Madrone, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 7 - Mayor Payne, Mayor Pro Tem Huỳnh, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone, Councilmember Parshley and Councilmember Vanderpool

5. PUBLIC HEARING

- 5.A** [24-0194](#) Public Hearing on Master Use Permit for Ziplly Fiber

Assistant City Engineer Stephen Sperr shared an overview of the Master Use Permit for Ziplly Fiber.

Councilmembers asked clarifying questions.

Mayor Payne opened the public hearing at 7:32 p.m. No one spoke. Mayor Payne closed the public hearing at 7:32 p.m.

Councilmember Cooper moved, seconded by Councilmember Parshley, to direct staff to bring forward a proposed ordinance granting a Master Plan Permit to Ziplly Fiber. The motion carried by the following vote:

Aye: 7 - Mayor Payne, Mayor Pro Tem Huynh, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone, Councilmember Parshley and Councilmember Vanderpool

6. OTHER BUSINESS

- 6.A** [24-0108](#) Approval of a Resolution Authorizing an Agreement with the Department of Enterprise Services for Phase 1 Design and Re-Construction Audit for the Armory

Armory Building Manager Valerie Roberts gave an update on the status of the Armory and an overview of the agreement with the Department of Enterprise Services for Phase 1 Design and Re-Construction Audit for the Armory.

Councilmembers asked clarifying questions.

Mayor Pro Tem Huynh moved, seconded by Councilmember Parshley, to approve a resolution authorizing an agreement with the Department of Enterprise Services for Phase 1 Design and Re-Construction Audit for the Armory. The motion carried by the following vote:

Aye: 7 - Mayor Payne, Mayor Pro Tem Huynh, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone, Councilmember Parshley and Councilmember Vanderpool

- 6.B** [24-0185](#) Approval of an Ordinance Amending Development Standards of the Retail/Commercial Zone of the Evergreen Park Planned Unit Development

Associate Planner Jackson Ewing gave an overview of the Evergreen Park Planned Unit Development and the ordinance amending the Evergreen Park Planned Unit Development.

Councilmembers requested a review of the City's Comprehensive Plan to consider updates regarding zoning that excludes housing.

Councilmembers asked clarifying questions.

Councilmember Madrone moved, seconded by Councilmember Vanderpool, to approve on first reading, and forward to second reading, an ordinance amending the Evergreen Park Planned Unit Development. The motion carried by the following vote:

Aye: 7 - Mayor Payne, Mayor Pro Tem Huynh, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone, Councilmember Parshley and Councilmember Vanderpool

- 6.C** [24-0200](#) Olympia Fire Department CARES Program Overview

Fire Chief Matt Morris introduced Community Assistance Referral and Education Services (CARES) Manager Sarena Bellovich. Ms. Bellovich gave an overview of the CARES program.

Councilmembers asked clarifying questions.

The report was received.

7. CONTINUED PUBLIC COMMENT - None

8. COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

9. CITY MANAGER'S REPORT AND REFERRALS

City Manager Jay Burney confirmed that the recent Black History Month event will air on OlyTV. He mentioned the Council will be meeting with the Squaxin Island Tribal Council tomorrow evening. He also announced the next regular Council Meeting is on March 19.

10. ADJOURNMENT

The meeting adjourned at 9:17 p.m.



City Council

Approval of an Ordinance Amending Development Standards of the Retail/Commercial Zone of the Evergreen Park Planned Unit Development

Agenda Date: 3/19/2024
Agenda Item Number: 4.B
File Number:24-0185

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

Title

Approval of an Ordinance Amending Development Standards of the Retail/Commercial Zone of the Evergreen Park Planned Unit Development

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve an ordinance on second reading to amend the Evergreen Park Planned Unit Development.

Report

Issue:

Whether to approve an ordinance amending the Evergreen Park Planned Unit Development.

Staff Contact:

Jackson Ewing, Associate Planner, Community Planning & Development, 360.570.3776

Presenter(s):

Jackson Ewing, Associate Planner, Community Planning & Development

Background and Analysis:

The applicant, Phillip Stewart, seeks to modify the Evergreen Park PUD to permit residential/multifamily uses with the portion of the PUD currently restricted to retail/commercial uses.

The Hearing Examiner held an open-record public hearing on December 11, 2023. After considering the facts and public comments, the Examiner recommended approval of the proposed Planned Unit Development (PUD) amendment. Further details may be found in the Hearing Examiner Recommendation and the Hearing Examiner Staff Report and Public Record (attached).

As provided in OMC 18.54, the City Council must now consider the Hearing Examiner recommendation and make the final decision. No further public comment or evidence is allowed. This is a closed record decision.

Climate Analysis:

The project proposes to amend the Retail Commercial use district of the Evergreen Park PUD. This amendment will allow for increased housing opportunities in an area already served by city services. The proposed change would allow for increased urban density in an area that does not currently allow for residential uses. The PUD is currently served by existing public street and served by public transportation (bus routes). Future housing would have access to public transportation. The area of the PUD is served by existing transit routes (bus stops). New residents would have the option to utilize public transportation. The existing PUD contains sidewalk connections and bike lanes that provide pedestrian and bike access to the rest of the city. New residents would have ample opportunity to bike or walk to nearby services. Based on the above factors the proposed text code amendment would be consistent with goals of the Thurston Climate Mitigation Plan.

Equity Analysis:

The proposed text code amendment is consistent with the comprehensive plan goals for increased housing within the city limits. This will allow for the potential for increased housing stock. The Evergreen Park PUD currently has exclusive zoning which does not allow residential uses. This restriction is not consistent with zoning in other similar areas of the city that allow commercial and retail uses mixed with housing. This change would open more of the city to residential development serving the community goal of increasing housing in the city.

Neighborhood/Community Interests (if known):

As referenced in the Hearing Examiner's recommendation and the project record, a number of community members expressed a variety of concerns about the proposed PUD amendment. Formally submitted public comments can be found in the Hearing Examiner Staff Report and Public Record (attached). The majority of public comments included concerns about loss of hotel/conference meeting space and related jobs. Other concerns were expressed that the PUD was specifically designed to separate uses and that this amendment would disrupt existing commercial office space.

Financial Impact:

No impact. Staff work on this rezone application is supported through application fees and the Community Planning and Development Department's base budget.

Options:

1. Approve the attached Ordinance amending the Evergreen Park allowed uses and development standards as proposed.
2. Do not approve the Ordinance and deny the amendment application.
3. Modify the recommendation modify the recommendation and approve as amended.
4. Remand the topic to the Hearings Examiner for another hearing.

Note: No new evidence was presented to the city and no appeals were filed on the Hearing Examiner recommendation. Options 3-4 would be based on new evidence as described in OMC 18.56.060.D.

Attachments:

Ordinance

Hearing Examiner Recommendation

Hearing Examiner Staff Report and Public Record

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING THE EVERGREEN PARK PLANNED UNIT DEVELOPMENT (PUD), IN PARTICULAR, REVISING THE PERMITTED USES WITHIN THE RETAIL/COMMERCIAL AREA OF THE PUD TO ALLOW RESIDENTIAL USES AS A PERMITTED USE

WHEREAS, on May 22, 2023, Phillip Stewart, submitted a request to Modify Evergreen Park PUD to permit residential/multifamily uses within the Commercial Retail Zone of the Evergreen Park PUD, specifically, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13A, 14, 15A, and 51 through 66, Tracts F and G, and Lot 3 of Short Plat SS-5099. (Also, see Ordinance 5215 with regard to Lot 3 of SS-5099 and Ordinance 4192 with regard to lots 65 and 66.); and

WHEREAS, on June 28, 2023, Community Planning & Development staff issued Notice of Application and anticipated SEPA determination was issued, and Notice was sent to property owners within 300 feet of the PUD, Recognized Neighborhood Groups, and Applicable Agencies, following proper procedures pursuant to OMC 18.78.020; and

WHEREAS, on November 17, 2023, pursuant to the State Environmental Policy Act, the City of Olympia issued a Determination of Non-Significance, which was not appealed; and

WHEREAS, on November 17, 2023, the subject site was posted with notice regarding the public hearing, the SEPA Determination of Nonsignificance, and the SEPA Determination of Nonsignificance Appeal Period; and

WHEREAS, on November 27, 2023, a legal notice was published in *The Olympian* newspaper regarding the public hearing, SEPA Determination of Nonsignificance, and the SEPA Determination of Nonsignificance Appeal Period; and

WHEREAS, on December 11, 2023, the Olympia Hearing Examiner (the "Examiner") held a duly noticed, open-record public hearing regarding these proposals; and

WHEREAS, on January 3, 2023, the Examiner recommended that the land use zoning of the Evergreen Park PUD be changed to allow residential uses with the Retail/Commercial are of the subject PUD; and

WHEREAS, on date March 5th, 2024 the Olympia City Council, sitting in a quasi-judicial capacity, conducted a closed-record hearing to consider the Examiner's recommended land-use change for the Evergreen Park PUD; after considering the record, the Examiner's recommendation, and public testimony, the Council voted to adopt the Examiner's recommendation to change the zoning of the Evergreen Park PUD to allow residential uses in the Retail/Commercial zone of the subject PUD; and

WHEREAS, the City Council hereby adopts the findings and conclusions as set forth in the Examiner's recommendation; and

WHEREAS, this PUD amendment meets the goals and requirements of the Growth Management Act; and

WHEREAS, Chapters 35A.63 and 36.70 RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance; and

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

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

Section 1. Amendment of Official Evergreen Park PUD. The Evergreen Park PUD development regulations are hereby amended by replacing the current development standards of the PUD attached hereto, which is incorporated into the PUD regulations by reference as though fully set forth herein. The updated Official Evergreen Park PUD standards will be held on file with the city and made available to the public through the city website.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 3. 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 is unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance takes effect five (5) days after passage and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

APPENDIX A

May 22, 1973

AMENDED JUNE 1, 2006

AMENDED XXXX

**EVERGREEN PARK PLANNED UNIT DEVELOPMENT
USE CLASSIFICATION AND DEVELOPMENT STANDARDS**

ARTICLE I. INTENT

The Evergreen Park PUD District is designed to establish standards for the development of an area containing approximately 200 acres on the west side of Olympia, as a combined residential and commercial community. The general elements are designed to permit flexibility in the arrangement of structures on the sites in order to encourage good architectural design, to provide adequate greenbelt and open space areas, to provide the maximum possible protection of the natural amenities of the area, to provide adequate accesses and utilities for the uses permitted, to assure adequate light and air, and to provide protection from discordant influences.

ARTICLE II -GENERAL PROVISIONS

SECTION I. SITE PLANS - Emphasis of the natural amenities shall be an integral part of all site plans.

- A. For Lots 43 through 66 detailed site plans, landscape plans, building elevations, color schemes, building plans, computation for vertical angle of light, horizontal light angles and floor area ratio where-ever applicable shall be submitted directly to the Olympia City Site Plan Review Committee for review and approval as to conformance with the nature and intent hereof, development standards provided herein, and as to the adequacy of the traffic plan for the traffic to be generated by the development of such property.
- B. For Lots 3 through 42, detailed site plans, landscape plans, building elevations, color schemes, building plans, computations for vertical angle of light, horizontal light angles and floor area ratios wherever applicable for each parcel shall be submitted to the City Planner and City Engineer for review and approval to determine conformance with the nature and intent hereof, the standards herein, and other applicable ordinances of the City of Olympia.

SECTION II. OPEN SPACE, GREENBELT AREA (Tracts A, B, C & D)

- A. Tracts A, B, C, and D shown on the site plan annexed hereto marked Exhibit "A- 1" shall

be maintained in perpetuity as natural landscaped open areas, owned by a property owners' association, municipal or state body, or by present property owners. Additional areas to be devoted to open space or greenbelt area shall be approved by the City Planner and City Engineer.

SECTION III. PEDESTRIAN WALKWAYS AND CIRCULATION

- A. Pedestrian easements shall be provided to permit reasonable access to the greenbelt area either at the locations shown in the site plan annexed hereto or at other locations providing more suitable access giving due consideration to geographical limitations. Exact locations of pathways shall be approved by the Hearing Examiner upon recommendation of the City Planner and City Engineer. Maintenance shall be by a property owners' association, municipal body or present property owners. Additional pedestrian circulation walk-way systems may be required by the City Commission upon recommendation of the Hearing Examiner. All pathways must be constructed by the developer prior to construction on 45 percent of the lots as shown on Exhibit "A-1". Pathways shall be constructed in conformance with such reasonable design criteria as shall be established by the City Engineer.

SECTION IV. SIDEWALKS

- A. Sidewalks shall follow the specifications and locations as follows:
 - 1. Lakeridge Drive
 - a. Five foot (5') Portland Cement concrete integral curb and sidewalks along the north side of the street extending from Evergreen Park Drive to Deschutes Parkway.
 - b. Top of the cut to Evergreen Park Drive - eight foot (8') Portland Cement concrete integral curb and sidewalk along the south side of the street. This sidewalk will extend two feet onto private property.
 - 2. Evergreen Park Court
 - a. Five foot (5') Portland Cement concrete sidewalk along both sides of the street. There will be a 4-1/2 foot landscaped parking strip between the curb and the sidewalk. The cul-de-sac on the north end of Evergreen Park Court will have a five foot (5') Portland Cement concrete integral curb and sidewalk.
 - 3. Lakeridge Way and 24th Way, Southeast
 - a. Eight foot (8') Portland Cement concrete integral curb and sidewalk on both

sides of the roadway extending from Lakeridge Drive to Evergreen Park Drive. This sidewalk extends two feet onto private property.

- (1) Five foot (5') Portland Cement concrete sidewalk along the northerly side of the street between Lakeridge Drive and its intersection with Cooper Point Road. There will be a four and a half foot landscaped parking strip between the curb and the sidewalk. If the abutting property develops commercial, then the sidewalk width shall be increased to ten feet.
 - (2) Ten-foot integral curb and walk along the southwest side of the street extending from the existing temporary roadway easement shown on the plat westerly to Cooper Point Road.
4. Sidewalks for those portions of Lots 43 through 66 contained within Evergreen Park Drive will be located and sized in accordance with the development of this area. They shall be shown on the site plan as required in Section 1 of this article.

SECTION V. STREET SYSTEM

- A. The principal streets will be those that are shown and dedicated on the site plan, attached hereto, and marked Exhibit "A-1". Final alignment of any other streets necessary to serve any of the parcels of land and the location of all points of ingress and egress to the property abutting all existing or proposed streets shall meet with the standards established by the City of Olympia and approved by the City Engineer and the City Planner. New streets must be consistent with the nature and intent of this PUD.

SECTION VI. STREET LIGHTING

- A. Street lighting shall conform with the standards and policies of the City of Olympia applicable to the various land uses established for this development. Street lighting shall be installed to coincide with the development of each lot.

SECTION VII. WATER, SANITARY SEWER AND DRAINAGE SYSTEMS

- A. The PUD shall be served by the City of Olympia water distribution system, sanitary sewage collection system and storm drainage system. These systems shall meet the current standards and policies established by the City of Olympia at the time of development. Prior to construction detailed construction plans and specifications for all utilities and improvements shall be submitted to the City Engineer for review and approval. All proposed utilities shall conform to the provisions hereof and with the existing ordinances of the City of Olympia and the laws of the State of Washington.

SECTION VIII. UTILITIES

- A. All utilities, both private and public, will be placed underground. The undergrounding of all utilities will be completed prior to commencing construction on Lots 1 and 11 of this development.

SECTION IX. LANDSCAPING

- A. All improved areas shall be reasonably landscaped upon completion of building construction. Proposed landscaping plans shall be submitted to the City Planner and City Engineer for review when detailed site and building plans are submitted pursuant to Section I of this Article.
- B. In lieu of other specific requirements set forth herein or incorporated herein by reference, all areas other than access ways lying between the paved portion of streets and the parking areas of commercial zones shall be reasonably landscaped so as to provide a screening having a minimum height of six feet (6') at maturity for such parking areas lying adjacent to or across the street (excluding the Olympia-Aberdeen Freeway) from a residential area and a minimum height of three feet (3') at maturity for all such other parking areas.
- C. Developments completed prior to the adoption of an ordinance incorporating these requirements shall be exempt there from.

SECTION X. OFF-STREET PARKING

- A. Off-street parking shall meet the minimum standards provided under the City of Olympia code. In addition, no parking area shall be allowed with ten feet of the paved portion of a street.

SECTION XI. OFF STREET LOADING

- A. Off-street loading requirements shall meet the minimum standards provided under the Olympia City Code.

SECTION XII. SIGNS

- A. All signs shall be constructed and maintained in conformance with (Sign Standards) of the Olympia City Code. Signs maintained in residential use districts hereof which are not specifically provided for in said code shall meet the standards set forth in said Section for RM Zones.

ARTICLE III

PERMITTED USES AND DEVELOPMENT STANDARDS

SECTION I. COMPOSITE USE ZONE (Lot 1)

A. Purpose

1. The purpose of the Composite Use Zone is to provide for the use of Lot 1 for residential purposes and to establish standards which shall be applicable to such of the permitted uses as may be developed. Such uses will of course be dependent in fact upon the future growth of Olympia and the relative needs for such uses.

B. Special Provisions

1. A park area for the use of the owners of property within Evergreen Park, or the public, shall be established for the benefit of said property owners or dedicated to the City of Olympia for the benefit of the public. Such park area shall contain a minimum of two (2) acres and shall include 1.25 acres for each 100 dwelling units (or part thereof) to be constructed on said Lot 1. For example if 250 dwelling units are to be constructed on Lot 1, the minimum park area would be 3.75 acres.
2. There shall be no more than 500 residential units constructed on Lot 1.

C. Permitted Uses - Uses permitted as a matter of right:

1. High rise Apartments
2. Garden Court Apartments
3. Townhouses, Duplexes, Single-family residences

D. Conditionally Permitted Uses - Uses permitted pursuant to a Conditional Use Permit:

1. Churches

E. Use and Development Standards - High Rise Apartments

1. In the event that any portion of Lot 1 shall be developed for the permitted use set forth in subsection C.1 above (High-Rise Apartments), the following use and development standards shall be applicable:
 - a. Height and Length: On any site the height of a building shall not exceed 120 feet,

provided, however, that where any portion or portions of a building extend above a height of 35 feet, the maximum length of any such portion or portions combined shall in no case exceed an amount equal to 25 percent of the sum of the average depth of the site and the average width of the site. With the approval of the Hearing Examiner of the City of Olympia, after recommendation of the Site Plan Review Committee, the height may be in excess of 120 feet but not in excess of 200 feet where the geographical amenities of the site make such height possible. Where it is proposed to erect a building in two or more parts (towers), a site may be interpreted as two or more sites as the case may be, provided that the area of each site so created is 25,000 square feet or more, and the parts of the building (towers) are not less than 80 feet apart. The height of a building shall be the vertical distance between the finished grades of the site and the hypothetical surface which is parallel to the finished grades of the site. It shall be assumed that the finished grades within the outer walls of the building are formed by straight lines joining contours on the finished grades at the outer wall of the building.

- b. Front Yard: A front yard of not less than 20 feet.
- c. Side Yard: Side yards shall be provided on each side of the building such that the outer walls of building be contained within 135° horizontal angles subtended from all points along the side property lines, provided, however, in no case shall the side yard be less than seven feet (7').
 - a. In the case of a corner site where the side yard adjoins a flanking street, the above containing angle is not applicable, but the side yard shall be 20 percent of the width of the site, provided, however, this amount shall be increased by one foot, or fraction thereof, for every five feet (5') by which the highest height of the building exceeds 40 feet (measured as in (E.1.a) above), but in no case shall it be less than ten feet nor need it be more than 20 feet.
- d. Rear Yard: A rear yard minimum depth of 35 feet; this amount may be reduced to 25 feet in the following:
 - (1) When the building abutting the rear yard is not more than 30-feet wide or less than 25 feet from any adjoining site.
 - (2) When the average distance from the rear line of the site to the rear of the building taken over the full width of the site is not less than 35 feet and provided further; that no portion of such building abutting such rear yard so reduced shall have a width of more than 50 feet nor less than 25 feet from any adjoining site.
- e. Daylight Access:
 - (1) From the outside of the mid-point of the exterior wall (walls) of every habitable room, there shall be an unobstructed view for a distance of not less

than 80 feet measured horizontally three feet (3') above the floor of the habitable room. Such view shall extend through either a continuous horizontal arc of not less than 50° or through two or more horizontal arcs which in the aggregate contain not less than 70°. For the purpose of this subsection the following shall be considered to be obstructions.

(a) The theoretical equivalent building located on any adjoining site of the zone areas in the corresponding position by rotating the plot plan of the proposed building 180° about the horizontal axis located on the property line of the proposed site.

(b) Part of the same building including permitted projections.

(c) Accessory buildings located on the same site as the principal building.

(2) For the purpose of this subsection, a kitchen shall not be counted as a habitable room unless its area is greater than ten percent of the total floor area of the dwelling unit in which it is situated, or 70 square feet, whichever is greater.

f. Vertical Angle of Light: In the case of buildings over 35 feet in height (measured from the finished grade at all points around and adjacent to the building) no part thereof shall project above lines extending over the site at right angles from:

(1) All points along the ultimate centerline of the street (or streets) in front of the site inclined at an average angle of 25° to the horizontal.

(2) All points along the rear boundary line of the site and inclined at the average angle of 25° to the horizontal.

(3) All points along the interior side boundary (or boundaries) of the site at ground level and inclined at an average angle of 30° to the horizontal.

(4) In the case of corner sites, all points along the ultimate centerline of the flanking street and inclined at an average angle of 25° to the horizontal.

(5) For the purpose of this section only, the principal building shall be considered as an obstruction.

g. Floor Area Ratio: The maximum floor area ratio shall be 1.00 provided, however, this amount may be increased as follows:

(1) Where the site coverage is 50 percent or less, an amount equal to 0.012 may

be added for each one percent or fraction thereof by which such coverage is reduced below 50 percent.

- (2) Where the area of a site exceeds 9,000 square feet and the frontage of such site is 75 feet, or more, an amount may be added equal to 0.002 multiplied by each 100 square feet of site area in excess of 9,000 square feet but in no case shall this amount exceed 0.25.
- (3) Where parking spaces are provided within the outermost walls of a building or underground (but in no case with the floor of the parking area above the highest point of the finished grade around the building) an amount may be added equal to 0.20 multiplied by the ratio of parking spaces provided which are completely under cover, to the total required parking spaces.

Floor Area Ratio is a computation of density that indicates the permissible amount of floor area that may be developed on a specific amount of land area. Figure obtained when the area of all the floors of the buildings on the site is divided by the area of the site.

Floor Area is the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven feet (7') or more, but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on two (2) or more sides, areas having a ceiling height of less than seven feet (7'), and basements used exclusively for storage or housing of mechanical or central heating equipment.

For the purpose of this section, site coverage shall be based on the projected area of the outside of the outermost walls of all buildings.

If any of the buildings are on a sloping site where a structure is located in or beneath a yard, such structure may be excluded from the site coverage calculation, provided that the top of such structure (excluding required earth cover) is located beneath the average elevation of the portions of the streets, or adjacent sites, located adjacent to such structure, provided in no case shall the top of any portion of such structure, extend more than three feet above the adjoining streets or adjacent sites.

h. Accessory Buildings: A building or use customary to high-rise apartments, provided that:

- (1) All accessory buildings shall not be located closer to the flanking street than the width of the side yard required for the principal building.
- (2) The total accessory buildings located in any yard shall not occupy an

area greater than 25 percent of the minimum yard prescribed for high-rise apartments or 460 square feet, whichever is greater;

- (3) No accessory building shall exceed 15 feet in height.
- (4) No more than two-thirds of the width of front or rear yard of any lot shall be occupied by accessory buildings;
- (5) No accessory building shall be closer than 12 feet to any dwelling on the property;
- (6) No accessory building shall obstruct the daylight access as required by this high-rise apartment section.

i. Special Provisions:

- (1) Animals - No more than three (3) of any species of common four-legged household pets, four (4) months of age or older, shall be allowed per dwelling unit. Fowl such as chickens, ducks and geese are prohibited. This does not apply to song birds and the like. All other animals are prohibited.
- (2) Trailer house and mobile homes - no more than one (1) trailer house may be stored on the premises unless is determined by the Hearing Examiner that such storage will not be detrimental to surrounding property or to the neighborhood. Trailer houses shall not be used as living quarters at any time. Mobile homes may be used as living quarters only when located in Mobile Home Parks.
- (3) Pleasure Boats - Privately owned pleasure boats with an eight- (8) foot beam or less may be stored on the premises. Larger boats may be stored on the premises if it is determined by the Hearing Examiner that such storage will not be detrimental to the surrounding property or to the neighborhood. A boat in storage shall not be used as living quarters at any time.
- (4) Outside Storage - Inoperable motor vehicles may be stored on the premises no longer than thirty (30) days unless parked within an enclosed structure. A reasonable quantity of material normally accessory to the principal use may be openly stored in the buildable area. There shall be no open storage of other materials.

F. Use and Development Standards - Garden Court Apartments

1. In the event that any portion of Lot 1 shall be developed for the permitted use set forth in subsection C.2 above (Garden Court Apartments) the standards set forth in Article III,

Section IV hereof, shall be applicable.

G. Use and Development Standards - Townhouses, Duplexes, Single-Family Residences.

1. In the event that any portion of Lot 1 shall be developed for the permitted use set forth in subsection C.3 above (Townhouses, Duplexes, Single-Family Residences) the standards set forth in Article III, Section V hereof shall be applicable.

SECTION II. COMMERCIAL RETAIL ZONE: (Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13A, 14, 15A, and 51 through 66, Tracts F and G, and Lot 3 of Short Plat SS-5099.)
(Also see Ordinance 5215 with regard to Lot 3 of SS-5099 and Ordinance 4192 with regard to lots 65 and 66.)

A. Permitted Uses: Uses permitted as a matter of right:

1. Retail stores and shops. This includes all types of retail stores except the following:
 - a. Automobile and truck sales and rentals.
 - b. Heavy farm and construction equipment.
 - c. Feed, grain and farm supply stores.
 - d. House trailers, mobile home sales & rental and truck and trailer rentals.
2. Banks and other financial institutions.
3. Offices.
4. Personal and business services.
5. Household and clothing services such as a tailor, janitor, self-service laundry, and dry cleaning. Laundry plants prohibited.
6. Repair shops for small equipment and items.
7. Eating and drinking establishments.
8. Commercial recreation.
9. Public buildings and facilities.
10. Parking facilities.
11. Service Stations.

12. Minor Auto Repair Accessory to Service Stations only.
13. Hotels and motels.
14. Auto rentals accessory to motel, hotel and service stations.
15. Churches.
16. Multi-Family Housing

17. Other uses similar to the above which are consistent with the intent.

B. Use Provisions: The following provisions shall apply to all of the above uses within this zone:

1. All businesses shall be retail or service establishments dealing directly with the consumer. Products produced on the premises shall be sold at retail on the premises where produced or delivered directly to the consumer. Slaughtering prohibited.
2. All businesses, excepting garden supply stores, restaurants', and parking facilities, shall be conducted wholly within an enclosed building.
3. Goods offered for sale shall consist principally of new merchandise, except in the case of antiques.

C. Development Standards: The following Development Standards shall be applicable to former Lot 2 and the other lots covered by this Article III, Section II. except any new multifamily housing (Apartments) shall follow the Development Standards found under Section III Apartment Zone. Any change of use to an existing building into apartments or other multifamily housing is permitted, regardless of the development standards being met as found under that section. Vehicle and bicycle parking requirements shall be required per OMC 18.38

1. Front Yard: No front yard shall be required.
2. Side Yard: No side yards shall be required except where the commercial area abuts the residential area; then the side yard shall be ten feet. For the next three stories above a height of three stories or 40 feet, whichever is lesser, no part of the building shall be nearer than five feet to the side lines of the site and this distance shall be increased by one foot for every additional story, providing, however, this requirement need not apply on a flanking street of a corner site.
3. Rear Yard: A rear yard shall be not less than ten feet except where the parcel abuts the residential area in which case the yard shall be 20 feet.

4. Height: The height of a building shall not exceed 60 feet nor three stories. Office, hotel buildings shall not exceed 80 feet.
5. Vertical Angle of Light: In the case of a building of more than three stories or 40 feet in height, no part of such building above the third story, or above 40 feet, shall project above lines extending toward the building at right angles from:
 - a. All points along the ultimate centerline of the street in front of the site and inclined at an angle of 60° to the horizontal;
 - b. All points along the rear boundary line of the site or the ultimate centerline of the lane where one has been dedicated and inclined at an angle of 60° to the horizontal;
 - c. All points along the interior side boundary (or boundaries) of the site at ground level and inclined at an angle of 70° to the horizontal;
 - d. In the case of a corner site all points along the ultimate centerline of a flanking street or lane and inclined at an angle of 60° to the horizontal.
 - e. Any part of a building shall be exempt from the appropriate vertical angle control above, if the exempt part of the building:
 - (1) Has a horizontal dimension of 60 feet or less, measured parallel to the street, lane or boundary of the site, as the case may be, from which the said vertical angle is measured; and
 - (2) Is not less than 80 feet from any part of the same building similarly exempt, measured in the same direction as the 60 feet specified in clause (a) above.
6. Horizontal Light Angle (Hotels, Motels, Multi-Family Housing):
 - a. The window of every habitable room shall be not less than ten feet from the interior side boundary of the site onto which it faces.
 - b. Every such window shall permit an unobstructed view for a distance of not less than 80 feet measured horizontally from its center at sill level. Such view shall extend through either a continuous horizontal arc of not less than 50° , or through two or more horizontal arcs which in aggregate contain not less than 70° . For the purpose of this subsection the following shall be considered as obstructions:
 - (1) The theoretical equivalent building located on any adjoining site of the zone area in a corresponding position by rotating the plot plan of the

proposed building 180° above the horizontal axis located on the property line of the proposed site.

- (2) Part of the same building including permitted projections.

Accessory buildings located on the same site as the principal building.

7. Floor Area Ratio: The floor area ratio shall not exceed 2.50. Floor area ratio is a computation of density that indicates the permissible amount of floor area that may be developed on a specific amount of land area. Figure obtained when the area of all the floors of the buildings on the site is divided by the area of the site.

Floor area is the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven feet or more; but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on two or more sides, areas having a ceiling height of less than seven feet, and basements used exclusively for storage or housing of mechanical or central heating equipment.

8. Accessory Buildings: Any use or structure customarily accessory to the principal uses shall be permitted, provided it shall not exceed a height of 15 feet,

SECTION III. APARTMENT ZONE (Lots 23, 24, 25 and 26)

- A. Intent. To provide for apartment development at a density standard that will attain a maximum density of 25 dwelling units per acre.
- B. Permitted Uses. Uses permitted as a matter of right.
1. Apartment houses.
 2. Fraternity or sorority houses.
 3. Public or commercial swimming pool.
- C. Height. The height of a building shall not exceed five stories or 50 feet.
- D. Front yard. The front yard shall have a minimum depth of 20 feet.
- E. Side Yards. A side yard of not less than ten feet shall be provided on each side of the building, provided, of on a corner site where a side yard adjoins a flanking street, the side yard shall be not less than 15 feet.

- F. Rear Yards. A rear yard shall be provided of not less than 25 feet.
- G. Vertical Angle of Light. In the case, of buildings over 35 feet in height (measured from the finished grade at all points around and adjacent to the building) no part thereof shall project above lines extending over the site at right angles from:
1. All points along the ultimate center line of the site and inclined at the average angle of 25° to the horizontal.
 2. All points along the rear boundary line of the site and Inclined at the average angle of 25° to the horizontal.
 3. All points along the interior side boundary (or boundaries) of the site at ground level and inclined at an average angle of 30° to the horizontal.
 4. In the case of corner sites, all points along the ultimate center line of the flanking street and inclined at an average angle of 25° to the horizontal.
- H. Daylight Access.
1. The window of every habitable room shall be not less than ten feet from the interior side boundary of the site onto which it faces.
 2. Every such window shall permit an unobstructed view for a distance of not less than 80 feet measured horizontally from its center at sill level. Such view shall extend through either a continuous horizontal arc of not less than 50°, or through two or more horizontal arcs which In aggregate contain not less than 70°. For the purpose of this subsection the following shall be considered as obstructions:
 - a. The theoretical equivalent building located on any adjoining site of the zone areas in a corresponding position by rotating the plot plan on the proposed building 180° about the horizontal axis located on the property line of the proposed site.
 - b. Part of the same building including permitted projections.
 - c. Accessory buildings located on the same site as the principal building.
 3. For the purpose of this subsection, a kitchen shall not be counted as a habitable room unless its area is greater than ten percent of the total floor area of the dwelling unit in which it is situated, or 70 square feet whichever is greater.
- I. Floor Area Ratio. The maximum floor area ratio shall be 0.60, provided, however, this amount may be increased as follows:
1. Where the site coverage is 50 percent or less, an amount equal to 0.012 may be added for each one percent or fraction thereof by which such coverage is reduced below 50

percent.

2. Where the area of a site exceeds 9,000 square feet and the frontage of such site is 75 feet or more, an amount may be added equal to 0.002 multiplied by each 100 square feet of site area in excess of 9, 000 square feet but in no case shall this amount exceed 0.25.
3. Where parking spaces are provided within the outermost walls of a building or underground (but in no case with the floor of the parking area above the highest point of the finished grade around the building) an amount may be added equal to 0.20 multiplied by the ratio of parking spaces provided which are completely under cover, to the total required parking spaces.

Floor Area Ratio is a computation of density that indicates the permissible amount of floor area that may be developed on a specific amount of land area. Figure obtained when the area of all the floors of the buildings on the site is divided by the area of the site.

Floor Area is the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven (7) feet or more; but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas, roofed areas open on two (2) or more sides, areas having a ceiling height of less than seven (7) feet, and basements used exclusively for storage or housing of mechanical or central heating equipment.

For the purpose of this section, site coverage shall be based on the projected area of the outside of the outermost walls of all buildings.

If any of the buildings are on a sloping site where a structure is located in or beneath a yard, such structure may be excluded from the site coverage calculation provided that the top of such structure (excluding required earth cover) is located beneath the average elevation of the portions of the streets, or adjacent sites, located adjacent to such structure, provided in no case shall the top of any portion of such structure extend more than three feet above the adjoining streets or adjacent sites.

- J. Accessory Buildings. A building or use customarily accessory to the above uses (except for another dwelling unit), provided that:
 1. All necessary buildings shall be located not less than 15 feet from a flanking street.
 2. The total accessory buildings do not occupy an area greater than 25 percent of the minimum yard, or 460 square feet, whichever is greater.
 3. No accessory building shall exceed 15 feet in height.

4. Not more than two-thirds of the width of the front or rear yard of any lot shall be occupied by accessory buildings.
5. No accessory building shall be closer than 12 feet to any dwelling on the property.
6. No accessory building shall obstruct the daylight access as required in this section.

K. Special Provisions.

1. Animals. No more than three (3) of any species of common four-legged household pets, four (4) months of age or older, shall be allowed per dwelling unit. Fowl, such as chickens, ducks and geese are prohibited. This does not apply to song birds and the like. All other animals are prohibited.
2. Trailer House and Mobile Homes - No more than one (1) trailer house may be stored on the premises. One (1) mobile home may be stored on the premises if it is determined by the Hearing Examiner that such storage will not be detrimental to surrounding property or to the neighborhood. Trailer houses shall not be used as living quarters at any time. Mobile homes may be used as living quarter only when located in Mobile Home Parks.
3. Pleasure Boats - Privately owned pleasure boats with an eight- (8) foot beam or less may be stored on the premises. Larger boats may be stored on the premises if it is determined by the Hearing Examiner that such storage will not be detrimental to the surrounding property or to the neighborhood. A boat in storage shall not be used as living quarters at any time.
4. Outside Storage - Inoperable motor vehicles may be stored on the premises no longer than 30 days unless parked within an enclosed structure. A reasonable quantity of material normally accessory to the principal use may be openly stored in the buildable area. There shall be no open storage of other materials.

SECTION IV. GARDEN COURT ZONE (Lots 33 and 41)

- A. Intent. To provide for Garden Court development at a density standard that will attain a maximum density of 15 dwelling units per acre but as to said lot 33, not to exceed a total of 150 dwelling units.
- B. Permitted Uses. Uses permitted as a matter of right:
 1. Single Family
 2. Townhouses
 3. Duplexes

4. Garden Court Apartments

- C. Height. The height of a building shall not exceed two stories or 35 feet.
- D. Front Yard. The front yard shall have a minimum depth of 20 feet.
- E. Side Yards. A side yard of not less than ten feet shall be provided on each side of the building, provided if on a corner site where a side yard adjoins a flanking street, the side yard shall be not less than 15 feet.
- F. Rear Yard. A rear yard shall have a minimum depth of 25 feet.
- G. Daylight Access. The daylight access provisions set forth in Article III, Section III, subsection "H" - Apartment Zone, shall apply hereto.
- H. Floor Ratio. The maximum floor area ratio shall be 0.50 computed as provided in and subject to modification as provided in Article III, Section III, subsection "I" - Apartment Zone, the provisions of which shall be applicable hereto.
- I. Accessory Buildings. A building or use customarily accessory to the Garden Court use, provided that:
 - 1. All accessory buildings shall be located a minimum of 15 feet from a flanking street.
 - 2. The total accessory buildings do not occupy an area greater than 25 percent of the minimum yard, or 460 square feet, whichever is greater.
 - 3. No accessory building shall exceed 15 feet in height.
 - 4. Not more than two-thirds of the width of the front or rear yard of any lot shall be occupied by accessory buildings.
 - 5. No accessory building shall be closer than 12 feet to any dwelling on the property.
 - 6. No accessory building shall obstruct the daylight access as required in this section.
- J. Special Provisions. The provisions of Article III, Section III, subsection "K" - (Apartment Zone) shall apply.

SECTION V. TOWNHOUSE, DUPLEX. SINGLE-FAMILY ZONE (Lots 20, 27 - 32, 34 - 40, 42)

- A. Intent. To provide for townhouse and duplex development at a density standard that

will attain a density of a maximum of six dwelling units per acre for Lots 20, and a maximum density of eight dwellings per acre for Lot 27 to 32, 34 to 40 and 42.

B. Permitted Uses. Uses permitted as a matter of right:

1. Single-family.
2. Duplexes.
3. Townhouses.

C. Floor Area Ratio. The maximum floor area ratio shall be 0.45 computed as provided in and subject to modification as provided in Article III, Section III, subsection "I" - Apartment Zone, the provisions of which shall be applicable hereto.

D. Height. The maximum height of a building shall not exceed 35 feet or two stories.

E. Yards.

1. The front yard shall have a minimum depth of ten feet.
2. The rear yards shall have a minimum depth of ten feet.
3. The side yards shall have a minimum depth of five feet.

F. Accessory Buildings.

1. All accessory buildings shall be located a minimum of five feet from a flanking street.
2. No accessory building shall exceed 15 feet in height.
3. No more than two-thirds of the width of the front or rear yard of any lot shall be occupied by accessory buildings.

G. Special Provisions. The provisions of Article III, Section III, subsection "K" subsection - Apartment Zone, shall apply.

SECTION VI. HIGH RISE ZONE (Lot 22 and Lots 1 and 2 of Short Subdivision SS-5099)

A. Intent. To provide reasonable site standards that can be applied when each site is created and working viable plans are presented. In this way there will be no chance of a monotonous row of towers being created.

Maximum allowable density will be 30 dwelling unit 's/acre on Lots 1 and 2 of SS-5099 and 25 dwelling unit's/acre on Lot 22.

B. Permitted Uses. Uses permitted as a matter of right:

1. High-rise Apartments (subject to standards in this Article III, Section IV, subsection "C through E.")
2. Garden Court Apartments (subject to standards of Article III, Section IV)
3. Townhouses, Duplexes, Single- Family Residential (subject to standards of Article III, Section V.)

C. Height and Length. On any site the height of a building shall not exceed 100 feet, provided, however, that where any portion or portions of a building extend above a height of 35 feet, the maximum length of any such portion or portions combined shall in no case exceed an amount equal to 25 percent of the sum of the average depth of the site and the average width of the site. Where it is proposed to erect a building in two or more parts (towers), a site may be interpreted as two or more sites as the case may be, provided that, the area of each site so created is 25,000 square feet, or more, and the parts of the building (towers) are not less than 80 feet apart. The height of a building shall be the vertical distance between the finished grades of the site and the hypothetical surface which is parallel to the finished grades of the site. It shall be assumed that the finished grades within the outer walls of the building are formed by straight lines joining contours on the finished grades at the outer wall of the building.

D. Floor Area Ratio. The maximum floor area ratio shall be .75, provided, however, this amount may be increased as follows:

1. Where the site coverage is 50 percent or less, an amount equal to 0.09 may be added for each one percent or fraction thereof by which such coverage is reduced below 50 percent.
2. Where the area of a site exceeds 9,000 square feet and the frontage of such site is 75 feet or more, an amount may be added equal to .0015 multiplied by each 100 square feet of site area in excess of 9,000 square feet but in no case shall this amount exceed 0.20.
3. Where parking spaces are provided within the outermost walls of a building or underground (but in no case with the floor of the parking area above the highest point of the finished grade around the building) an amount may be added equal to 0.15 multiplied by the ratio of parking spaces provided which are completely under cover, to the total required parking spaces.

Floor Area Ratio is a computation of density that indicates the permissible amount of floor area that may be developed on a specific amount of land area. Figure obtained when the area of all the floors of the buildings on the site is divided by the area of the site.

Floor Area is the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls. Including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven (7) feet or more; but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on two (2) or more sides, areas having a ceiling height of less than seven (7) feet, and basements used exclusively for storage or housing of mechanical or central heating equipment.

For the purpose of this section, site coverage shall be based on the projected area of the outside of the outermost walls of all buildings.

If any of the buildings are on a sloping site where a structure is located in or beneath a yard, such structure may be excluded from the site coverage calculation provided that the top of such structure (excluding required earth cover) is located beneath the average elevation of the portions of the streets, or adjacent sites, located adjacent to such structure, provided In no case shall the top of any portion of such structure extend more than three feet above the adjoining streets or adjacent sites.

SECTION VII. PUBLIC USE ZONE (Lots 15B, 16, 17, 18, and 19)

- A. Intent. To provide for development of a Thurston County Courthouse site.
- B. Permitted Uses. Use permitted as a matter of right.
 - 1. Public Use – Thurston County Courthouse.
- C. Development Standards. The development standards applicable to this use zone shall be those standards approved by the City Commission of the City of Olympia after recommendations by the Olympia Planning Commission when a detailed site plan for development was submitted thereto.

ARTICLE IV

LOT REFERENCES

All lots and tracts referenced herein are the lots and bearing the corresponding number or letter in the Plat of Evergreen Park according to the plat thereof recorded in Volume 16 of Plats, page 61, records of Thurston County, Washington, with the exception of Lots 15A and 15B.

Where used herein the terms Lot 15A and Lot 15B, shall respectively mean the real property described following each such designation below:

- Lot 15A: That part of Lot 15 of Evergreen Park according to the plat thereof recorded in Volume 16 of Plats, page 61, records of Thurston County, Washington, lying easterly of a line described as beginning at a point on the South line of said Lot 15, a distance of 363.18 feet S 89° 55' 51" E of the Southwest corner thereof;

thence N 13° 37' 53" E to the Northerly line thereof.

Lot 15B:

That part of Lot 15 of Evergreen Park according to the plat thereof recorded in Volume 16 of Plats, page 61, records of Thurston County, Washington, lying westerly of a line described as beginning at a point on the South line of said Lot 15 a distance of 363.18 feet S 89° 55' 51" E of the Southwest corner thereof, thence N 13° 37' 53" E to the Northerly line thereof.



January 11, 2024

Sent via email

**Subject: Evergreen Park PUD Amendment
File Number 23-2792**

Greetings:

The recommendation of the Olympia hearing examiner hereby issued on the above date may be of interest to you. This recommendation will be submitted to the City Council for a final decision.

Final adoption of this amendment will be subject to a City Council decision, only after the appeal period for the Hearing Examiner decision expires, or appeals are heard.

In general, any appeal of a Hearing Examiner decision must be filed in court within twenty-one (21) days. See Revised Code of Washington, Chapter 36.70C.040, for more information relating to the timeliness of any appeal and filing, service and other legal requirements applicable to such appeal.

Contact Jackson Ewing, Associate Planner, Community Planning and Development, at 360.753.8314, or by email to jewing@ci.olympia.wa.us if you have questions.

Sincerely,

Debbie

DEBBIE ANDERSON
Program Specialist
Office of Community Vitality

Attachment

1 BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

2	IN RE:)	HEARING NO. 23-2792
)	
3	EVERGREEN PARK PUD)	FINDINGS OF FACT,
	AMENDMENT,)	CONCLUSIONS OF LAW
4)	AND RECOMMENDATION TO CITY
)	COUNCIL

5 **APPLICANT:** Philip Stewart

6
7 **SUMMARY OF REQUEST:** The Applicant seeks the City Council's approval to modify the
8 Evergreen Park PUD to permit residential/multifamily uses within the portion of the PUD
currently restricted to retail/commercial.

9 **PROJECT LOCATION:**

10 Evergreen Park PUD.

11 **SUMMARY OF DECISION:**

12 The Hearing Examiner recommends that the City Council **approve** the proposed amendment to
13 the PUD as suggested by City Staff.

14 **BACKGROUND**

15 The Evergreen Park Planned Unit Development (PUD) was established in 1973. Its most
16 recognizable development is arguably the Thurston County Courthouse Complex but it also
17 includes a large number of legal and medical offices, government agencies and the Olympia
18 Hotel. These various public and commercial uses adjoin other areas of the PUD restricted solely
19 to residential use, mostly multifamily. The net result is that the PUD provides for a broad array
of public, commercial and residential uses but does not allow a mixing of these uses within the
same areas of the PUD, and there is no portion of the PUD where both commercial and
residential uses are jointly allowed.

20 The use of the PUD model for property development has become disfavored by the City
21 and the Evergreen Park PUD is the only remaining PUD within City limits. It predates the City's
22 comprehensive planning under the Growth Management Act, and many of its concepts are
23 inconsistent with current planning. Nonetheless, it can be argued that its planning concepts have
worked well as it remains a neat and attractive area with low vacancy rates among its
commercial properties.

24 Since the Evergreen Park PUD was established fifty years ago, the City has steadily
25 moved away from the PUD's underlying notion that commercial and residential uses should not

1 be mixed. The City's current Comprehensive Plan, as well as its current zoning, encourage the
2 mixing of these uses, not their separation. The pending application forces the City Council to
3 decide whether the ideas expressed in its current comprehensive planning should be extended to
4 this historic PUD or, instead, whether it is better to leave things as they are.

4 The issue before the City Council is made more dramatic by the announcement by
5 ownership of the Olympia Hotel that it seeks this amendment in order that it may apply to have
6 the hotel converted to apartments. Thus, while the proposed amendment would have application
7 to all areas of the PUD currently limited to commercial use, its most obvious and immediate
8 impact would be on the future use of the hotel.

7 As explained more fully below, City Staff finds that the requested amendment is
8 consistent with the City's Comprehensive Plan and recommends that it be approved. There has
9 been some opposition by commercial property owners/tenants who would prefer that their
10 commercial uses continue to be insulated from residential uses (especially lower income
11 housing). The amendment is also strongly opposed by employees of the hotel as it may cause the
12 loss of all hotel jobs (this may have already occurred).

11 PUBLIC HEARING

12 The matter came before the Hearing Examiner for a public hearing on December 11,
13 2023, at 5:30 p.m. The hearing was a "hybrid" hearing consisting of both a remote hearing
14 utilizing the Zoom platform along with the opportunity to appear in person in the Council
15 Chambers in the City Hall. The City appeared through Jackson Ewing, Associate Planner, as
16 well as through Nicole Floyd, Senior Planner. The Applicant, Philip Stewart, was present and
17 provided brief testimony. Several members of the public were present and five asked to testify.
18 A verbatim recording was made of the public hearing and all testimony was taken under oath.
19 Documents considered at the time of the hearing were the following:

- 17 Exhibit 1. Staff Report including public comments and other attachments.
- 18 Exhibit 2. City's PowerPoint presentation.
- 19 Exhibit 3. Additional public comments received just prior to the hearing.

19 1. **City Staff Presentation.** The City's presentation was made by Jackson Ewing,
20 Associate Planner and author of the City's Staff Report, with some additional comments made by
21 Nicole Floyd, Senior Planner. Mr. Ewing's presentation was concise and relied heavily upon his
22 Staff Report as well as his PowerPoint presentation (Exhibit 2). Mr. Ewing began by noting that
23 the application had undergone SEPA review resulting in a Determination of Non-Significance
(DNS) issued November 17, 2023. There was no challenge to the SEPA Determination and it
24 became final on December 8, 2023. Mr. Ewing then explained that notice of the public hearing
25 had been properly issued to all nearby and interested parties and published in The Olympian.

24 Mr. Ewing then offered a fuller description of the application. The Applicant, Mr.
25 Stewart, asks to amend the Evergreen Park PUD by adding multifamily housing as a permitted

1 use within the portion of the PUD currently restricted to retail/commercial activity. The
2 Evergreen Park PUD is divided into a number of districts, or zones, with each district having a
3 specific use. For example, there is the "Public Use" district containing the Thurston County
4 Courthouse. Other districts within the PUD include an Apartment District, Garden Court
5 District, Townhouse District and "Composite" District. All of these provide some form of
6 residential use, primarily multifamily use. Lying south of all of these other districts, and north of
7 Evergreen Parkway, is the "Retail/Commercial" District¹. This area is largely developed and
8 contains a variety of medical and legal offices, government administration facilities, and a
9 scattering of retail activities. The proposed amendment applies only to this Retail/Commercial
10 District and would allow multifamily residential use along with the existing retail/commercial
11 activities.

12 Staff notes that the amendment would not restrict any current uses but merely allow
13 residential use as an additional permitted use. Staff also notes that the proposed amendment does
14 not restrict any existing use, and that any change in use would require a separate, later
15 application. For example, if the hotel seeks to change its use to residential, the requested PUD
16 amendment would merely allow it to apply for a change in use but would not guarantee that the
17 change would be approved. That question would be decided based upon the City's other land use
18 regulations.

19 Mr. Ewing then undertook a substantive analysis of the requested amendment to the
20 PUD. He acknowledged that there is relatively little guidance on how to decide whether the
21 PUD should be amended as, again, this is the City's only remaining PUD and its governing
22 regulations provide little guidance on what standards apply when an amendment is sought. The
23 Evergreen PUD is regulated by Chapter 18.54 of the Olympia Municipal Code (OMC). OMC
24 18.54.060 requires that any major adjustment to the PUD shall be permitted only through the
25 procedures found in OMC 18.56.120.B (relating to Planned Residential Developments or PRDs).
OMC 18.56.120.B.2 requires that any "major" adjustment must first undergo review by the
Hearing Examiner followed by approval by the City Council. City Staff regards this as a major
adjustment to the PUD requiring the Hearing Examiner's review and City Council's approval.
Neither Chapter 18.54, Chapter 18.56 or any other chapter of the OMC provides a clear standard
for review of a requested amendment such as this. City Staff notes that the only useful guidance
is found in the Purpose Statement of OMC 18.54.020 which states:

"The Evergreen Park PUD District is intended to permit flexibility in design,
placement of buildings, and use of open spaces, including modification and
requirements for lot frontage, building setbacks and design of circulation facilities
to best use potentials of sites characterized by special features of geography,
topography, size or shape, and to encourage a more creative approach in the
development of land that will result in a more efficient aesthetic and desirable
environment in harmony with that of the surrounding area."

¹ This district is also referred to as the "Commercial/Retail District" or "Commercial/Retail Zone". For ease of
reference it will hereafter be referred to as "Retail/Commercial Zone" or "Retail/Commercial District".

1 With this purpose in mind, City Staff finds that the proposed amendment will permit
2 flexibility and creativity and a more efficient and desirable environment in harmony with both
3 the surrounding area and the City as a whole. Staff adds that the amendment is consistent with
4 the goals of the Thurston County Housing Action Plan and also notes that other areas of the City
5 where commercial activity is allowed also allow residential uses as well. Staff therefore finds
6 that the proposed amendment is consistent with the Purpose Statement in OMC 18.54.020.

7 Mr. Ewing then undertook an analysis of the proposed amendment with respect to the
8 goals and polices in the City's current Comprehensive Plan. City Staff finds that the proposed
9 amendment is consistent with Planned Development Policies in the Comprehensive Plan,
10 especially GL1 and PL1.6; PL11.1 and PL11.3. Staff notes that the Comprehensive Plan clearly
11 encourages mixed-use buildings as well as residential uses within commercial districts. Staff
12 therefore believes that the proposed amendment will bring the PUD into closer conformity with
13 the Comprehensive Plan by allowing residential uses in the commercial district.

14 Staff also finds that the proposed amendment is consistent with the Housing Chapter of
15 the Comprehensive Plan including Policies PL16.1, PL16.2, PL16.5, PL16.8 and PL16.13.
16 These policies clearly support adaptive reuse of existing buildings, especially in areas currently
17 served by public streets and utilities adequate to provide for housing. Staff concludes that the
18 amendment is consistent with the Housing Chapter of the Comprehensive Plan as it would
19 increase housing stock and housing options as called for by the Comprehensive Plan.

20 City Staff acknowledges public concerns and has taken these concerns into consideration.
21 Having done so, Staff continues to believe that the requested amendment is consistent with the
22 Comprehensive Plan and allows for greater flexibility in land use in a manner consistent with the
23 City's current goals and polices.

24 2. **Applicant's Presentation.** The Applicant, Philip Stewart, spoke very briefly in
25 support of his application. Mr. Stewart is the owner of the hotel property and believes that its
best future is in its conversion to multifamily housing. He asks that the PUD be amended so
that its land uses are consistent with allowed uses in other commercially-zoned areas of the City.

3. **Public Comments.** Several public comments were received in advance of the
public hearing, either in response to the Notice of Hearing or to the SEPA notice:

Bev Garrick. Ms. Garrick expresses opposition to the proposed amendment out of
concern that it would lead to the closure of the hotel and the loss of a strategic convention
facility. Operation of the hotel has also reduced drug and crime problems in the Evergreen Park
area as the hotel has been diligent in its efforts to prohibit these activities near its facilities. Ms.
Garrick fears that the reverse will be true if low income housing is allowed in place of the hotel.

Jessica Jensen. Ms. Jensen is an attorney with Cap City Law located in Bristol Court.
Ms. Jensen, who serves on the Thurston Economic Development Council and is President of the
West Olympia Business Association, expresses opposition to the proposed amendment due to
concerns over the loss of one of the only Olympia hotels with full-service conference facilities;

1 that it will expose adjoining environmentally sensitive areas to more intensive use; and will
2 increase the likelihood that the area will not be as well maintained.

3 Maris Zivarts. Mr. Zivarts is the Research Director or UNITEHERE Local 8, the union
4 representing the workers as the Olympia Hotel. Speaking as the representative for these
5 employees, Mr. Zivarts opposes the proposed amendment as it will likely result in the loss of a
6 number of good jobs and will eliminate one of the few conference centers in the City.

7 Patrick McClelland. Mr. McClelland is President of Bristol Court Condominium
8 Association and owner of two of the office suites located there. Mr. McClelland opposes the
9 proposed amendment and believes that it will increase automobile and pedestrian traffic through
10 the neighborhood while also increasing crime rates. Mr. McClelland notes that his current office
11 facilities face theft and vandalism problems from adjoining residential neighbors and he fears
12 that this problem will only increase if the amendment is approved. He asserts that both landlords
13 and tenants within the commercial portion of Evergreen Park, including Bristol Court, have
14 made significant financial investments into these properties on the expectation that they would
15 remain commercial-only. Mr. McClelland argues that the proposed amendment will undermine
16 this economic expectation and will degrade commercial property values.

17 Camon Talen. Mr. Talen is one of the approximately seventy employees of the Olympia
18 Hotel, where he has worked for the past thirteen years. In a lengthy written statement, Mr. Talen
19 asserts that the hotel ownership has engaged in wrongful conduct; has allowed the premises to
20 fall into disrepair; and that the City has been complicit in the owner's attempts to convert the
21 hotel to low-income housing.

22 John Drebeck. Mr. Drebeck was involved in the original establishment of the Evergreen
23 Park PUD in the 1970s. He is opposed to the proposed amendment and believes that it is
24 inconsistent with the PUD's concept. He asks that the amendment be denied so that the
25 commercial portion of the Evergreen Park PUD can be incentivized to continue to use and
maintain all lots within the commercial area so as to maintain its vitality and integrity.

During the public hearing additional public comment was received including additional
comments from several of those who had provided earlier written comment:

19 Susan Bitow. Ms. Bitow is opposed to the proposed amendment as it would lead to the
20 loss of an important conference center merely to provide additional housing. She is also
21 concerned that it will cause added vehicle trips; increase burden on neighborhood parks and
22 other facilities; invite transient use and generally increase the wear and tear on the surrounding
23 neighborhood.

24 Camon Talen. Mr. Talen had provided earlier written comments as noted above. He
25 reiterated many of these comments and wanted to stress the negative impact this was having
upon the hotel employees.

1 John Drebeck. Mr. Drebeck wished to follow-up on his earlier written comments and
2 reiterate his opposition. Mr. Drebeck again noted that he has been involved in Evergreen Park
3 since its inception and has watched its development over the past fifty years. He believes that its
4 current model is successful and invites investment into the commercial portion, but that
5 commercial property owners will be discouraged from further investment if multifamily housing
6 is allowed into this area.

7 Russell Hamilton Mr. Hamilton is one of the Olympia Hotel managers and is opposed to
8 the proposed amendment as it will cause the loss of a number of well-paying union jobs. He also
9 concurs with the points made by other speakers.

10 Debbi Boyd. Ms. Boyd has been responsible for chairing events at the hotel and is
11 concerned about its loss. In particular, she worries that its closure will result in a significant loss
12 of hospitality tax and wonders how this loss will be reconciled.

13 4. **City's Supplemental Information**. In light of some of the concerns expressed
14 by members of the public, the Hearing Examiner asked City Staff whether it had considered
15 analyzing the proposed PUD amendment in the same way it would analyze a proposed *zoning*
16 amendment as required by OMC 18.59.050. In other words, if an applicant sought a site-specific
17 rezone of property from, say, a general commercial zone to a more mixed use zone, the
18 application would be reviewed under OMC 18.59.050 and its five criteria for rezone approval:

19 A. The rezone is consistent with either the Comprehensive Plan including the
20 Plan's Future Land Use Map as described in OMC 18.59.050 or with a concurrently
21 approved amendment to the Plan.

22 B. The rezone will maintain the public health, safety or welfare.

23 C. The rezone is consistent with other development regulations that
24 implement the Comprehensive Plan.

25 D. The rezone will result in a district that is compatible with adjoining zoning
 district; this may include providing a transition zone between potentially incompatible
 designations.

 E. Public facilities and services existing and planned for the area are
 adequate and likely to be available to serve potential development allowed by the
 proposed zone.

 City Staff agreed with the Hearing Examiner that, although this standard for rezoning did
 not expressly apply to an amendment to a PUD, there is enough similarity to justify an analysis
 of the requested PUD amendment under OMC 18.59.050. Accordingly, the Hearing Examiner
 asked that the City Staff undertake this analysis and provide a Supplemental Staff Report by
 December 26, 2023.

1 City Staff complied with the Hearing Examiner's request and provided a Supplemental
2 Staff Report analyzing the requested amendment's compliance with the standards found in OMC
18.59.050 for a zoning amendment. The Supplemental Report finds:

3 **A. The rezone is consistent with either the Comprehensive Plan including**
4 **the Plan's Future Land Use Map as described in OMC 18.59.050 or with a**
5 **concurrently approved amendment to the Plan.**

6 Staff finds that the proposed PUD amendment satisfies this requirement. Staff
7 first notes that Planned Developments are intended to provide opportunities for
8 innovative design in a manner compatible with existing uses. Innovative design may
9 include a wider variety of housing types and densities or a greater mix of uses. Staff
10 finds that the proposed amendment will bring the PUD in closer alignment with existing
11 development standards throughout the rest of the City, noting that all other commercial
12 zoning districts in the City allow residential use.

13 Staff also reiterates its earlier findings that the proposed amendment is consistent
14 with the City's Comprehensive Plan including those portions of the Plan devoted to
15 Planned Development. Staff cites to Goal GL1 and Policy PL1.6; Goal GL11 and Policy
16 PL11.1 and PL11.3, all of which encourage a compatible mix of housing and commercial
17 uses in commercial districts. Staff also cites to Policy PL16.1, PL16.2, PL16.5, PL16.8,
18 and PL16.13 which collectively support adaptive reuse of existing buildings for housing
19 purposes especially in areas currently served by public streets and utilities adequate to
20 provide for housing. Staff notes that the Evergreen Park PUD has transit stops within one
21 quarter mile and that it could readily accommodate residential uses within its commercial
22 structures. Staff adds that the proposed amendment is consistent with the portions of the
23 Comprehensive Plan addressing Climate and Equity, noting that the amendment would be
24 consistent with the Thurston Climate Mitigation Plan and would open more of the City to
25 residential development, serving the community's goal of increased housing option.

17 **B. The rezone will maintain the public health, safety or welfare.**

18 Staff finds that this requirement is satisfied. The existing Evergreen Park PUD
19 has a well established street network and utilities, all capable of accommodating
20 residential uses. Any redevelopment of existing uses would be required to meet current
21 City standards.

22 Staff is sensitive to the loss of jobs caused by the discontinuance of the Olympia
23 Hotel but notes that the decision to maintain or discontinue hotel use should be driven by
24 market forces, not land use regulation. The proposed amendment will not preclude the
25 hotel from remaining open but simply allow its ownership to consider alternate uses.
Staff adds that the City has seen at least four new hotels/motels since 2014, several of
which include public meeting rooms although admittedly none have the same sized
facilities as the Olympia Hotel.

1 **C. The rezone is consistent with other development regulations that**
2 **implement the Comprehensive Plan.**

3 Staff finds that this requirement is satisfied. As has been previously noted, the
4 City's current zoning includes various commercial zoning districts, all of which allow
5 residential use. The City's Development Regulations are designed to accommodate this
6 mix of uses.

7 **D. The rezone will result in a district that is compatible with adjoining**
8 **zoning district; this may include providing a transition zone between potentially**
9 **incompatible designations.**

10 Staff finds that this requirement is satisfied. Staff again notes that the City's
11 current zoning scheme recognizes the opportunity for residential uses within all of its
12 commercial zones and, indeed, encourages a mix of such uses in more heavily populated
13 areas of the City and especially along transit corridors and in high density neighborhoods.
14 The Evergreen Park PUD meets all of these requirements.

15 **E. Public facilities and services existing and planned for the area are**
16 **adequate and likely to be available to serve potential development allowed by the**
17 **proposed zone.**

18 Staff again finds that this requirement is met:

19 There are adequate sewer and water lines throughout the Evergreen Park area to
20 handle any added capacity caused by residential use.

21 Staff finds that the proposed amendment will **not** have a significant impact on
22 traffic operations. To the contrary, a conversion of the Olympia Hotel to multifamily
23 residential use would result in a *decreased* amount of traffic in the area, while the area's
24 street grid already includes bike lanes and sidewalks and can easily handle the anticipated
25 capacity. All nearby street intersections operate with a Level of Service (LOS) of B or C
 and the proposed amendment will not adversely affect Level of Service but will instead
 result in fewer net trips.

 To summarize all of the above, after having undertaken a more intensive review
 of the application utilizing the guidelines found in OMC 18.59.050 for zoning
 amendments, Staff continues to recommend that the amendment be approved.

ANALYSIS

 The Evergreen Park PUD has remained mostly unchanged since it was established fifty
 years ago. Although its provisions have been amended from time to time, none of its prior

1 amendments have the same transformative quality as the currently proposed amendment.
2 Unfortunately, the City's Development Regulations do not provide ample guidance on how such
3 an amendment should be evaluated. The Hearing Examiner believes that the best guidance is
4 found in OMC 18.59.050 and its criteria for approving a zoning amendment. While those criteria
5 are not applicable to an amendment of the Evergreen Park PUD, the proposed amendment is
6 similar enough to a zoning amendment (indeed, it is almost the same) that the criteria for zoning
7 amendment approval provide the most useful criteria when determining whether the PUD
8 amendment should be approved. The City's Planning Staff seems to agree.

9 After reviewing the amendment in according to the criteria found in OMC 18.59.050,
10 Staff reiterates its support for the PUD amendment. Staff finds that, if these criteria applied, the
11 proposed amendment would satisfy all criteria. The Hearing Examiner concurs.

12 The proposed amendment can easily be found to be consistent with the City's
13 Comprehensive Plan. The Plan repeatedly encourages mixed use neighborhoods, and of
14 residential uses within commercial areas. The Plan also strongly encourages adaptive reuse of
15 commercial facilities especially in areas of the City where infrastructure can readily adapt to new
16 uses. Additionally, the Plan recognizes the significant need for additional housing within the
17 City, especially more affordable housing.

18 Of course, it is one thing for the amendment to be consistent with the City's
19 Comprehensive Plan, and another thing for it to fit well in the PUD's as-built environment.
20 Approving the amendment will make possible an application to convert the Olympia Hotel to
21 multifamily use at the loss of a significant number of jobs. It will also expose longstanding
22 commercial uses to a more intense integration with residential uses - all in a manner that would
23 not have been anticipated when those commercial uses were established. It is not surprising,
24 then, that the application experiences opposition from the hotel's workforce and from some of the
25 nearby commercial property owners. There is the additional issue as to whether the amendment
effectively prevents the City from hosting larger conferences, perhaps sending them to other
nearby communities. These issues are not insubstantial and pose difficult questions for the City
Council. But having taken these concerns into careful consideration, I concur with City Staff
that the proposed amendment is consistent with the City's Comprehensive Plan; would establish
a City-wide uniform policy of allowing residential uses within commercially zoned areas; and
would allow market forces to decide the highest and best use among the permitted uses. I
therefore recommend that the amendment be approved by City Council.

FINDINGS OF FACT

1. Any Findings of Fact contained in the foregoing sections are adopted by the
Hearing Examiner as Findings of Fact.

2. The Applicant, Philip Stewart, petitions to modify the Evergreen Park PUD in
order to allow residential/multifamily uses within the Retail/Commercial Zone of the Evergreen
Park PUD.

1 3. The requested amendment affects those portions of the PUD currently designated
2 as the "Retail/Commercial Zone" of the PUD. This includes Lots 3, 4, 5,6, 7, 8, 9, 10, 11, 12, 13,
13A, 14, 15A, and 51-66, Tracts F and G, and Lot 3 of Short Plat SS-5099.

3 4. The Evergreen Park PUD was established in 1973. It is the only remaining PUD
4 in the City of Olympia.

5 5. At the time it was established, the Evergreen Park PUD established several
6 "zones" of use, including a Public Zone, a Retail/Commercial Zone and a variety of Residential
7 Zones to allow different types and densities of residential use. Most notably, however, the
various zones do not allow for a mix of uses, that is, the Retail/Commercial Zone does not allow
residential use.

8 6. As demonstrated on maps of the Evergreen Park PUD, the lower (southerly) half
9 of the PUD is largely dedicated to retail/commercial use while the upper half is devoted to
residential and public use (the County Courthouse).

10 7. The Retail/Commercial Zone of the PUD is largely developed and contains a
11 large number of buildings currently used as legal and medical offices, government administration
facilities, a small amount of retail and a hotel at the far easterly end, currently known as the
12 "Olympia Hotel".

13 8. During the fifty-year existence of the Evergreen Park PUD there have been a few
14 amendments to the PUD, most recently in 2006. These prior amendments have generally allowed
increased flexibility in the use of the PUD but no previously-approved amendment has allowed
15 the designated zones to be mixed in their allowed uses. Fifty years later, the Retail/Commercial
Zone of the PUD remains restricted to these uses.

16 9. As earlier noted, the purpose of the proposed amendment is to allow multifamily
17 housing as a permitted use in the Retail/Commercial Zone. The requested amendment would not
eliminate any currently allowed uses within this portion of the PUD but would instead increase
18 the number of allowed uses to include multifamily housing.

19 10. The party requesting the PUD amendment is the owner of the Olympia Hotel.
Ownership of the hotel has made known that, if the amendment is approved, it will seek to have
20 use of the hotel converted to multifamily housing. The proposed amendment does not guarantee
that the requested use will be approved, as the application would be subject to all of the City's
21 other development regulations and would need to be found compliant.

22 11. The application to amend the PUD was received May 22, 2023. The application
23 underwent SEPA review and the City, acting as the Lead Agency, issued a SEPA Determination
of Non-Significance (DNS) on November 17, 2023, with an appeal deadline of December 8,
24 2023. No appeals of the SEPA Determination were filed and it is now final.

1 12. Notice of the public hearing was published along with the SEPA DNS. Notice
2 was sent to property owners within 300 feet of the PUD, to recognized neighborhood groups and
to applicable agencies pursuant to OMC 18.78.020.

3 13. Notice of the hearing generated several public comments as noted earlier in the
4 public hearing section. Comments were largely in opposition and expressed concerns over
5 increased crime; lessened security for existing businesses; increased presence of homeless
6 individuals and concerns that the amendment was generally inconsistent with the original
7 purpose of the PUD and its separation of uses into zones. In addition, and perhaps more
8 importantly, public comments focused on the conversion of the Olympia Hotel to multifamily
use and the resulting loss of a significant number of well paying jobs. Concerns were also
9 expressed that the loss of the hotel would reduce the City's ability to host conferences and also
10 reduce the City's hospitality tax revenues.

11 14. Perhaps because the Evergreen Park PUD is the City's only remaining PUD, the
12 regulatory framework for considering amendments to the PUD is not entirely clear, nor is the
13 criteria to be considered for amendment approval. City Staff finds that the procedure for
14 amendment review is governed by OMC 18.54.060 which, in turn, adopts the procedures found
15 in OMC 18.56.120.B. This ordinance declares that an amendment which substantially changes
16 the character, basic design, density, open space or other requirements and conditions of the PUD
17 is a "major adjustment" and may not be approved without prior review by the Hearing Examiner
18 and final approval by City Council.

19 15. Again, there is little regulatory guidance to assist the Hearing Examiner/City
20 Council when determining whether the proposed amendment is appropriate. Recognizing this,
21 City Staff looks to the Purpose Statement of the PUD ordinance (OMC 18.54.020) to provide
22 some assistance. The Purpose Statement declares:

23 "The Evergreen Park PUD District is intended to permit flexibility in design,
24 placement of the buildings and use of open spaces, including modification and
25 requirements for lot frontage, building setbacks, and design of circulation
facilities to best use potentials of sites characterized by special features of
geography, topography, size or shape, and to encourage a more creative approach
in the development of land that will result in a more efficient, aesthetic and
desirable environment in harmony with that of the surrounding area."

1 16. Previously requested amendments to the Evergreen Park PUD have undergone a
similar review process and have been examined utilizing similar criteria.

2 17. Requested amendments to the Evergreen Park PUD are not subject to the same
3 review criteria as are imposed on requests for amendments of zoning designations. See OMC
4 18.59.050.A-E. Nonetheless, the Hearing Examiner finds that these criteria are useful in
5 determining whether the requested PUD amendment is appropriate, and City Staff concurs.

1 18. City Staff finds that the amendment is consistent with the Comprehensive Plan.
2 The Staff Report, at pages 4 and 5, undertakes a detailed analysis of the proposed amendment
3 with respect to its consistency with the Comprehensive Plan and finds that the amendment is
4 consistent with the Plan's Development Policies including Goal GL1 and Policy PL1.6, PL11.1
5 and PL11.3; with its Housing Policies including Policies PL16.1, PL16.2, PL16.5, PL16.8 and
6 PL16.13, and with the Plan's Goals and Policies relating to Climate and to Equity. The Hearing
7 Examiner has reviewed these Findings and adopts them as his own.

8 19. City Staff has also examined the proposed amendment with respect to the criteria
9 found in OMC 18.59.050.A-E which serve as the criteria for determining whether a required
10 zoning amendment is appropriate. The Supplemental Staff Report undertakes a detailed
11 examination of the amendment with respect to each of these criteria and finds that the proposed
12 amendment satisfies each criteria. A fuller statement of each of the City's Findings is set forth in
13 the earlier Public Hearing Section. The Hearing Examiner has carefully reviewed the Staff's
14 Findings and adopts them as his own Findings of Fact.

15 20. The public hearing elicited additional public concerns regarding the proposed
16 amendment. These public comments repeat those earlier expressed and include frustration over
17 the pending loss of the hotel and its jobs; the loss of an important conference facility for the City;
18 concerns that residential uses are a poor mix with the existing commercial facilities and will
19 impose inappropriate and unfair burdens on these commercial properties and their tenants; and
20 the belief that the original concept of the PUD and its intentional separation of commercial uses
21 from residential ones should be preserved.

22 21. City Staff has carefully considered the public's concerns and has taken them into
23 consideration when reaching its recommendation. Despite these public concerns, Staff finds that
24 the requested amendment is consistent with the City's Comprehensive Plan and its goals for
25 mixed uses and more housing; that it is consistent with the City's allowance for residential uses
26 in the City's commercially-zoned areas; and that it is consistent with the City's desire to
27 repurpose properties for residential use where appropriate. The Hearing Examiner concurs.

28 22. City Staff recommends approval of the proposed amendment to the Evergreen
29 Park PUD. The Hearing Examiner concurs.

30 Having entered the following Findings of Fact, the Hearing Examiner makes the
31 following:

CONCLUSIONS OF LAW

32 1. Any Conclusions of Law contained in the previous sections are incorporated
33 herein as the Hearing Examiner's Conclusions of Law.

34 2. The Hearing Examiner has jurisdiction over the subject matter and the parties.

1 3. All SEPA requirements have been met.

2 4. All notice requirements have been met.

3 5. The requested amendment to the Evergreen Park PUD is consistent with the City's
4 Comprehensive Plan including those Goals and Policies identified in the Findings of Fact.

5 6. Pursuant to OMC 18.59.050:

6 A. The amendment to the PUD is consistent with the Comprehensive Plan
7 including the Plan's Future Land Use Map.

8 B. The requested amendment to the PUD will maintain the public health,
9 safety or welfare.

10 C. The requested amendment is consistent with other development
11 regulations that implement the Comprehensive Plan.

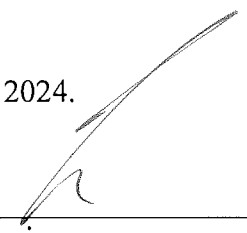
12 D. The requested amendment will result in a zone of the PUD that is
13 compatible with adjoining PUD zones as well as adjoining zoning districts.

14 E. Public facilities and services existing and planned for the area are
15 adequate and likely to be available to serve potential development allowed by the
16 proposed amendment to the PUD.

17 **RECOMMENDATION**

18 Having entered his Findings of Fact and Conclusions of Law, the Hearing Examiner
19 recommends to the City Council that the proposed amendment to the Evergreen Park PUD be
20 approved as proposed by City Staff.

21 DATED this 3 day of JANUARY, 2024.

22 
23 _____
24 Mark C. Scheibmeir
25 City of Olympia Hearing Examiner

Please note: this meeting's minutes have not been finalized yet. Actions taken on legislation and their results are not available.

Details

Meeting Name: [Hearing Examiner](#) Agenda status: Final

Meeting date/time: 12/11/2023 5:30 PM Minutes status: Draft

Meeting location: Hybrid Council Chambers & Via Zoom
 23-2792 Evergreen Park PUD Text Amendment Registration Link: https://us02web.zoom.us/webinar/register/WN_Wzi-h-uiQjSLw7bB3EM2SQ

Published agenda: [Agenda](#) Published minutes: [Minutes](#)

Attachments: [Hearing Packet 12112023](#), [Evergreen Park PUD HEX Presentation](#), [Exhibit 3. Public comments prior to hearing..pdf](#), [Exhibit 4. 18.59.050 review for HE.pdf](#)

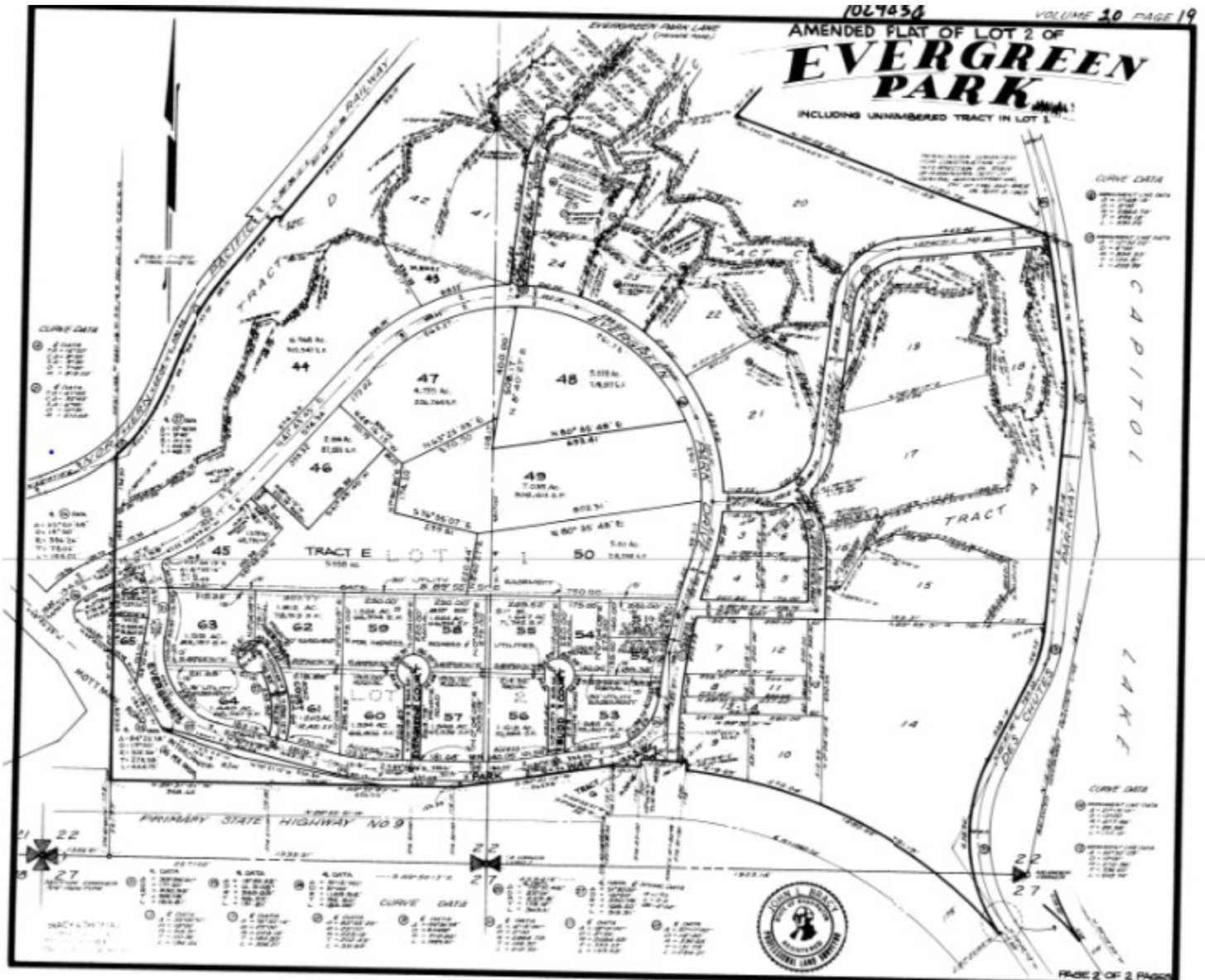
Meeting Items (1)

1 record	Group	Export	Show: Legislation only							
File #	Ver.	Agenda #	Type	Title	Action	Result	Action Details	Media		
23-1053	1	2.A	decision	PUBLIC HEARING - Case: 23-2792, Evergreen Park PUD amendment			Not available	Not available		

Evergreen Park PUD location



Evergreen Park PUD Map



Evergreen Park PUD History

- Evergreen Park PUD established in 1973.
- PUD has been amended since creation. Most recently in 2006.
- Current location of Thurston County Courthouse, a large hotel, among other residential and commercial uses.
- Historically the southern half of the PUD has been used strictly for retail/commercial uses whereas the northern half is developed as a mix of residential uses.
- Zoning codes of the past focused on separating uses.

PUD amendment proposal

- Allow residential uses where previously not allowed.
- No uses are being restricted; more flexibility is being proposed.
- New or redevelopment of properties will occur under separate permits.
- Specific existing uses on properties were not part of this review. The area was reviewed as a whole.

Rezone Application Timeline and Notification

- Presubmission Conference.
- Application Submitted.
- Notice of Application issued to public and agencies.
- Review of application.
- Notice of Hearing and SEPA determination, no appeals
- Public Hearing
- Hearing Examiner Recommendation to council, no appeals
- City council meeting.

Public Comments

- Concern that increased housing would bring more crime and security issues to the area.
- Loss of jobs and meeting space at the Olympia Hotel.
- Concerns about diminished values of commercial office space.
- Many concerned community members provided testimony, which was captured in the Hearing Examiner recommendation.

Consistency with Comprehensive Plan

- Housing
- Transportation
- Climate
- Equity

Decision Authority

This decision shall be based upon the record which was established at the hearing held by the Hearing Examiner, provided that new evidence which was not available at the time of hearing may be included.

1. Adopt the findings of the Hearing Examiner and accept the recommendation, findings and conclusion of the Hearing Examiner as their own.
2. Continue to a future date to allow for additional staff analysis desired by the Council;
3. Deny the application;
4. Modify the Hearing Examiner's decision based on applicable criteria and adopt their own findings and conclusions and approve the PRD; or
5. Remand the matter back to the Hearing Examiner for another hearing;

Hearing Examiner Recommendation

Approve the drafted Ordinance amending the Evergreen Park allowed uses and development standard as proposed. (Exhibit A.).

Note: No new evidence was presented to the city and no appeals were filed on the Hearing Examiner recommendation.



City Council

Approval of an Ordinance Adopting Updated International Building Codes as Required by the State Building Codes Council

Agenda Date: 3/19/2024
Agenda Item Number: 4.C
File Number:24-0192

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

Title

Approval of an Ordinance Adopting Updated International Building Codes as Required by the State Building Codes Council

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve an ordinance on second reading to adopt the updated International Building Codes, as required by the State Building Codes Council.

Report

Issue:

Whether to approve an ordinance adopting the updated International Building Codes, as required by the State Building Codes Council.

Staff Contact:

Erik Jensen, Building Official, Community Planning and Development, 360.753.8280

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Approximately every three years, the construction code-writing organizations update their respective technical and administrative codes. Revised Code of Washington (RCW) 19.27 requires that cities within the State of Washington adopt certain Building, Plumbing, Mechanical, Fire, Energy and Electrical Codes as required by the Washington State Building Codes Council (SBCC). The 2021 State Referenced Codes have been adopted and published by the SBCC to take effect at 12:01 a.m. on March 15, 2024. Previously, the SBCC had announced effective dates of July 1 and October 15, 2023, but each time postponed the effective date to conduct further review.

City staff recommends adoption of these codes by ordinance, which would amend Olympia Municipal

Code (OMC) Chapters 16.04, 16.06, 16.24, 16.32, 16.40, 16.44, 16.70 and 16.80. The updates in some of these chapters are re-formatted to adopt the updated codes by reference rather than repeating lengthy sections of the SBCC-required codes in the OMC. In addition to adopting the SBCC-required codes, the ordinance includes several minor clarifications.

The building codes are for the purpose of establishing rules and regulations for the protection of life, environment and property through the construction, alteration, removal, demolition, use and occupancy, location and maintenance of buildings and structures.

These codes also cover the installation, repair, replacement or alteration of electrical, mechanical, and plumbing systems along with their associated equipment, appliances, fixtures, fittings and appurtenances.

Within the codes are the process and authority for issuance of permits, collection of fees and inspection of site to ascertain compliance.

Climate Analysis:

This proposal is a procedural process that reoccurs about every 3 years. Revised Code of Washington (RCW) Section 19.27 requires that cities within the State of Washington adopt certain Building, Plumbing, Mechanical, Fire, Energy and Electrical Codes as required by the Washington State Building Codes Council (SBCC). The primary policy driver for the Washington State Energy Code increases in stringency is the language adopted by the Washington State Legislature, which reads:

- Residential and Nonresidential construction permitted under the 2031 state energy code must achieve a 70 percent reduction in annual net energy consumption (compared to the 2006 state energy code) (RCW 19.27A.160), and
- Construct increasingly efficient homes and buildings that help achieve the broader goal of building zero fossil fuel greenhouse gas emission homes and buildings by the year 2031 (RCW 19.27A.020)

Equity Analysis:

The code changes include improvements to accessibility codes for new construction and remodels of existing buildings that will benefit people who have different mobility concerns.

Most code change requirements will increase upfront development costs. These upfront development costs will be passed on, eventually impacting the end customer/tenant. These impacts on any development, including affordable housing proposals, should be carefully considered.

Long term building upgrades decrease energy use, and potentially will decrease long term building operation costs.

Neighborhood/Community Interests (if known):

As part of the code adoption process, various construction groups such as the Olympia Master Builders and the Building Industry Association Washington, which include a number of local contracting members, have expressed interest in the upcoming codes. Staff is working with these organizations and local design professionals to ensure there is an understanding of the upcoming revisions to the codes as they are adopted. Staff has addressed these interests by ensuring the City

of Olympia engages in outreach and invitation to these groups to attend the same training our staff attends; we have in turn been invited to their training. Additionally, the City's website will be updated to ensure there is information available pertaining to these newly adopted codes.

Financial Impact:

The associated fiscal impact for staff training and reference copies for all new codes is included in department budget for 2023 and amounts to approximately \$20,000.

Options:

1. Move to approve the ordinance adopting updates to the International Building Codes, as required by the State Building Codes Council.
2. Direct specific modifications to the ordinance for adoption. Any modifications must remain consistent with RCW 19.27.
3. Take other action.

Attachments:

Ordinance

ORDINANCE NO. _____

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

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

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

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

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

WHEREAS, more recent international codes have been adopted by the State of Washington, to take effect March 15, 2024; and

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

WHEREAS, City staff has reviewed the newly adopted international codes as compared to the City's existing codes; and

WHEREAS, City staff recommends adopting the international codes provided for in this Ordinance along with certain State and local amendments; and

WHEREAS, City staff presented the international codes provided for in this Ordinance along with their amendments to the City of Olympia Land Use and Environment Committee; and

WHEREAS, on April 27, 2023, the Land Use and Environment Committee voted to recommend approval of the provisions regulating construction through use of the State-adopted codes set forth in this Ordinance; and

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

Section 1. Amendment of OMC 16.04.020. Olympia Municipal Code Section 16.04.020 is hereby amended to read as follows:

16.04.020 Adoption of Referenced Codes – Purpose

A. Pursuant to RCW 19.27.031, the City of Olympia hereby adopts the following codes, as amended by the Washington State Building Code Council, and as thereafter amended by the City of Olympia, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, use and occupancy, location, and maintenance of buildings and structures, as well as the installation, repair,

replacement, or alteration of electrical, mechanical, and plumbing systems along with their associated equipment, appliances, fixtures, fittings, and appurtenances thereto, and providing for the issuance of permits and collection of fees, providing penalties for the violation of such codes and each and all of the regulations, provisions, conditions, and terms of these code standards, rules, and regulations and appendices as noted. ~~The City Clerk shall maintain on file One-one copy of each code shall be on file with the City Clerk and~~ each code can also be accessed electronically by the following hyperlinks provided within this section.

1. International Building Code Adopted.

The ~~2018~~ current State adopted edition of the International Building Code, hereafter (“IBC”), as adopted by the State Building Code Council in Chapter 51-50 WAC (excluding Chapter 1, Section 101.4.3 “Plumbing”; excluding Chapter 1, Section 105.2 “work exempt from permit”, item 3, “Oil Derricks”; excluding Chapter 1, Section 110.3.5 “Exception”; excluding Chapter 1, Section 113, Board of Appeals), as published by the International Code Council, Inc. (ICC), including ICC A117.1-~~2009~~2017 “Accessible and usable buildings and facilities”, and the following Appendices are hereby adopted:

Appendix E, Supplementary Accessibility Requirements ICC A117.~~2009~~ Current State adopted version

Appendix G, Flood resistant construction

Appendix J, Grading

2. International Residential Code Adopted.

The ~~2018~~ current State adopted edition of the International Residential Code, hereafter (“IRC”), as published by the International Code Council, Inc. (~~ICC~~), as adopted by the State Building Code Council in Chapter 51-51 WAC (excluding Chapter 1, Section R112, Board of Appeals, Chapter 11, and Chapters 25 through 43), except that Chapter 29, Section P2904 is adopted and the following Appendices are hereby adopted:

Appendix F Passive Radon Gas Controls

Appendix Q, Tiny Houses

Appendix T, Solar-Ready Provisions-Detached One-and Two-Family Dwellings, Multiple Single-Family Dwellings (Townhouses)

Appendix U, Dwelling Unit Fire Sprinkler Systems, with the following amendment:

Section P2904.1.1 Required sprinkler locations. Sprinklers shall be installed to protect all areas of a dwelling unit.

Exceptions. The following do not require sprinklers:

1. Uninhabitable attics, crawl spaces, and normally unoccupied concealed spaces that do not contain fuel-fired appliances. In uninhabitable attics, crawl spaces, and normally unoccupied concealed spaces that contain fuel-fired equipment, a sprinkler must be installed above the equipment; however, sprinklers are not required in the remainder of the space.
2. Clothes closets, linen closets, and pantries not exceeding 24 square feet (2.2 m²) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.
3. Bathrooms not more than 55 square feet (5.1 m²) in area.

4. Garages; carports; exterior porches; unheated entry areas, such as mud rooms, that are adjacent to an exterior door; and similar areas.
5. Detached garage conversions to accessory dwelling units and detached accessory dwelling units with utilities served by an existing single-family residence that does not have an existing sprinkler system.

Appendix V, Fire Sprinklers

3. International Mechanical Code Adopted.

The ~~2018~~ current State adopted edition of the International Mechanical Code, hereafter ("IMC"), as published by the International Code Council, Inc. (ICC), as adopted by the State Building Code Council in Chapter 51-52 WAC (excluding Chapter 1, Section 109, Means of Appeals), is hereby adopted, and includes adoption of the ~~2018~~2021 Edition of the ANSI Z223.1/NFPA 54 National Fuel Gas Code and the ~~2017~~ current State adopted version Liquefied Gas Code (NFPA 58) except as otherwise specified by the adoption of referenced Codes.

4. Uniform Plumbing Code Adopted.

The ~~2018~~ current State adopted edition of the Uniform Plumbing Code, hereafter ("UPC"), as published by the International Association of Plumbing and Mechanical Officials (IAPMO), as adopted by the State Building Code Council in Chapters 51-56 WAC.

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

Washington State Residential Energy Code, Chapter 51-11R WAC, excluding SECTION R109 BOARD OF APPEALS

The ~~2018~~ current State adopted edition of the Washington State Residential Energy Code and the following Appendices are hereby adopted:

Appendix RA, Optional Energy Efficiency Measures – One Step

Appendix RB, Optional Energy Efficiency Measures – Two Step

Appendix RC, Outdoor Design Temperatures for Washington Proponent Options

6. International Energy Conservation Code/Washington Commercial Energy Codes Adopted.

Washington State Commercial Energy Code, Chapter 51-11C WAC, excluding SECTION R109 BOARD OF APPEALS

The ~~2018~~ current State adopted Edition of the Washington State Commercial Energy Code and the following Appendices are hereby adopted:

Appendix A, Default Heat Loss Coefficients

Appendix B, Default Internal Load Values and Schedules

Appendix C, Exterior Design Conditions

Appendix D, Calculation of HVAC Total System Performance Ratio

Appendix E, Renewable Energy

Appendix F, Outcome-Based Energy Budget

7. Manufactured Home Standards adopted.

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

8. International Fire Code Adopted.

The ~~2018~~ current State adopted edition of the International Fire Code, ~~herein~~ ("IFC"), as published by the International Code Council (~~ICC~~), as adopted by the State Building Code Council in Chapter 51-54 WAC (excluding Chapter 1, Section 108, Board of Appeals), and the following Appendices are hereby adopted:

Appendix B, Fire-Flow requirements for Buildings

Appendix E, Hazard Categories

Appendix F, Hazard Rankings

Appendix G, Cryogenic Fluids-Weight and Volume Equivalents

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

Appendix I, Fire Protection Systems-Noncompliant Conditions

9. International Existing Building Code Adopted.

The ~~2018~~ current State adopted edition of the International Existing Building Code, as published by the International Code Council, Inc. (excluding Chapter 1, Section 112, Board of Appeals), is hereby adopted as the Existing Building Code of the City of Olympia for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, ~~as herein provided~~; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions, and term of ~~said the~~ Existing Building Code, and the following Appendix is hereby adopted:

Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings

10. International Swimming Pool and Spa Code Adopted.

The ~~2018~~ current State adopted edition of the International Swimming Pool and Spa Code, as published by the International Code Council, Inc. (by reference in the ~~2018~~2021 International Building Code WAC 51.50, Section 3109 and the ~~2018~~2021 International Residential Code WAC 51-51, Section 38), is hereby adopted regulating the installation of pools and spas, including ANSI/APSP/ICC-7 Standards for Suction Entrapment Avoidance.

11. International Fuel Gas Code Adopted.

The ~~2018~~ current State adopted edition of the International Fuel Gas Code, as published by the International Code Council, Inc., is hereby adopted as the Fuel Gas Code for the City of Olympia.

Section 2. Amendment of OMC 16.04.040. Olympia Municipal Code Section 16.04.040 is

hereby amended to read as follows:

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. 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 newly constructed or substantially improved 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 by the Olympia Fire Marshal.

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. 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 UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX (degrees)	MEAN ANNUAL TEMP (degrees)
25	110	D1	Moderate	12"	Slight to Moderate	17	No	Sept. 1, 2016	170	51

4. Add Section R313.2 Automatic Sprinkler System Requirements. A fully automatic residential fire sprinkler system shall be designed, installed, tested, and maintained per N.F.P.A. (National Fire Protection Association) 13, current edition, RCW 18.160 and the approval of the Fire Chief, in all structures subject to this code pursuant to Section R101.2 (including additions and alterations to structures with existing sprinkler systems).

Section 3. Repeal of OMC 16.04.110. Olympia Municipal Code Section 16.04.110 is repealed:

Article II. FIRE DISTRICT

~~16.04.110 Ordinance Creating and Establishing a Fire District~~

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

Section 4. Amendment of OMC 16.06. Olympia Municipal Code Chapter 16.06 is hereby amended to read as follows:

Chapter 16.06

PROPERTY MAINTENANCE CODE

16.06.000 Chapter Contents

Sections:

16.06.010 International Property Maintenance Code adopted —~~Purpose and Administration.~~

16.06.020 ~~Definitions.~~ Amendments, Deletions, and Additions

16.06.030 ~~General Requirements.~~

16.06.040 ~~Light, Ventilation and Occupancy Limitations.~~

~~16.06.050 Plumbing Facilities and Fixture Requirements.~~

~~16.06.060 Mechanical and Electrical Requirements.~~

~~16.06.070 Fire Safety Requirements.~~

~~16.06.080 Referenced Standards.~~

~~16.06.090 Vacant Property Registration.~~

16.06.010 International Property Maintenance Code Adopted – Purpose and Administration [Email Link](#)

A. ~~PURPOSE~~

The current state adopted edition of the International Property Maintenance Code, 2018 edition as published by the International Code Council, and herein amended by the City of Olympia in OMC 16.06.020, is hereby adopted as the Property Maintenance Code of the City of Olympia for the following purposes: (1) ~~regulating and governing the conditions and maintenance of all property, buildings, and structures; (2) providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; (3) authorizing the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and (4) providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, penalties, conditions and terms referred to, adopted, and made a part hereof, as fully set out in this Ordinance.~~ along with the following Appendix:

Appendix A, Boarding Standard

B. ~~ADMINISTRATION GENERAL~~

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

~~101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.~~

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

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

C. — APPLICABILITY

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

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

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

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

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

~~102.5 Artisanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in an artisan-like manner and installed in accordance with the manufacturer's installation instructions.~~

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

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

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

~~102.7.2 Provisions in referenced codes and standards. Where there is conflict among this code and a referenced code or standards, the provisions of this code govern.~~

~~102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the Code Official or the Code Official's duly authorized representative.~~

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

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

~~D. — PROPERTY MAINTENANCE INSPECTION~~

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

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

~~103.3 Code Official. In accordance with the prescribed procedures of the City, and with concurrence of the appointing authority, the Code Official may appoint one or more deputies, to be known as Code Enforcement Officers. Such Code Enforcement Officers have powers as delegated by the Code Official.~~

~~103.4 Liability. The Code Official, the Hearing Examiner, Code Enforcement Officers, and employees charged with the enforcement of this code, while acting for the City in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, may not be held civilly or criminally liable personally, and are hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.~~

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

~~E. — DUTIES AND POWERS OF THE CODE OFFICIAL~~

~~104.1 General. The Code Official and Code Enforcement Officers shall enforce the provisions of this code. The Code Official shall have authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.~~

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

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

~~104.3 Right of entry. The Code Official and Code Enforcement Officers are authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official or Code Enforcement Officer is authorized to pursue recourse as provided by law. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the Code Official or Code Enforcement Officer has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the Code Official or Code Enforcement Officer is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied, the Code Official or Code Enforcement Officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Official or Code Enforcement Officer shall first make reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official or Code Enforcement Officer may utilize the remedies provided by law to secure entry.~~

~~104.4 Identification. The Code Official and Code Enforcement Officers shall carry proper identification when inspecting structures or premises in the performance of duties under this code.~~

~~104.5 Notices and orders. The Code Official and Code Enforcement Officers shall issue all necessary notices or orders to ensure compliance with this code.~~

~~104.6 Department records. The Code Official and Code Enforcement Officers shall keep official records of all business and activities of the department specified in the provisions of this code. Such records must be retained in the official records for the period required for retention of public records.~~

~~F.— APPROVAL~~

~~105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Official may grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the Code Official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of~~

this code, and that such modification does not lesson health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

~~105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative material or method of construction has been approved and complies with all other codes adopted by the City of Olympia. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with all other codes adopted by the City of Olympia and the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the Code Official shall respond in writing, stating the reasons the alternate was not approved.~~

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

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

~~105.3.2 Test reports. Reports of tests shall be retained by the Code Official for the period required for retention of public records.~~

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

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

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

G.—VIOLATIONS

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

~~106.2 Notice of violation. The Code Official shall serve a notice of violation or order in accordance with Section 107.~~

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

a.—On first offense, the violation shall constitute a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000), and/or imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment.

b.—As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this title or the terms or provisions of a Notice of Violation issued under OMC Chapter 16.06. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

i.—First offense: Class 3 (\$50), not including statutory assessments.

ii.—Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.

iii.—Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC Chapter 4.44, Uniform Civil Enforcement.

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

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

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

H.—NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the Code Official or Code Enforcement Officer determines that there has been a violation of this code or has grounds to believe that a violation has occurred, the Code Official or Code Enforcement Officer shall give notice in the manner prescribed in Sections 107.2-

~~and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.~~

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

- ~~1. Be in writing.~~
- ~~2. Include a description of the real estate sufficient for identification.~~
- ~~3. Include a statement of the violation or violations and why the notice is being issued.~~
- ~~4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.~~
- ~~5. Inform the property owner or owner's authorized agent of the right to appeal.~~
- ~~6. Include a statement of the right to file a lien in accordance with Section 106.3.~~

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

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

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

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

~~107.5 Unauthorized tampering. Signs, tags, or seals posted or affixed by the Code Official or Code Enforcement Officer shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official or Code Enforcement Officer.~~

~~107.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent furnishes the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and~~

notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

~~I. UNSAFE STRUCTURES AND EQUIPMENT~~

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

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

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

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

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

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

~~1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.~~

~~2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.~~

~~3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.~~

~~4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one-half the original design value.~~

~~5.—The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.~~

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

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

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

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

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

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

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

~~108.2.1 Authority to disconnect service utilities. The Code Official or their designee shall have the authority to authorize disconnections of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in section 102.3 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The Code Official or their designee shall notify the serving utility and, whenever~~

possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, owner's authorized agent or occupant of the building or structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice. Whenever the Code Official or their designee has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Sections 107.1, 107.2 and 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the Code Official or their designee shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The Code Official or their designee shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official their designee shall be vacated as ordered by the Code Official or their designee. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the Code Official or their designee shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

108.7 Record. The Code Official or their designee shall file a report of investigation of unsafe conditions stating the occupancy of the structure and the unsafe condition.

J.—EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the Code Official or their designee, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official or their designee is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official or their designee shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be

~~unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.~~

~~109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Code Official or their designee, there is imminent danger due to an unsafe condition, the Code Official their designee shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official or their designee deems necessary to meet such emergency.~~

~~109.3 Closing streets. When necessary for public safety, the Code Official or their designee shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.~~

~~109.4 Emergency repairs. For the purposes of this section, the Code Official or their designee shall employ the necessary labor and materials to perform the required work as expeditiously as possible.~~

~~109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.~~

~~109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.~~

K. — DEMOLITION

~~110.1 General. The Code Official or their designee shall order the owner or the owner's authorized agent of any premises upon which is located any structure, which in the Code Official's or their designee's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that is unreasonable to repair the structure, to demolish and remove such structure; and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years that the building or structure has become dangerous as defined in this code, the Code Official or their designee shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Code Official or their designee.~~

~~110.2 Notices and orders. All notices and orders shall comply with Section 107.~~

~~110.3 Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the Code Official or their designee shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~If the party responsible under Section 102.2, or other sections of this Code, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building structure or premises, the Code Official or their designee may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished.~~

~~The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the Code Official or their designee, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification by the Clerk of the City of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in Revised Code of Washington 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the Building Demolition and Nuisance Abatement revolving fund of the City.~~

~~The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.~~

~~110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.~~

~~L.—MEANS OF APPEAL~~

~~111 Means of Appeal. Any person adversely affected or aggrieved by a decision of the Code Official or their designee or a notice or order issued under this code may appeal to the hearings examiner pursuant to the Olympia Municipal Code 18.70.170, provided that a written application for appeal is filed within fourteen (14) days after the day the decision, notice or order was served. An appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.~~

16.06.020 Definitions

A.—GENERAL

~~201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this section:~~

~~201.2 Interchangeability. Words stated in the present tense include the future; words referring to a specific gender may be extended to any other gender; the singular number includes the plural and the plural, the singular.~~

~~201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, Olympia Zoning Code, International Plumbing Code,~~

~~International Mechanical Code, State Energy Code, International Fuel Gas Code, International Existing Building Code, or the ICC Electrical Code (NFPA 70), such terms shall have the meanings ascribed to them as stated in those codes.~~

~~201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.~~

~~201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."~~

~~B. GENERAL DEFINITIONS~~

~~1. Anchored. Secured in a manner that provides positive connection.~~

~~2. Approved. Approved by the Code Official.~~

~~3. Basement. That portion of a building which is partly or completely below grade.~~

~~4. Bathroom. A room containing plumbing fixtures, including a bathtub or shower.~~

~~5. Bedroom. Any room or space used or intended to be used for sleeping purposes, in either a dwelling or sleeping unit.~~

~~6. Code Official. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.~~

~~7. Condemn. To adjudge unfit for occupancy.~~

~~8. Cost of such demolition or emergency repairs. The cost of shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to the demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to the demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a Code Official, the governing body or board of appeals.~~

~~9. Department. The City of Olympia Community Planning and Development Department.~~

~~10. Detached. When a structure element is physically disconnected from another and that connection is necessary to provide a positive connection.~~

- ~~11.— Deterioration. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.~~
- ~~12.— Director. The Director of the City of Olympia Community Planning and Development Department.~~
- ~~13.— Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~
- ~~14.— Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.~~
- ~~15.— Equipment Support. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.~~
- ~~16.— Exterior Property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.~~
- ~~17.— Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.~~
- ~~18.— Guard. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.~~
- ~~19.— Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.~~
- ~~20.— Historic Building. Any building or structure that is one or more of the following:~~
- ~~1.— Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in National Register of Historic Places.~~
 - ~~2.— Designated as historic under an applicable state or local law.~~
 - ~~3.— Certified as a contributing resource within National Register or state or locally designated historic structure.~~
- ~~21.— Housekeeping Unit. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.~~
- ~~22.— Imminent Danger. A condition which could cause serious or life-threatening injury or death at any time.~~

~~23.— Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.~~

~~24.— Inoperable Motor Vehicle. A vehicle which cannot be driven upon the public streets for reason including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.~~

~~25.— Labeled. Equipment, materials or products to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.~~

~~26.— Let For Occupancy or Let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.~~

~~27.— Neglect. The lack of proper maintenance for a building or structure.~~

~~28.— Occupancy. The purpose for which a building or portion thereof is utilized or occupied.~~

~~29.— Occupant. Any individual living or sleeping in a building, or having possession of a space within in a building.~~

~~30.— Openable Area. That part of window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.~~

~~31.— Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.~~

~~32.— Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.~~

~~33.— Person. An individual, corporation, partnership or any other group acting as a unit.~~

~~34.— Pest Elimination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.~~

~~35.— Premises. A lot, plot or parcel of land, easement or public way, including any structures thereon.~~

- 36.— Public Way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
- 37.— Rooming House. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.
- 38.— Rooming Unit. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
- 39.— Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
- 40.— Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
- 41.— Strict Liability Offense. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.
- 42.— Structure. That which is built or constructed or a portion thereof.
- 43.— Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- 44.— Toilet room. A room containing a water closet or urinal, but not a bathtub or shower.
- 45.— Ultimate deformation. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.
- 46.— Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- 47.— Artisanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.
- 48.— Yard. An open space on the same lot with a structure.
- 49.— Weeds. Weeds means all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, this term does not include cultivated flowers and gardens.

16.06.030 General Requirements

A. — GENERAL

~~301.1 Scope. The provisions of this section shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.~~

~~301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.~~

~~301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.~~

B. — EXTERIOR PROPERTY AREAS

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

~~302.2 Grading and Drainage. Premises shall be graded and maintained to prevent erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.~~

~~EXCEPTION: Approved retention areas and reservoirs.~~

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

~~302.4 Weeds, brush, bushes or shrubs, and other vegetation. All property owners, and all persons in control of property, shall keep all exterior property areas, including the planting strip, free from blight and from overgrowth in excess of 12 inches in height, including but not limited to lawn grass, plants, nuisance weeds, blackberries, and other vegetation. All noxious weeds identified on the Thurston County Noxious Weed Control list are prohibited. After service of a notice of violation, a person violating this subsection is subject to OMC ~~16.06.010~~, Section 106.3. Upon failure by the property owner or person in control of property to comply with the notice of violation, any duly authorized employee of the City or contractor hired by the City is authorized to enter upon the property in violation and remove the grass, brush, bushes, noxious weeds, nuisance weeds, etc. growing thereon, and the property owner or person in control of the property shall pay the costs of such removal.~~

~~EXCEPTION: Agricultural areas within the City of Olympia (crops, livestock, farming, etc.) are exempt from this subsection.~~

~~302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.~~

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

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

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

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

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

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

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

EXCEPTIONS:

~~1.—Recreational vehicles lawfully located in manufactured/mobile communities (as defined in RCW 59.20.030) may be used as a primary residence for the purpose of living, sleeping, cooking or similar uses, provided that:~~

~~a.—The recreational vehicle has a Recreational Park Trailer or Recreation Vehicle Label provided by Washington State Department of Labor and Industries (Or its equivalent if from another state).~~

~~b.—The total number of residential units within the community/park does not exceed the number established within the land use approval. A recreational vehicle may replace a manufactured or mobile unit, but additional units require land use approval prior.~~

~~c.— A recreational vehicle is not permitted as an accessory living quarter or an accessory dwelling unit to any other primary residence within the community/park.~~

~~d.— The recreational vehicle must comply with all applicable requirements of the International Building and Fire Codes in effect at the time of application.~~

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

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

~~302.11 Cargo containers and semi trailers.~~

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

~~302.11.2 Semi trailers shall not be used as storage buildings.~~

~~302.12 Additional nuisances.~~

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

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

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

~~302.13 Swimming pools. A property owner or person in control of property shall maintain any swimming pools pursuant to the Swimming Pool Spa and Hot Tub Code, state building codes, and other applicable federal, state, and local laws. A property owner or person in control of property shall maintain any swimming pool in a clean and sanitary condition and in good repair.~~

~~C.— EXTERIOR STRUCTURE~~

~~304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.~~

304.1.1 Unsafe Conditions. The following conditions shall be determined to be unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. ~~The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;~~
2. ~~The anchorage of the floor or roof to walls or columns, and of walls and columns to foundation is not capable of resisting all nominal loads or load effects;~~
3. ~~Structures or components thereof that have reached their limit share;~~
4. ~~Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;~~
5. ~~Structural members that have evidence of deterioration or that are not capable of supporting all nominal loads and load effects;~~
6. ~~Foundations systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;~~
7. ~~Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;~~
8. ~~Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;~~
9. ~~Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;~~
10. ~~Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;~~
11. ~~Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;~~
12. ~~Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or~~

~~13.— Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.~~

~~Exceptions:~~

~~1.— Where substantiated otherwise by an approved method.~~

~~2.— Demolition of unsafe conditions shall be permitted where approved by the code official.~~

~~304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.~~

~~304.3 Premises identification. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position to be legible and visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inches (12.7 mm).~~

~~Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of private road and the building cannot be viewed from the public way, a monument pole, or other sign or means shall be used to identify the structure. Address identification shall be maintained.~~

~~304.4 Structure members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.~~

~~304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.~~

~~304.6 Exterior walls. All exterior walls shall be free from holes, breaks, dampness, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.~~

~~304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.~~

304.8 Decorative features. Cornices, belt courses, corbels, terra-cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, port and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall

have a lock throw of not less than 1 inch (25MM). Such deadbolt locks shall be installed according to the manufacture's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

~~304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.~~

~~304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.~~

D.—INTERIOR STRUCTURE

~~305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.~~

~~305.1.1 The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:~~

- ~~1.—The nominal strength of any structural member is exceeded by nominal loads, the loads effects or the required strength;~~
- ~~2.—The anchorage of the floor or roof to walls or columns, and of walls and columns to the foundation is not capable of resisting all nominal loads or load effects;~~
- ~~3.—Structures or components thereof that have reached their limit state;~~
- ~~4.—Structural members are incapable of supporting nominal loads and load effects;~~
- ~~5.—Stairs, landings, balconies and similar surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;~~
- ~~6.—Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.~~

Exceptions:

~~1. Where substantiated otherwise by an approved method.~~

~~2. Demolition of unsafe conditions shall be permitted when approved by the code official.~~

~~305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.~~

~~305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, mold and other defective surface conditions shall be corrected.~~

~~305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.~~

~~305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.~~

~~305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.~~

~~E. COMPONENT SERVICEABILITY~~

~~306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.~~

~~306.1.1 Unsafe conditions. Where any of the following conditions cause the components or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:~~

~~1. Soils that have been subjected to any of the following conditions:~~

~~1.1 Collapse of footing or foundation system;~~

~~1.2 Damage to footing, foundation, concrete or other structural element due to soil expansion;~~

~~1.3 Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;~~

~~1.4 Inadequate soil as determined by a geotechnical investigation;~~

~~1.5 Where the allowable bearing capacity of the soil is in doubt; or~~

~~1.6 Adverse effects to the footing, foundation, concrete or other structural element due to the ground-water table.~~

~~2. Concrete that has been subjected to any of the following conditions:~~

~~2.1 Deterioration;~~

~~2.2 Ultimate deformation;~~

~~2.3 Fractures;~~

~~2.4 Fissures;~~

~~2.5 Spalling;~~

~~2.6 Exposed reinforcement; or~~

~~3. Aluminum that has been subjected to any of the following conditions:~~

~~3.1 Deterioration;~~

~~3.2 Corrosion;~~

~~3.3 Elastic Deformation;~~

~~3.4 Ultimate deformation;~~

~~3.5 Stress or strain cracks;~~

~~3.6 Joint fatigue; or~~

~~3.7 Detached, dislodged or failing connections.~~

~~4. Masonry that has been subjected to any of the following conditions:~~

~~4.1 Deterioration;~~

~~4.2 Ultimate Deformation;~~

~~4.3 Fractures in masonry or mortar joints;~~

~~4.4 Fissures in masonry or mortar joints;~~

4.5 Spalling;

4.6 Exposed reinforcement;

4.7 Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

5.1 Deterioration;

5.2 Elastic deformation;

5.3 Ultimate deformation;

5.4 Metal fatigue; or

5.5 Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

6.1 Ultimate deformation;

6.2 Deterioration;

6.3 Damage from insects, rodents, and other vermin;

6.4 Fire damage beyond charring;

6.5 Significant splits and checks;

6.6 Horizontal shear cracks;

6.7 Vertical shear cracks;

6.8 Inadequate support;

6.9 Detached, dislodged or failing connections; or

6.10 Excessive cutting and notching.

Exceptions:

1.—Where substantiated otherwise by an approved method.

2.—Demolition of unsafe conditions shall be permitted where approved by the code official.

F.—~~HANDRAILS AND GUARDRAILS~~

~~307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 34 inches high or more than 38 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.~~

~~EXCEPTIONS:~~

~~1.—Guards shall not be required where exempted by the adopted building code.~~

~~2.—Guards may be of other heights when allowed by the adopted building code or other historical codes.~~

G.—~~RUBBISH AND GARBAGE~~

~~308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.~~

~~308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.~~

~~308.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.~~

~~308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.~~

~~308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.~~

~~308.3.1 Garbage facilities. The owner of every dwelling shall supply both of the following: an approved mechanical food waste grinder in each dwelling unit; an approved leakproof, covered, outside garbage container.~~

~~308.3.2 Containers. The operator of every establishment producing garbage shall provide, at all times, cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.~~

H. — EXTERMINATION

~~309.1 Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest extermination, proper precautions shall be taken to prevent reinfestation.~~

~~309.2 Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.~~

~~309.3 Single occupant. The occupant of a one family dwelling or of a single tenant nonresidential structure shall be responsible for pest elimination on the premises.~~

~~309.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property.~~

~~If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.~~

~~309.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure.~~

~~EXCEPTION: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.~~

16.06.040 Light, Ventilation and Occupancy Limitations

A. — GENERAL

~~401.1 Scope. The provisions of this section shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.~~

~~401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this section.~~

~~401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.~~

B. — LIGHT

~~402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of~~

the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

EXCEPTION: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least equivalent to a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

C. — VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1

EXCEPTION: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

EXCEPTIONS:

- 1.— Where specifically approved in writing by the code official.
- 2.— Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

D. OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm)

EXCEPTIONS:

1. In one and two family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts, and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room Area. Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain at least 70 square feet (6.5 m²).

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

EXCEPTIONS: Units that contain fewer than two bedrooms.

~~404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.~~

~~404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.~~

~~404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section; the plumbing facilities and water heating facilities requirements of Section 16.06.050; the heating facilities and electrical receptacle requirements of Section 16.06.060; and the smoke detector and emergency escape requirements of Section 16.06.070.~~

~~404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.~~

~~404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:~~

~~1.— A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.~~

~~2.— The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.~~

~~3.— The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.~~

~~4.— The maximum number of occupants shall be three.~~

~~404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.~~

~~16.06.050 Plumbing Facilities and Fixture Requirements~~

~~A.— GENERAL~~

~~501.1 Scope. The provisions of this section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.~~

~~501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.~~

~~B. — REQUIRED FACILITIES~~

~~502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet isolated. A kitchen sink shall not be used as a substitute for the required lavatory.~~

~~502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.~~

~~502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.~~

~~502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.~~

~~502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.~~

~~502.5 Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Uniform Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.~~

~~C. — TOILET ROOMS~~

~~503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.~~

~~503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.~~

~~503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152-m). Employee facilities shall either be separate facilities or combined employee and public facilities.~~

~~EXCEPTION: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.~~

~~503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.~~

~~D. — PLUMBING SYSTEMS AND FIXTURES~~

~~504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.~~

~~504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.~~

~~504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross-connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official require the defects to be corrected to eliminate the hazard.~~

~~E. — WATER SYSTEM~~

~~505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.~~

~~505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.~~

~~505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.~~

~~505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.~~

F. — SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacture's installation instructions. Grease interceptors and automatic removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official upon request.

G. — STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

16.06.060 Mechanical and Electrical Requirements

A. — GENERAL

601.1 Scope. The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this section.

B. — HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Uniform Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

EXCEPTION: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the

occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

EXCEPTIONS:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Uniform Plumbing Code.

2. In areas where the average monthly temperature is above 30°F (1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

EXCEPTIONS:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activity.

602.5 Room temperature measurements. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

C. MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel burning equipment and appliances shall be connected to an approved chimney or vent.

EXCEPTION: Fuel burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel burning equipment shall be provided for the fuel burning equipment.

~~603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to fuel the supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.~~

~~D. — ELECTRICAL FACILITIES~~

~~604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.~~

~~604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code (NFPA 70). Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.~~

~~604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.~~

~~604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.~~

~~604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low voltage fuses, luminaires, ballasts, motor and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code and the National Electrical Code (NFPA 70).~~

~~E. — ELECTRICAL EQUIPMENT~~

~~605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.~~

~~605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.~~

~~605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.~~

~~605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.~~

~~F. — ELEVATORS, ESCALATORS AND DUMBWAITERS~~

~~606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with American Society of Mechanical Engineers (ASME) A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A-17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.~~

~~606.1.1 Elevators, Escalators and Dumbwaiters shall comply with the State Department of Labor and Industries inspection and operation requirements.~~

~~606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.~~

~~EXCEPTION: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.~~

~~G. — DUCT SYSTEMS~~

~~607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.~~

16.06.070 Fire Safety Requirements

~~A. — GENERAL~~

~~701.1 Scope. The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.~~

~~701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any premises that do not comply with the requirements of this section.~~

~~B. — MEANS OF EGRESS~~

~~702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.~~

~~702.2 Aisles. The required width of aisles in accordance with the International Fire Code shall be unobstructed.~~

~~702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.~~

~~702.4 Emergency escapes openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue~~

openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

C. — FIRE RESISTANCE RATINGS

703.1 Fire resistance rated assemblies. The required fire resistance rating of fire resistance rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

D. — FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.1.1 Automatic sprinkler system. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.1.2 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152mm) high and words in letters not less than 2 inches (51mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

704.2 Single and multiple station smoke alarms. Single or multiple station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

704.2.1 Where required. Existing Group I-1 and R occupancies shall be provided with single station smoke alarms in accordance with Section 704.2.1.1 through 704.2.1.4. Interconnection and power source shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:

1. — Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. — Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided the that existing smoke alarms comply with requirements that were in effect at the time of construction.

3.— Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.2.1.1 Group R-1. Single or multiple station smoke alarms shall be installed in all of the following locations in Group R-1:

1.— In sleeping areas.

2.— In every room in the path of the means of egress from sleeping area to the door leading from the sleeping unit.

3.— In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.2 Groups R-2, R-3, R-4 and I-1. Single or multiple station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:

1.— On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of the bedrooms.

2.— In each room used for sleeping purposes.

3.— In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.2.1.1 or 704.2.1.2:

1.— Ionization smoke alarms shall not be installed less than 20 feet (6096mm) horizontally from permanently installed cooking appliances.

2.— Ionization smoke alarms with an alarm silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.

3.— Photoelectric smoke alarms shall not be installed less than 6 feet (1829mm) horizontally from a permanently installed cooking appliance.

704.2.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

~~704.2.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnections of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.~~

~~Exceptions:~~

~~1.— Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.~~

~~2.— Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.~~

~~704.2.3 Power source. Single station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with a battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.~~

~~Exceptions:~~

~~1.— Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.~~

~~2.— Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.~~

~~3.— Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.~~

~~704.2.4 Smoke detection system. Smoke detectors listed in accordance with UL268 and provided as part of the buildings fire alarm system shall be an acceptable alternative to single and multiple station smoke alarms and shall comply with the following:~~

~~1.— The fire alarm shall comply with all applicable requirements in Section 907 of the International Fire Code.~~

~~2.— Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.~~

3.— Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the International Fire Code.

16.06.080 Reference Standards

This section lists the standards that are referenced in various sections of this code. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the sections or sections of this code that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

Standard Reference Number	Title	Referenced in Code Section Number
ASME A17.1/CSA B44-2013	Safety Code for Elevators and Escalators	606.1
ASTM F1346-91 (2010)	Performance Specifications for Safety Covers and Labeling Requirements for all Covers for Swimming Pools, Spas and Hot Tubs.	303.2
ICC IBC 15	International Building Code	102.3, 201.3, 401.3, 702.3
ICC IEBC 15	International Existing Building Code	305.1.1, 306.1.1
IFC 15	International Fire Code	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC 15	International Fuel Gas Code	102.3
IMC 15	International Mechanical Code	102.3, 201.3
UPC 15	International Plumbing Code	201.3, 505.1, 602.2, 602.3
IRC 15	International Residential Code	102.3, 201.3
NFPA 25-14	Standard for the Inspection, Testing and Maintenance of Water based Fire Protection Systems	704.1.1
NFPA 70-14	National Electrical Code	102.4, 201.3, 604.2

16.06.020 Amendments, Deletions, and Additions

The following sections of the International Property Maintenance Code, as adopted in OMC 16.06.010, are amended as follows:

101.1 Title.

These regulations shall be known as the International Property Maintenance Code of [NAME OF JURISDICTION] the City of Olympia, hereinafter referred to as "this code."

102.3 Application of other codes.

Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Uniform Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the International Zoning Code Unified Development Code for the City of Olympia in OMC Title 18.

~~103.1 Creation of agency.~~

~~The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

104.1 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the applicable governing authority, set forth in OMC 4.36.010 Building code review and permit fees as currently enacted or amended.

104.2 Refunds.

~~The code official is authorized to establish a refund policy. The refund policy established by the code official for this section shall be set forth in OMC 4.36.010 Building code review and permit fees.~~

SECTION 107

MEANS OF APPEAL

107.1 General.

In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, ~~there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.~~, appeals be made to the hearing examiner pursuant to OMC 18.70.170, provided that a written application for appeal is filed within fourteen (14) days after the day the decision and notice or order was served.

[A] 107.2 Limitations of authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. ~~The board hearings examiner shall does~~ not have authority to waive requirements of this code or interpret the administration of this code.

~~107.3 Qualifications.~~

~~The board of appeals shall consist of members who are qualified by experience and training and are not employees of the jurisdiction.~~

107.4 Administration.

The code official shall take immediate action in accordance with the decision of the board hearings examiner.

SECTION 108

BOARD OF APPEALS

[A] 108.1 Membership of board.

The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

109.3 Prosecution of ~~v~~Violations.

Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

A person or entity that violates or fails to comply with any term or provision of this title, or the terms or provisions of a Notice of Violation issued under OMC Chapter 16.06, commits a civil infraction and is subject to a monetary penalty as follows:

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

See also OMC Chapter 4.44, Uniform Civil Enforcement.

Each day that a violation continues after due notice has been served is a separate violation. Continuing violation means the same type of violation which is committed within a year of the initial violation.

c. If a person or entity fails to comply with a Notice of Violation, the Code Official shall may institute the appropriate legal proceeding to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The costs of any action taken by the City of Olympia on such premises, including attorney's fees, contractors, engineers, and all other costs of any kind, must be charged against the real property upon which the structure is located and are a lien on such real property in accordance with the procedures set forth in Section 113.3 of this code.

109.4 Violation penalties.

Any person who ~~shall~~ violates a provision of this code, or fails to comply therewith, or with any of the requirements thereof, ~~shall may~~ be prosecuted within the limits provided by state or local laws. ~~Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

111.1.5 Dangerous structure or premises.

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2.The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3.Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4.Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5.The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

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

7.The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act: enumerated in OMC 8.24.020 Behavioral public nuisance on land and buildings declared.

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

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

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

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

301.3 Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety: and must be registered in accordance with OMC 16.06.030 Vacant Property Registration.

302.4 Weeds.

Premises and exterior property shall be maintained free from weeds or plant growth in excess of ~~JURISDICTION TO INSERT HEIGHT IN INCHES~~ 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut

and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

EXCEPTION: Agricultural areas within the City of Olympia (crops, livestock, farming, etc.) are exempt from this subsection.

302.8 Motor vehicles.

Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. For purposes of this section "vehicle" is defined in the Revised Code of Washington Section 46.04.670.

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

302.10 Recreational vehicles and other vehicles.

No recreational vehicle as defined by the Olympia Municipal Code Chapter 18.02.180 or other vehicles defined in the Revised Code of Washington Section 46.04.670 shall be used for the purpose of living, sleeping, cooking, or any similar use while parked on publicly owned or private property.

Exceptions:

1. A Recreational vehicles lawfully located in manufactured/mobile communities (as defined in RCW 59.20.030) may be used as a primary residence for the purpose of living, sleeping, cooking, or similar uses, provided that:
 - a. The recreational vehicle has a Recreational Park Trailer or Recreation Vehicle Label provided by Washington State Department of Labor and Industries (Or its equivalent if from another state).
 - b. The total number of residential units within the community/park does not exceed the number established within the land use approval. A recreational vehicle may replace a manufactured or mobile unit, but additional units require land use approval prior.
 - c. A recreational vehicle is not permitted as an accessory living quarter or an accessory dwelling unit to any other primary residence within the community/park.
 - d. The recreational vehicle must comply with all applicable requirements of the International Building and Fire Codes in effect at the time of application.
 - e. Unless the pad/side is shown on the approved site plan without connection, the recreational vehicle must be connected to the sanitary sewer or an onsite sewage system in compliance with OMC 13.08.090 and all applicable Thurston County regulations.

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

302.11 Cargo containers and semi-trailers

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

2. Semi trailers may not be used for storage.

302.12 Additional nuisances.

1. Causing or allowing any human or animal waste, poison, poison oak or ivy, or noxious substance to be collected or to remain in any place, street, highway, or alley in the City; or
2. Obstructing or encroaching upon or rendering unsafe for passage any public highway, private way, street, sidewalk, trail, alley, park, square, driveway, lake, or stream in the City; or
3. Excavating or maintaining on public or private property any hole, excavation, or pit that is dangerous to the public or adjacent property.

16.06.090-030 Vacant Property Registration

A. GENERAL

901.1 Intent. It is the purpose and intent of the Olympia City Council to establish an vacant real property registration program to ensure that the owners of certain vacant properties are known by the City and other interested parties and can be reached if necessary; to ensure that owners of vacant properties are aware of the property maintenance codes and regulations; and to ensure that owners meet the minimum standards of maintenance of vacant properties.

901.2 Requirement to Register Certain Vacant Properties. An owner of, lender for, or other person responsible for a property that is vacant and uninhabited or vacant and in default (or both) shall register such property with the City of Olympia.

901.3 Definitions. For the purposes of this chapter, the following words and phrases are defined as follows:

1. "Accessible" means a property that is accessible through a compromised or breached gate, fence, wall, or similar condition or a structure or building that is unsecured or breached (or both) in such a way as to allow access to the interior space by unauthorized persons.
2. "Beneficiary" means a lender or holder of a note secured by a deed of trust.
3. "Borrower" means any owner as defined in this section who becomes obligated on a real estate loan agreement, either directly or indirectly, and includes mortgagors, vendees under conditional land sales contracts, and grantors under trust deeds.
4. "City" means City of Olympia.
5. "Days" means consecutive calendar days.
7. "Deed of trust" means an instrument by which title to real estate is transferred to a third-party trustee as security for a real estate loan and often used in Washington instead of a mortgage. This definition applies to any and all subsequent deeds of trust, i.e., second trust deed or third trust deed.
7. "Deed in lieu of foreclosure/sale" means a recorded document that transfers ownership of property from the borrower to the lender in lieu of foreclosure, including a trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.
8. "Default" means the failure to fulfill a contractual obligation, monetary, or conditional.
9. "Director" means the Director of Community Planning and Development or the Director's designee.
10. "Downtown Core" means the Downtown Olympia Historic District and its vicinity that exhibits storefronts, building designs, and historic character consistent with the Historic District.

11. "Evidence of vacancy" means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant and not occupied by authorized persons. Such conditions include, for example, overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; accumulation of trash, junk, or debris; statements by neighbors, passersby, delivery agents, or government employees that the property is vacant; and for residential properties, the absence of window coverings such as curtains, blinds, or shutters; the absence of furnishings or personal items consistent with residential habitation.
12. "Foreclosure" means the foreclosure process by which a property, placed as security for a real estate loan, is sold at auction and a deed of trust foreclosure or a judgment is obtained to satisfy the debt if the borrower defaults on the real estate loan.
13. "Lender" means any person who makes, extends, or holds a real estate loan agreement and includes a mortgagee; a beneficiary under a deed of trust; an underwriter under a deed of trust; a vendor under conditional land sales contracts; a trustee; and a successor in interest to any mortgagee, beneficiary, vendor, or trustee. The term also includes any mortgagee, beneficiary, or trustee that accepts a deed in lieu of foreclosure.
14. "Local" means within Thurston County.
15. "Notice of default" means a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.
16. "Out of area" means outside Thurston County.
17. "Owner" means any natural person, partnership, association, corporation, or other entity having legal title in real property, including any borrower as defined in this section.
18. "Property" means any unimproved or improved, residential or commercial real property, or portion thereof, situated in the City, and includes the buildings or structures located on the property regardless of condition.
19. "Responsible person" or "person responsible" means any person, partnership, association, corporation, or fiduciary having legal or equitable title to, or any interest in, any real property, including an owner, borrower, or lender as defined in this section, or a lessee of leased property, if the lessee is responsible for property maintenance.
20. "Securing" or "secure" means such measures as may be directed by the Director that assist in rendering the property inaccessible to unauthorized persons, including the repairing of fences and walls, chaining or padlocking of gates, and the repair, replacement, or boarding of doors, windows, or other openings.
21. "Trustee" means the person, partnership, firm, corporation, or other entity holding a deed of trust to a property.
22. "Trustor" means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.
23. "Vacant" means a property that is not legally occupied.
24. "Vacant and in default" means a property that has been vacant and any one or more of the following apply to property: (1) it is under a current notice of default or notice of trustee's sale (or both); (2) it is the subject of a pending tax assessor's lien sale; (3) it has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or (4) it has been transferred under a deed in lieu of foreclosure or sale.

25. "Vacant and uninhabited" means a property that has been vacant with no water or sewer utilities provided to the property for six continuous months or more.

901.4 Administration.

The Director shall administer this chapter and shall promulgate procedures to administer the registration, maintenance, security, and related provisions as authorized in this chapter. The Director may establish reasonable fees for services provided under the program. Fines and penalties for violations are set by the City Council and are set forth in OMC ~~16.06.010(G)~~ 16.06.020.109.

901.5 Maintenance.

The owner of, lender for, or other person responsible for any vacant property shall properly maintain, secure, and post such property as required by this chapter. This obligation is in addition to any other applicable requirement of this code or other law.

901.6 Responsible Party – Local Property Manager.

a. Responsible Party. When any act as required under this chapter applies to more than one of an owner, lender, or other responsible person, one or more or all are responsible for performing such act and may be charged with a violation of this chapter for failure to act. If information is required to be provided, then all must provide such information. However, it is sufficient if the performance of the act or the providing of information is accomplished by anyone.

b. Local Property Manager. If the owner, lender, or other person responsible for a property subject to the registration requirement of subsection 901.2, above, is a corporation or resides or has a principal place of business out of area, the owner, lender, or other person responsible shall retain a local property manager authorized to act to comply with this chapter.

901.7 Registration Contents. Each registration must contain the following:

- a. Information for both the beneficiary and trustee: name (corporation or individual);
- b. The street or office address (not a post office box) and, if different, the mailing address;
- c. A direct contact name (a person representing a corporation or an individual);
- d. Contact information for the person handling the foreclosure or vacant property registration (email and phone number); and
- e. In the case of a corporation or out of area owner, lender, or other responsible person, the telephone number and other contact information of the local property manager authorized to act to comply with this chapter.

901.8 Registration Outlines.

- a. A registration is valid for one ~~calendar~~ year following the date on which registration is initially submitted to the City. Subsequent registrations are required and due each year thereafter on the anniversary of the submittal date of the initial registration until such time as the property is transferred or becomes legally occupied.
- b. An owner, lender, or other responsible person who is required to register a property pursuant to this chapter shall keep such property registered and shall comply with all the maintenance, security, and posting requirements of this chapter for the entire time such property remains vacant and in default or vacant and uninhabited.

c. When a property subject to the registration requirement of subsection 901.2, above, becomes occupied or title is transferred, the prior owner, lender, or other responsible person shall notify the Director in writing within 14 days of the occupancy or transfer.

d. Any owner, lender, or other responsible person required to register a property pursuant to this chapter shall report any change of information contained in the registration within 14 days of the change.

901.9 Property Inspection.

a. An owner of, lender for, or other person responsible for a property subject to the registration requirement of subsection 901.2, above, shall conduct, or cause to be conducted, an inspection of such property on a monthly basis. Such inspection is to verify that the property is still vacant and in default or vacant and uninhabited and whether the maintenance, security, posting and other requirements of this chapter, and any other applicable laws, are being met.

b. If a property is not vacant, but is in default, the lender shall inspect, or cause to be inspected, the property monthly to determine whether the property has become vacant and in default until (1) the borrower or other party remedies the default; or (2) the foreclosure is completed and ownership is transferred to a new owner who is not the former beneficiary or another lender; or (3) it is found to be vacant or shows evidence of vacancy, at which time it is deemed vacant and in default, and the lender shall, within 14 days of that inspection, register the property with the Director on forms or in the manner provided by the City.

c. The lender shall continue to inspect, or cause to be inspected, the property after a foreclosure sale where the title was transferred to the beneficiary of a deed of trust involved in the foreclosure, or the underwriter of the deed of trust, or any other person or entity who held a security interest in the property, and any property transferred under a deed in lieu of foreclosure/sale. If upon inspection the property is found to be vacant, it is automatically deemed vacant and in default and must be registered within 14 days as required in this chapter.

d. The owner, lender, or other responsible person shall report the result each of these inspections to the City as required by the Director.

e. Inspections conducted pursuant to this chapter are intended only for the purposes set forth in this chapter and not for purposes of triggering disclosure obligations to potential real property purchasers

901.10 Maintenance Requirements.

a. An owner of, lender for, or other person responsible for any vacant property shall maintain and keep such property free of nuisance conditions including:

1. Weeds, overgrown vegetation, trash, junk, debris, building materials, and junk vehicles.
2. Accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), and discarded personal items including, furniture, clothing, and appliances.
3. Graffiti, tagging, or similar markings, which must be removed or painted over with an exterior grade paint that matches or coordinates with the color of the exterior of the structure.
4. In the downtown core, conditions that do not maintain and preserve the historic aesthetics and character (windows free of obstruction, graffiti, etc.).

b. An owner of, lender for, or person responsible for any vacant property shall:

1. Maintain the property's yard in accordance with City requirements and standards;

2. Secure any pond, pool, or hot tub and ensure that it does not become a nuisance or a danger to the public;
3. Take any other action necessary to prevent giving the appearance that the property is abandoned; and
4. Register the property with the City of Olympia Police Department trespass program.

901.11 Securing and Posting Requirements.

a. Securing. An owner of, lender for, or other person responsible for any vacant property shall secure such property to prevent access by unauthorized persons, including the following: the closure and locking of windows, doors (walk-through, sliding, and garage), gates, and any other opening of such size that it may allow a child or any other person to access the interior of the property and or structure. Securing also includes boarding up as applicable. Material used for boarding up must be painted with an exterior grade paint that matches or coordinates with the color of the exterior of the structure.

b. Posting. An owner of, lender for, or other person responsible for any vacant property shall post the name and 24-hour contact phone number of the local property manager. The posting must be no less than 18 inches by 24 inches, and must be of a font that is legible from a distance of 45 feet, and must contain, along with the name and a 24-hour contact number, the words:

"THIS PROPERTY MANAGED BY [insert name]" and

"TO REPORT PROBLEMS OR CONCERNS CALL [insert local telephone number]."

The posting must be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building or structure facing the street to the front of the property so it is visible from the street, or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of, and printed with, weather resistant materials.

901.12 Enforcement.

a. In the event the Director finds an owner of, lender for, or other person responsible for a property subject to the registration requirement of subsection 901.2, above, has failed to meet the maintenance, securing, or posting requirements of this chapter, the Director shall send notice of said failure to the owner, lender, or other responsible person at the address listed on the tax rolls of the County or at such other address as may be known to the Director. The notice must set out the nature of the failure(s) to be corrected and must give the owner, lender, or other responsible person no more than 14 days from the date of the notice to correct the failure, unless an imminent danger exists in which case the Director may require the owner, lender, or other responsible person to take immediate action to cure the condition creating the imminent danger. In the event the owner, lender, or other responsible person fails to remedy the matters within the time set out in the notice (or make, in the view of the Director, adequate arrangements otherwise) the City may seek enforcement pursuant to OMC 4.44.06, and any other applicable City code or state law.

b. Violations of this chapter constitute a public nuisance and in addition to the provisions of this chapter, may be enforced pursuant to chapter [4.44](#) OMC - Uniform Civil Enforcement, chapter [16.10](#) OMC - City Building Code, chapter [16.32](#) OMC - City Fire Code, chapter [16.06](#) OMC - Property Maintenance/Nuisance Properties, and any other applicable City code or state law.

901.13 Vacant properties subject to City code enforcement action.

The owner of, lender for, or other person responsible for a vacant property that has been boarded up or otherwise secured by the City or its contractor as a result of City code enforcement action is not as a result of such action relieved of the obligation to comply with all applicable requirements of this code, including the maintenance requirements of subsection 901.10, above, and the securing and posting requirements of subsection 901.11, above.

901.14 Additional maintenance and security.

In addition to the enforcement remedies established in this chapter and applicable City code, the Director may require the owner of, lender for, or other person responsible for a property subject to the registration requirement of subsection 901.2, above, to implement additional maintenance or security measures, including securing all doors, windows, or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard, disconnecting utilities, or any other measures as may be reasonably calculated to arrest the decline of the property, prevent unauthorized entry, or ensure maintenance of the property in accordance with this code.

901.15 Abatement of nuisance on property that is abandoned and in mid-foreclosure.

When the City sends notice to a mortgage servicer that a property has been determined to be abandoned, in mid-foreclosure, and a nuisance pursuant to chapter [7.100](#) RCW, the mortgage servicer must abate the nuisance identified in such notice within 14 days of the mortgage servicer's receipt of the notice. If the mortgage servicer has not abated the nuisance within 14 days, the City may enter and abate the nuisance and the City may recover the costs of such abatement pursuant to RCW [7.100.070](#), or as otherwise provided by this Code or by other law.

901.16 Penalty.

The City of Olympia has designated certain violations of the Olympia Municipal Code to be civil infractions and pursuant to authority from chapter [7.80](#) RCW. The purpose of civil infractions, as set forth in chapter [4.50](#) OMC, is remedial. Use of the civil infraction procedure in chapter [4.50](#) OMC will better protect the public from the harmful effects of certain violations of the Olympia Municipal Code, aid and streamline enforcement, and partially reimburse the City for the expenses of enforcement and the related judicial process. Unless stated otherwise, a civil infraction is an additional and concurrent penalty and may be imposed with other penalties.

901.17 Retroactive application.

The provisions of this section can be applied retroactively. Vacant properties and structures existing on the date of adoption of this section are not vested.

Section 5. Amendment of OMC 16.24.020. Olympia Municipal Code Section 16.24.020 is hereby amended to read as follows:

16.24.020 Adoption of National Electrical Code Article 80

The National Electrical Code (NEC) is amended and supplemented by the addition of a new Article, ~~to be known as~~ Article 80 – Adoption, to read as follows:

Article 80 - Adoption

80.1 Short Title. These regulations are known as the City of Olympia Electrical Code and must be cited as such and will be referred to herein as "this Code."

80.3 Washington Cities Electrical Code Adopted. The Washington Cities Electrical Code (WACEC) is hereby adopted and is applicable within the City, as amended, added to and excepted in this Code.

80.4 Conflicts. In accordance with RCW [19.28.010](#)(3), where the State of Washington, Department of Labor and Industries adopts a more current edition of the National Electrical Code (NFPA 70), the Code Official may supplement use of the WACEC with newly adopted editions of the National Electrical Code (NEC).

Including: Part 1 adopting ~~the 2017~~ the currently WACEC adopted version of the NEC and other necessary codes and standards adopted by the State of Washington.

Excluding: Part 2 amending the administrative chapter of the NEC based on portions of the ICC Electrical Code, as published by the International Code Council.

Including: Part 3 amending the NEC through supplements, deletions or revisions to be equal, higher, or better than the State of Washington's rules.

Section 6. Amendment of OMC 16.32.080. Olympia Municipal Code Section 16.32.080 is hereby amended to read as follows:

16.32.080 Add Section 905.11, International Fire Code -- Standpipe Systems in Marinas

The following standards are added as supplements to the current State adopted edition of the International Fire Code, ~~2015 Edition~~, Chapter 36, and ~~shall be is~~ the standard for installation of standpipe systems in marinas:

1. All portions of floats exceeding 250 feet in distance from the point of fire apparatus access shall be provided with an approved dry standpipe system, installed in conformity with NFPA 14 and Chapter 36 of the International Fire Code, ~~2015 Edition~~ current State adopted edition.
2. Hose stations shall be provided at 150-foot intervals, with the most remote station a maximum of 75 feet from the end of the float. Each hose station shall be provided with two 2-1/2 inch standpipe valves with 2-1/2 inch to 1-1/2 inch reducers with caps. Installation of fire hose is not mandatory at standpipe locations. All hose station risers shall be galvanized steel.
3. Each standpipe system shall be provided with a minimum of two 2-1/2" Fire Department connections. The Fire Department connection shall be located on the shore end of the first floating dock.
4. Piping shall be minimum schedule 40 class and shall be sized to deliver 300 GPM at 65 psi residual pressure at the most remote station with a delivered pressure of 150 psi at the Fire Department connection.
5. Sectional valves shall be provided at the change of direction of each float and at each hose station. The valve shall be downstream of the hose station.
6. Each hose station shall be provided with a 4A 40 BC fire extinguisher.

7. An alarm system shall be provided, with manual fire alarm station at each hose station, visual and audible devices and shall be extended to an approved alarm receiving agency. All covered moorage in excess of 5,000 square feet shall be provided with automatic detection.

8. Pressure test. The system shall be pretested by the installing company prior to final test witnessed by the Olympia Fire Department. The system must withstand 200 psi for two hours. The final test will determine if rated flow can be supplied at most remote hose station.

Section 7. Amendment of OMC 16.40.090. Olympia Municipal Code Section 16.40.090 is hereby amended to read as follows:

16.40.090 Sprinkler System Standards

- A. Three (3) sets of shop drawings including three (3) copies of details of the double check detector check assembly, riser diagram and sectional of structure, shall be submitted to the City of Olympia for review and approval prior to commencement of installation. The contract value shall be affixed to the plans as well as a copy of the maintenance contract.
- B. A plan check fee shall be paid to the City of Olympia at the time plans are submitted.
- C. The required fire protection systems permit must be obtained from the city prior to commencement of work. If a contractor starts work without a permit, a stop work order will be issued until such permit is secured. If a contractor continues to work without a permit, a citation will be issued with a fine of up to \$500.00 per day for every day the contractor works without a permit.
- D. When a building is required to be provided with a fire sprinkler system, said system shall cover all areas of the structure including concealed spaces, vaults and exterior combustible appurtenances.
- E. Mixed use buildings shall be designed to NFPA 13 Standards throughout.
- F. The final acceptance of any sprinkler shall be subject to performance of all required testing and inspections during installation and performance tests in conjunction with fire alarm acceptance tests. No Certificate of Occupancy shall be granted for the structure until satisfactory acceptance tests are accomplished.
- G. A double check detector check assembly is required on all sprinkler systems. The double back flow may be inside the building. If the back flow assembly is inside the building, the water main lateral for the system shall be approved by the Engineering Department, including plan submittal. The outside stem & yoke (OS&Y) valves shall be provided with electrical tamper supervision tied into the building fire alarm system. Exception: OS&Y valves in vaults may be supervised with a chain and lock.
- H. All systems, except residential systems, shall be provided with a yard or wall PI control valve which is easily accessible. The wall PI valve shall be 30" to 42" above exterior grade level.
- I. Floor control valves, with electrical tamper supervision and flow switches, are required on structures of two or more levels. Basements and/or parking areas are considered levels. All valves shall be no more than 6 feet high from finish floor height.
- J. The fire department connection (FDC) shall be located within 40 feet of the nearest fire hydrant. The FDC, if remote from the building, shall be provided with a ball drip valve below the freeze line. The FDC shall be located 30" to 42" above finished grade.
- K. All drains and test valves shall be piped to discharge to the exterior in a safe location. A remote inspector test valve shall be provided on wet and dry systems.

- L. All wet systems shall be provided with riser mounted water flow detection devices and dry systems shall be provided with pressure switches.
- M. All systems shall be installed as prescribed in NFPA 13, 13D, 13R, 2010 Editions.
- N. All electrical components shall be compatible with the fire alarm system voltage, including the water flow bell.
- O. The sprinkler system shall cause a water flow alarm indicating the floor or origin.
- P. All systems will require witness of underground flushing and hydrostatic tests for underground piping. Interior pipe inspection must be performed prior to cover. All inspections require a minimum of 48 hours notice prior to inspection.
- Q. All hydraulic calculated systems shall have the following information on the plans at time of submittal:
1. Water supply information including graph showing availability versus system demand;
 2. Hydraulic reference points;
 3. System design criteria;
 4. Actual calculated requirements; and
 5. Hydraulic calculation sheets.
- R. All hydraulic calculated systems shall start calculations with a minimum 7 psi at the furthest remote head. A 10% minimum safety factor is required for calculated systems.
- S. Hydraulic calculation plates shall be permanently affixed to each system riser.
- T. Valves on connections to water supplies, sectional control valves, and other valves in supply pipes to sprinklers shall be supervised only by the following methods:
1. Central station, proprietary, remote station signaling service.
 2. Valves locked in the open position, when valves are accessible to the public.
- U. Systems serving R-1 and R-2 occupancies (13-R Systems) shall have protection in bathrooms (except powder rooms and water closets), closets exceeding 24 square feet, and covered patios or decks.
- V. ~~In addition to NFPA 13D sprinkler standards, all bathrooms within one and/or two family dwellings, Fire sprinkler systems serving one and two family dwellings (13-D systems) in addition to NFPA 13-D Standards shall have protection , in all bathrooms (except powder rooms, and water closets), closets greater than 24 square feet or in which the smallest dimension is greater than 36 inches, and at least one sprinkler head in the garage (additional heads in garage may be required for extra-large or tandem garages). Townhomes protected with 13-D systems shall also have covered decks protected with a dry side wall head.~~

Section 8. Amendment of OMC 16.44.060. Olympia Municipal Code Section 16.44.060 is hereby amended to read as follows:

16.44.060 General regulation

A. Design. All fire alarm plans submitted for approval shall bear the designer's valid Washington State Low Voltage Specialty Electrical Contractor's License number or shall be stamped by a registered fire protection or electrical engineer.

B. Plans. All digital fire alarm system plans shall be submitted to the city for review and shall be approved prior to a permit being issued. Digital plans showing the location of all alarm equipment and detailed specifications on each type of device in the system shall be included and consist of the following:

1. Floor layout showing all rooms and spaces including accurate measurements.
2. Identification of each room or space, i.e., office, lobby, attic, etc.
3. Details of ceiling height and construction type.
4. Location of each system component using the appropriate symbol.
5. Explanatory notes and legend to lend clarity to the plan and identify the manufacturer and model number of each alarm component used.
6. A wiring schematic clarifying type and size of wiring, which must comply with NFPA 70, and a point to point wiring diagram.
7. A copy of the technical specifications, to include battery calculations, for each component used in the makeup of the automatic fire alarm system. If the components are not all from the same manufacturer, UL cross listing compatibility cards are required.
8. Battery and voltage drop calculations.
9. Plans shall be submitted to the City of Olympia for review and approval prior to commencement of work.
10. Submit digital plans and component specifications. Plans must show locations and type of each device in the system. Said plans shall include accurate measurements.
11. A plan check fee calculated under OMC Section 4.36.010 shall be paid to the City of Olympia at time of submittal of plans.
12. When a system is installed with automatic detection, such detection shall be provided in all rooms and areas including concealed spaces and attics. Attic spaces, above ceiling spaces, and outside storage units on apartment buildings shall have fixed temperature detection. Automatic detection shall include the attic space of NFPA 13R sprinkled structures. Exception: Buildings protected by an approved NFPA 13 fire sprinkler system, automatic detection is not required in attic space.
13. All components shall be low voltage direct current and compatible with the remainder of the system.
14. All components and wiring shall be supervised for defective devices, grounds, or breaks including annunciator, Emergency Responder Radio Coverage systems and Smoke Control systems if provided.
15. All components shall be listed by a national testing agency for the use intended.
16. All systems shall be provided with battery backup and battery charger.

17. All systems shall have a monitoring, maintenance, and testing contract, to become effective on the date of final acceptance. No final approvals will be scheduled until such contracts are received by the Olympia Fire Department.
 18. All systems shall have the fire alarm control panel ~~mounted so as to be~~ readily visible for arriving personnel or be provided with a remote annunciator. Such equipment shall be located so as to be protected from exposure to the elements.
 19. All systems which are required to be extended to an alarm receiving agency shall transmit system trouble signals of any kind as well as alarms, including but not limited to: phone line supervision, battery trouble and line supervision. They shall transmit fire condition over trouble if the trouble is of such nature that it does not disable the entire system. The alarm receiving agency shall be U.L., F.M., or NFPA listed for commercial fire.
 20. All systems shall have local audible trouble and audio/visual alarm signal devices. Audio/visual devices shall be sufficient in number and type to provide a minimum of 60 db in the most remote area. In commercial structures, audibility shall be a minimum of 15 db over the ambient noise level of the area served. When the control panel is located remote to occupied areas, it shall, in addition to the panel trouble device, be provided with a remote trouble audible device in an area which is normally occupied. This device shall be labeled "Fire Alarm System Trouble."
 21. Manual fire alarm stations shall be located within 5 feet of all required exits on each floor level and from the structure. Manual fire alarm stations in sprinklered buildings may be reduced to one in the sprinkler riser room and one in a constantly monitored location.
 22. All alarm systems installed in a sprinklered structure shall include a zone for master water flow and shall supervise all sprinkler controlling valves. When a structure is provided with a zoned sprinkler system, the alarm shall be zoned in accordance with the sprinkler coverage zones.
 23. All systems shall be inspected and tested thoroughly by the installer who shall submit a record of completion. Failure of a system to meet NFPA72 performance standards and standards found in this Chapter shall be a basis for additional inspection fees after the second final inspection.
 24. All systems final acceptance is subject to wiring inspection (by electrical inspector), supervisory tests and proper functioning of all components. No Certificate of Occupancy shall be granted for the structure until satisfactory acceptance tests are accomplished.
 25. Apartment buildings and townhomes ~~that require a monitored fire alarm system shall have a single station smoke/carbon monoxide detector and alarm in every unit and horn / strobe centrally located in accessible units every unit.~~ There shall be a low frequency sounder in every sleep room with exception of studio apartment units.
 26. Smoke detectors shall be placed in all corridors and rooms which are intervening exit pathways.
 27. A smoke detector shall be provided within six feet of fire alarm panel and other fire alarm control equipment which are in unattended locations.
- C. Alterations and/or additions to existing systems must comply with the requirements of B above.
- D. A maintenance testing agreement, signed by the building owner, shall be on record with the fire department prior to scheduling of final acceptance test.
- E. Plan Check Fee. A fee equal to 65 percent of the permit fee shall be forfeited to the city at the time of submittal of plans.

F. Permit Fee. A fee equal to Table 1A of OMC 4.36.010, Building Valuation Table, with regional modifiers.

G. Reinspection Fees. A \$175.00 reinspection fee shall be assessed when an inspector is requested to make an inspection or witness a test on a fire alarm or sprinkler system, and upon arrival finds the work is not ready for inspection, or the test fails.

The chief of the fire department or the chief of the fire department's designee may, in writing, suspend or revoke any permit issued pursuant to this section whenever the chief finds that the permit was issued on the basis of error, deception or fraud on the part of the applicant or upon discovery of a violation of any of the applicable codes or ordinances of the city including the provisions of this article, or work conducted outside of 180 days from the permitted date without an approved permit extension.

Section 9. Amendment of OMC 16.44.070. Olympia Municipal Code Section 16.44.070 is hereby amended to read as follows:

16.44.070 Standards

A. All fire alarm systems shall be installed in accordance with the ordinances of the City, and those portions of the National Fire Protection Standards which have been adopted by city ordinances.

B. All new fire alarm systems shall be addressable systems. Systems shall communicate by point to the alarm monitoring agency, and cannot be monitored by DACT lines as defined in OMC 16.44.100(O).

C. All fire alarm system wiring and components shall be electrically supervised.

D. Fire alarm systems shall have a secondary power supply which shall automatically supply the energy to the system within 30 seconds of primary power supply failure. Under maximum normal load, the secondary supply shall have sufficient capacity to operate the fire alarm system for 24 hours, and then at the end of that period, operate all alarm indicating appliances and direct aid to the location of an emergency for 5 minutes.

E. All rate-of-rise heat detectors shall have replacement links or be self-restoring for testing purposes.

F. Post Indicating Valves, Wall Indicating Valves, and Outside Stem and Yoke Valves shall be on a zone isolated from waterflow indication, and wired for supervisory and trouble alarms only.

G. The supervised relay boards that control elevator recall, HVAC, air pressurization and all other auxiliary functions shall stay "locked in," even though the audible signaling circuits have been silenced, until the panel has been reset and returned to normal.

H. Fire alarm systems required under this article, including existing required fire alarm systems, shall have a maintenance agreement in effect with a fire alarm company and/or qualified individual (Ordinance 4220). Such agreements must provide for periodic inspection and testing as prescribed by adopted local and national standards set forth in Appendix "A" of Ordinance 4415 (see Section 16.44.070A herein). Repair service shall be available within 24 hours of notification of trouble.

I. Zoning shall be required on all fire alarm systems when a building or complex consists of three or more separate buildings, floors, or fire divisions. When remote annunciation is required, it shall be installed so as to be clearly visible and identifiable to personnel responding to an alarm. An approved graphic annunciator panel of the premises to be protected, identifying zones, shall be provided at each required annunciator.

J. Devices shall include both audible and visual, or a combination as specified by the Fire Chief, or the Fire Chief's designee. Audible devices shall be placed in buildings and be so located that with all

intervening doors closed, the alarm device shall be heard at a minimum of 60 dba, or not less than 15 decibels above the ambient noise level, whichever is greater. Mechanical areas require 85 dba, or not less than 15 decibels above the ambient noise level, whichever is greater. Visual devices shall be provided in all common use areas including restrooms, conference rooms, work rooms, etc.

K. When internal fire separations are required by the Building or Fire Code, all protected openings shall be provided with magnetic hold open devices tied into the building fire alarm system and wired as fail safe. "Fail Secure" wiring is prohibited except when approved by the Fire Chief or the Fire Chief's designee.

L. All devices installed on the exterior of a building shall be listed for exterior use and shall be accompanied by appropriate weatherproof back boxes.

M. One or more weatherproof horn strobe device(s) shall be installed on the exterior of the building, in a location to be designated by the Olympia Fire Department.

N. Fire alarm control panels shall be located in a controlled heated environment. Ambient temperature shall be maintained at a range between 40 and 100 degrees F or as recommended by the manufacturer. Fire alarm control panels shall not be installed in an exterior location.

O. Waterflow detection devices used in conjunction with a fire alarm panel shall be isolated to the last zone or zones. The installation shall conform to UL Standard #864, which states that the silence switch in the alarm panel shall be bypassed on zones having waterflow detectors. The way the alarm may be silenced is by the waterflow switch(es) returning to normal position by way of water flow cessation.

P. Fire alarm control panels used in residential applications shall have zone verification capabilities for smoke detectors installed in dwelling units or guest rooms and connected to the control panel.

Q. If a voice evacuation system is required, the control panel shall include amplifiers, relays, connections and battery standby power to provide a complete system.

R. Detectors placed in false ceiling cavities shall be either analog with addressable modules or addressable, and shall have remote indicating lights in the ceiling below.

S. Automatic detection connected to the fire alarm system in the guest rooms (sleeping rooms) of hotel/motel occupancies shall annunciate at a panel located at a consistently attended location as a supervisory alarm. Such guest room smoke detectors shall be zone verification detectors. Corridor, stairway, and common area detectors are to be on separate zones from the guest room detectors.

T. Where installations have elevators, detailed fire service operational plans shall be provided to include primary and alternate floor modes.

U. Guest rooms in hotel/motel occupancies shall have a horn/strobe in each guest room.

V. Combination alarms that combine burglar or hold-up alarms with fire alarms are not allowed.

Section 10. Amendment of OMC 16.70.020. Olympia Municipal Code Section 16.70.020 is hereby amended to read as follows:

16.70.020 Definitions

A. DEFINITIONS - SPECIFIC.

"Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

"Appeal" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

B. DEFINITIONS - SPECIFIC

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, A, AO, or AE. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

"Base Flood" means the flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). Designated on Flood Insurance Rate Maps by the letter A.

"Base Flood Elevation" (BFE): means the elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

C. DEFINITIONS - SPECIFIC

"Critical Facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

"Cumulative Substantial Damage" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

D. DEFINITIONS - SPECIFIC

"Development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

E. DEFINITIONS - SPECIFIC

"Elevation Certificate" means the official form (current FEMA Form-81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate.

"Elevated Building" means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

F. DEFINITIONS - SPECIFIC

"Flood" or "Flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation of runoff of surface waters from any source; or
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles and the water surface elevation of the base flood.

"Floodplain or flood prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

H. DEFINITIONS - SPECIFIC

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

I. DEFINITIONS - SPECIFIC

"Increased Cost of Compliance" A flood insurance claim payment up to \$30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of "substantial damage" or as a result of a "cumulative substantial damage." (more information can be found in FEMA ICC Manual 301)

L. DEFINITIONS - SPECIFIC

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at OMC 16.70.050.B.1.b (i.e. provided there are adequate flood ventilation openings).

M. DEFINITIONS - SPECIFIC

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Mean Sea Level" means for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

N. DEFINITIONS - SPECIFIC

"New Construction" means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

R. DEFINITIONS - SPECIFIC

"Recreational Vehicle" means a vehicle,

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

S. DEFINITIONS - SPECIFIC

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places or as otherwise determined and regulated through the NFIP requirements.

V. DEFINITIONS - SPECIFIC

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

W. DEFINITIONS - SPECIFIC

"Water Dependent" means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Section 11. Amendment of OMC 16.70.040. Olympia Municipal Code Section 16.70.040 is hereby amended to read as follows:

16.70.040 Administration

A. Establishment of Development Permit.

1. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in OMC 16.70.030.B. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."

2. Application for Development Permit. Application for a development permit shall be made on forms furnished by the City of Olympia and may include, but not be limited to, plans ~~in duplicate~~ in PDF-drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level NAVD88, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (current FEMA Form 81-31) ~~with Section B completed by the local official;~~
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in OMC 16.70.050.B.2;
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- e. Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate;
- f. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
- g. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

B. Designation of the Local Administrator. Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

C. Duties and Responsibilities of the Local Administrator. Duties of the Building Official include, but not be limited to:

1. Permit Review

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of OMC 16.70.050.E.1 are met.

- d. Determine that the site is reasonably safe from flooding.
 - e. Notify FEMA when annexations occur in the Special Flood Hazard Area.
2. Use of Other Base Flood Data (In A Zones)
- When base flood elevation data has not been provided (in A Zones) in accordance with OMC 16.70.030.B, Basis for Establishing the Areas of Special Flood Hazard, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer OMC 16.70.050.B, Specific Standards, and OMC 16.70.050.E Floodways.
3. Information to be Obtained and Maintained
- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in OMC 16.70.040.C.2, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. Recorded on a current elevation certificate (current FEMA Form 81-31) ~~with Section B completed by the local official.~~
 - b. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in OMC 16.70.040.C.2:
 - i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - ii. Maintain the floodproofing certifications required in OMC 16.70.040.C.3.b.
 - c. Maintain for public inspection all records pertaining to the provisions of this ordinance.
 - d. Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.
 - e. Certification required by OMC 16.70.050(E)(1).
 - f. Records of all variance actions, including justification for their issuance.
 - g. Improvement and damage calculations.
4. Alteration of Watercourses
- a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).
6. Conditions for Variances

- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
- b. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- e. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.
- f. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except OMC 16.70.040.C.6.a, and otherwise complies with OMC 16.70.050.A.1, OMC 16.70.050.A.3 and OMC 16.70.050.A.4 of the General Standards.
- g. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

Section 12. Amendment of OMC 16.70.050. Olympia Municipal Code Section 16.70.050 is hereby amended to read as follows:

16.70.050 Provisions for Flood Hazard Reduction

A. General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to

ground anchors. For more detailed information, refer to FEMA publication FEMA P-85, "Protecting Manufactured Homes from Floods and Other Hazards."

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- b. Water wells shall not be located in the floodway. Where the site is subject to flooding, the top of the casing must be at least two feet above the estimated water level of a one hundred-year frequency flood.
- c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- d. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less). Base flood elevation data must be included as part of the application.

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (OMC 16.70.040.C.2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in OMC 16.70.030.B, Basis for Establishing the Areas of Special Flood Hazard, or OMC 16.70.040.C.2, Use of Other Base Flood Data. The following provisions are required:

1. Residential Construction

a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure must have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE). Mechanical equipment and utilities must be waterproof or elevated least one foot above the BFE.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

c. Additional requirements for below-grade crawlspace construction:

The interior grade of a crawlspace below the base flood elevation (BFE) must not be more than two-feet below the lowest adjacent exterior grade (LAG).

The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four-feet at any point.

The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

This limitation will also prevent these crawlspaces from being converted into habitable spaces.

There must be adequate drainage system that removes floodwaters from the interior area of the crawlspace.

The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.

The velocity of floodwaters at the site should not exceed five-feet per second for any crawlspace. For velocities in excess of five-feet per second, other foundations should be used.

Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood

conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

d. New construction and substantial improvement of any residential structure in an AO zone must meet the requirements in OMC 17.50.050(H).

e. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained must be reasonably safe from flooding, but in all cases the lowest floor must be at least two feet above the Highest Adjacent Grade.

f. New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone must meet the requirements in OMC 17.50.050(I).

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure must meet the following requirements:

a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

i. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure must have ~~either~~ the lowest floor, including basement, elevated one foot or more above the base flood elevation. Mechanical equipment, sanitary and utilities must be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.

ii. If located in an AO zone, the structure must meet the requirements in OMC 17.50.050(H).

iii. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure must be reasonably safe from flooding, but in all cases the lowest floor must be at least two feet above the Highest Adjacent Grade.

iv. If located in a V, V1-30, or VE zone, the structure must meet the requirements in OMC 17.50.050(I).

v. Fully enclosed areas below the lowest flood that are subject to flooding must meet the requirements of 16.70.050(B)(1)(b).

b. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure must meet all of the following requirements:

i. Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural

design, specifications and plans. Such certifications shall be provided to the official as set forth in OMC 16.70.040.C.3.b; and

iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in OMC 16.70.050.B.1.b.

3. **Manufactured Homes.** All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

4. **Recreational Vehicles.** Recreational vehicles placed on sites are required to either:

a. Be on the site for fewer than 180 consecutive days; or

b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

c. Meet the requirements of OMC 16.70.050.B.3 above and the elevation and anchoring requirements for manufactured homes.

C. **AE Zones except Coastal AE Zones, with Base Flood Elevations but No Floodways.** In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE, except Coastal AE Zones, on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

D. **Coastal High Hazard Area and Coastal A Zone.** Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of special flood hazard established in OMC 16.70.030.B. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply to building permits and related permits in Title 16:

1. **Location of Structures**

a. All buildings or structures shall be located landward of the reach of the mean high tide.

b. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

2. **Construction Methods**

a. **Elevation.** All new construction and substantial improvements shall be elevated on piling or columns so that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 4-1, whichever is more restrictive,

and,

ii. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in OMC 16.70.050.D.2.d.

b. Structural Support

- i. All new construction and substantial improvements shall be securely anchored on piling or columns.
- ii. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- iii. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, V, and Coastal A on the community's FIRM.

c. Certification. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in OMC 16.70.040.C.3.b.

d. Space Below the Lowest Floor

- i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.
- ii. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
 - (ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- iii. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
- iv. Prior to construction, plans for any breakaway wall must be submitted to the Building Official for approval.

E. Floodways. Located within areas of special flood hazard established in OMC 16.70.030.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

3. If OMC 16.70.050.E.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of OMC 16.70.050, Provisions for Flood Hazard Reduction.

F. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

G. Livestock Sanctuary Areas. Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries must be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries must meet all procedural and substantive requirements of this chapter.

H. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones.

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones must have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).

2. New construction and substantial improvements of nonresidential structures within AO zones must either:

- a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

- b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance must be certified by a registered professional engineer, or architect.
- 3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- 4. Recreational vehicles placed on sites within AO zones on the community's FIRM either:
 - a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (OMC 16.70.050(A)(1)(b)).

I. Standards for Coastal High Hazard Areas (V Zones). Located within areas of special flood hazard established as Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions also apply:

- 1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM must be elevated on pilings and columns so that:
 - a. Elevation:
 - i. Residential Buildings. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level;
 - ii. Nonresidential buildings. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; and
 - iii. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect must develop or review the structural design, specifications, and plans for the construction, and must certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a)(i) and (2)(a)(ii).

- 2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement, must be provided to the Floodplain Administrator, who shall maintain a record of all such information.

3. All new construction within zones V1-30, VE, and V on the community's FIRM must be located landward of the reach of mean high tide.

4. All new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM must have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall must have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

- a. Breakaway wall collapse must result from water load less than that which would occur during the base flood; and
- b. The elevated portion of the building and supporting foundation system must not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space must be useable solely for parking of vehicles, building access, or storage. Such space may not be used for human habitation.

5. The use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM is prohibited.

6. Human-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage is prohibited.

7. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:

- a. Outside of a manufactured home park or subdivision;
- b. In a new manufactured home park or subdivision;
- c. In an expansion to an existing manufactured home park or subdivision; or
- d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

must meet the standards of paragraphs (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM must meet the requirements of OMC 16.70.050(B)(3).

8. Recreational vehicles placed on sites within V or VE zones on the community's FIRM must either:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

- c. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes, OMC 16.70.050(A)(1)(b).

Section 13. Amendment of OMC 16.80.040. Olympia Municipal Code Section 16.80.040 is hereby amended to read as follows:

16.80.040 Administration

A. Establishment of Development Permit

- 1. Development Permit Required. A property owner shall obtain a development permit ~~shall be obtained~~ before construction or development begins within any sea level rise flood damage area established by this ordinance. The permit ~~shall be~~ is for all structures including manufactured structures, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."
- 2. Application for Development Permit. Application for a development permit ~~shall~~ must be made on forms furnished by the City of Olympia and may include, but not be limited to, plans in ~~duplicate~~ PDF -drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
 - a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the local building official or other designated representative;
 - b. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - c. Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet floodproofing criteria as outlined by the City of Olympia; and

B. Designation of the Local Administrator. Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

C. Duties and Responsibilities of the Local Administrator. Duties of the Building Official ~~shall include, but not be limited to:~~

- 1. Permit Review
 - a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine if the proposed development is located in the sea level rise flood damage area. If located in the sea level rise flood damage area, assure that the encroachment provisions of this ordinance are met.
- 2. Information to be Obtained and Maintained
 - a. When new structures are placed, the City of Olympia shall obtain from the owner and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including

basement) of all new or substantially improved structures, and whether or not the structure contains a basement. Recorded on a current elevation certificate.

b. Maintain for public inspection all records pertaining to the provisions of this ordinance.

Section 14. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 15. 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 is unaffected.

Section 16. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 17. Effective Date. This Ordinance is hereby adopted on first and final reading and takes effect March 15, 2024 at 12:01 a.m.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Revising Fees for Engineering, Building and Land Use Permits, and Plan Review

Agenda Date: 3/19/2024
Agenda Item Number: 4.D
File Number:24-0193

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

Title

Approval of an Ordinance Revising Fees for Engineering, Building and Land Use Permits, and Plan Review

Recommended Action

Committee Recommendation:

Not referred to a Committee

City Manager Recommendation:

Move to approve an ordinance on second reading to revise fees for Engineering, Building and Land Use Permits, and Plan Review.

Report

Issue:

Whether to approve an ordinance revising fees for Engineering, Building and Land Use Permits, and Plan Review.

Staff Contact:

Leonard Bauer, Director, Community Planning and Development, 360.753.8206

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The City of Olympia collects fees to offset a portion of the cost of reviewing applications for new development and inspecting new construction. Fee amounts are adopted by the City Council and codified in Olympia Municipal Code Title 4. They include Engineering Fees (OMC 4.04), Building Code Review and Permit Fees (OMC 4.36), Fire Plan Review and Permit Fees (OMC 4.38), and Land Use Application Review (OMC 4.40).

The City periodically conducts cost recovery studies to analyze whether the development fees are set appropriately to recover the City Council's goal that they recover 85% of the cost of delivering development review services. [Note: that goal was adopted in 2004 and reaffirmed in Resolution No.

6983, which also created a Development Fee Revenue Fund].

The most recent cost recovery study, in 2021, recommended the City update its development fees annually, which the City Council has done. The most recent annual update to development fees was adopted December 12, 2023. Shortly after that, City staff became aware of additional fee changes needing adjustment, which are included in the attached ordinance:

1. Document recording fees to match increases put in place by the Thurston County Auditor's Office
2. Plan review fees for areas of Special Flood Hazard which are necessary to meet review standards of the Federal Emergency Management Agency (FEMA)
3. Establishment of a resubmittal fee for land use applications that require more than two review cycles by city staff, to offset a recent increase in application resubmittals that are not responsive to staff comments.

Climate Analysis:

This agenda item is not expected to directly result in impacts to greenhouse gas emissions. However, development review services enable energy-efficient construction consistent with the City's comprehensive plan policies for denser patterns of development. This will support increased use of alternative transportation modes that help reduce greenhouse gas emissions.

Equity Analysis:

One of the goals of the City's budget process is to ensure that city services are provided equitably to our residents and business communities, as well as the greater Olympia community. This agenda item is not expected to further impact known disparities in our community.

Neighborhood/Community Interests (if known):

Members of the community will likely have an interest in this agenda item as it deals with City finances and fiscal governance. Stakeholders in the development construction and finance industry have a direct interest in costs to obtain required permits and inspections.

Financial Impact:

Revenue from development fees is deposited into the City's Development Fee Fund and are exclusively used to fund the cost of delivering development review services. The attached ordinance adjusts development fees to help projected revenues keep pace with the increased cost of delivering development review services.

Options:

1. Move to approve an ordinance revising fees for Engineering, Building and Land Use Permits, and Plan Review on second reading.
2. Do not approve the Ordinance.
3. Approve the Ordinance with specific changes.

Attachments:

Ordinance

Ordinance No.

AN ORDINANCE REVISING FEES FOR ENGINEERING, BUILDING, AND LAND USE PERMITS AND PLAN REVIEW, MAKING CERTAIN TECHNICAL CORRECTIONS, AND AMENDING OLYMPIA MUNICIPAL CODE SECTIONS 4.04.010, 4.36.010, 4.36.020, AND 4.40.010.

WHEREAS, the Development Fee Revenue Fund was created by the Olympia City Council's adoption of Ordinance No. 6983 to more accurately record the fee-supported portion of the City's costs to provide permit review and inspection services; and

WHEREAS, Ordinance No. 6983 also states that the Olympia City Council shall establish a Target Fund Balance and policies for management of the Target Fund Balance for the Development Fee Revenue Fund; and

WHEREAS, Resolution No. M-1864 established policies to manage the Development Fee Revenue Fund, including a cost recovery target of 85 percent of City costs to provide review and permit services; and

WHEREAS, the City Council adopted Ordinance No. 7306, which directed that, to ensure development permit fees continue to include consideration of the increased cost to the City to perform development review services, the City Manager propose an increase to building permit fees (excluding those based on valuation), land use planning review fees, and development engineering fees on an annual basis consistent with annual adjustments to the City's labor contracts concurrent with the City Manager's proposed annual operating budget; and

WHEREAS, there is a need to adjust development permit fees to reflect the City's costs and to more closely align them with the target adopted in Resolution No. M-1864 for recovery of the City's cost to provide permit review and inspection services, as demonstrated by the City's analysis of development services cost recovery in 2021;

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

Section 1. Amendment of OMC 4.04.010. Olympia Municipal Code Section 4.04.010 of the Olympia Municipal Code is hereby amended to read as follows:

4.04.010 Assessment of fees

A. Beginning January 1, 2024, the following fee schedule applies.

Application Type

Plan Check Fees

Engineering Fee Schedule

Water Main Extension (For projects outside city limits, fees will increase by 25percent) \$494.25 + \$0.50 per linear foot or part thereof

Application Type**Plan Check Fees****Engineering Fee Schedule**

Sewer Main Extension (For projects outside city limits, fees will increase by 25 percent)	\$494.25 + \$0.50 per linear foot or part thereof
Reclaimed Water Main or Service Extension	\$494.25 + \$0.50 per linear foot or part thereof
Streets	\$494.25 + \$0.50 per linear foot or part thereof
Curb and Sidewalk	\$494.25 + \$0.50 per linear foot or part thereof
Storm On-Site	\$656.08 + \$37.00 per Acre Gross Parcel Area
Storm Pipe	\$494.25 + \$0.50 per linear foot or part thereof
Street Lighting (For projects outside city limits, fees will increase by 25 percent)	\$494.25 + \$0.50 per linear foot or part thereof
Driveway: Commercial	\$741.37 each
STEP Sewer System: Commercial	\$1,481.65 each
Sewer Pump Station	\$1,700.35 each
On-Site Community Septic System (For projects outside city limits, fees will increase by 25 percent)	\$1,481.65 each
Traffic Signal	\$1,481.65 each
Solid Waste Pad and/or enclosure	\$637.49
Landscape Plan Review	\$710.76
Stormwater Utility Civil Engineering Plan Review (including review of revisions) (area of new or replaced impervious surface)	\$118.00
Level 1 (300-1,000 sf)	\$261.00
Level 2 (1,000-5,000 sf)	\$1,551.00
Level 3 (5,000 sf - 1 acre)	\$2,719.00+ \$118 each additional acre or part thereof
Level 4 (> 1 acre)	
Resubmittal Fee	50 percent of plan review fee starting with second resubmittal after the initial application

Application Type**Permit/Inspection Fees**

Single Family Residential Erosion Control Inspection (up to and including 5,000 sq ft)	\$224.16 each
Single Family Residential Erosion Control Inspection (5,001 to 20,000 sq ft)	\$278.83
Residential Subdivision and Commercial Site fee	
Erosion Control and LID Inspection (based on lot size) (new building sites only)	

Application Type

Permit/Inspection Fees

5,001 – 20,000 sq ft	\$278.83
20,001 – 40,000 sq ft	\$388.18
40,001 – 220,000 sq ft	\$497.53
Over 220,000 sq ft	\$628.75

*Note: Subdivision is based on total subdivision until all improvements are accepted by the City, then individual lot fees apply if a permit is being issued for work that disturbs ground or requires LID

Streets and/or Alleys	\$2.51 per linear foot or part thereof
Curb and/or sidewalk	\$2.51 per linear foot or part thereof
Sidewalk Fee-in-lieu (Per City Engineer Estimate)	\$77.39 per linear foot or part thereof
Street lighting (For projects outside city limits, fees will increase by 25 percent)	\$1.87 per linear foot or part thereof
Driveways: Residential	\$172.77 each
Driveways: Commercial	\$861.65 each
Sanitary Sewer Main (For projects outside city limits, fees will increase by 25 percent)	\$3.39 per linear foot or part thereof plus \$1.75 per linear foot for Television Inspection
STEP Sewer System: Residential (For projects outside city limits, fees will increase by 25 percent)	\$556.11 each
STEP Sewer System: Commercial (For projects outside city limits, fees will increase by 25 percent)	\$1,114.25 each
Sewer Pump Station	\$1,114.25 each
On-Site Community Septic System (For projects outside city limits, fees will increase by 25 percent)	\$1,114.25 each
Individual Septic Review Letter	\$219 each
Sewer Lateral Connection at Main	\$402.40 each
Sewer Lateral Connection on Property	\$160.74 each
Storm Sewer Main	\$3.39 per linear foot or part thereof plus \$1.75 per linear foot for Television Inspection
Storm On-Site System	\$740.28 each
Water Main (For projects outside city limits, fees will increase by 25 percent)	\$3.39 per linear foot or part thereof
Water Connection (New)	\$218.69 each

Application Type

Permit/Inspection Fees

Water Purity Sampling Test (Collected for second and subsequent tests for the same system)	Actual Costs to be Assessed
Water Main Shutdown (collected for second or subsequent request for the same system)	Actual Costs to be Assessed
Reclaimed Water Main or Service Connection	\$3.39 per linear foot or part thereof
Reclaimed Water Connection (new)	\$218.69 each
Reclaimed Water Sampling Test (Collected for second and subsequent tests for the same system)	Actual Costs to be Assessed
Reclaimed Water Main or Service Connection Shutdown (collected for second or subsequent request for the same system)	Actual Costs to be Assessed
Traffic Signal	\$1,722.22 each
Solid Waste Pad and/or enclosure	\$273.37
Landscape	\$410.05
Bicycle Parking	\$344.44
Paving of Parking Lots (including re-paving)	\$0.07 per square foot or part thereof
Right-of-Way Obstruction Permit (Traffic Control Plan may be required; flaggers and/or lane restrictions in place for 1 hour or less)	\$200.99 each
Right-of-Way Obstruction Permit	\$614.53 each
Right-of-Way Obstruction Permit (Traffic Control Plan Required, flaggers and/or lane restrictions in place for more than 1 hour) ¹	
Right-of-Way Excavation/Restoration (Completion Bond Required before Issuance of a Permit equal to 125 percent value of the work)	\$201.20 each
Right-of-Way Vacation Request	\$2,124.61 each
Latecomer Reimbursement Contract	\$2,124.61 + 5 percent Administrative Fee (5 percent of the reimbursement amount is deducted by the city for administrative fees each time the city collects a latecomer fee from a property owner within the reimbursement area)
UGA City Utility Availability Authorization	\$191.36 each
Long Term Right-of-Way Use Authorization for Open Right-of-Way Use per Year	\$459.26 per year

Application Type

Permit/Inspection Fees

Street Closure Permit for Temporary Moving of Structures or Equipment \$929.45 each

Recording Fees for Bills of Sale, Easements, Deeds, Annexation Agreements, Sewer Connection Contracts, Interim Onsite Sewage System Agreements ~~\$253.69~~328.50

Recording Fees for Stormwater Maintenance Agreements ~~\$347.72~~428.50

Private Utilities

Private Utility (power, natural overhead, gas, telecommunications, CATV) (New development of systems):

New Short Plat – (2-9 Lots)
Plan Check: \$246.03
Permit Fees: \$87.48

New Long Plat – (10-25 Lots)
Plan Check: \$344.44
Permit Fees: \$125.75 + \$0.20 per linear foot or part thereof

New Long Plat – (26+ Lots)
Plan Check: \$585.01
Permit Fees: \$125.75 + \$0.20 per linear foot or part thereof

New Commercial:
Plan Check: \$344.44
Permit Fees: \$109.35

New R-O-W Utilities (New or Extension)
Plan Check: \$287.58 + \$1.00 per linear foot or part thereof
Permit Fees: \$103.88 + \$0.10 per linear foot or part thereof

Repair/Replace Existing or new lines or cable using existing infrastructure
Plan Check: \$287.58
Permit Fees: \$103.88 + \$0.10 per linear foot or part thereof
New/Replace Pole: \$103.88 per Each

Resubmittal fees starting with second resubmittal after the initial application 50 percent plan check fees

Pavement Restoration Fee

Base Fee \$27.34 per square foot or part thereof
Year 1 (new pavement) 5X base fee
Year 2 4X base fee

Application Type

Permit/Inspection Fees

Year 3	3X base fee
Year 4	2X base fee
Year 5	1X base fee

Tree Protections and Replacement Ordinance Fee Schedule

Tree Plan Review for New Commercial Development	\$956.79 each
Tree Plan Review for New Multi-family Residential Development	\$1,033.33 each
Tree Plan Review for New Subdivisions - 9 lots and less	\$792.77 each
Tree Plan Review for New Subdivisions - 10 lots and more	\$1,033.33 + \$26.00 per lot
Tree Plan Field Inspection for New Commercial Development	\$956.79 each
Tree Plan Field Inspection for New Multi-family Residential Development	1,033.33 each
Tree Plan Field Inspection for New Subdivisions - 9 lots and less	\$792.77 each
Tree Plan Review for New Subdivisions - 10 lots and more	\$1,033.33 + \$26.00 per lot
Tree Plan Review for Tree Trimming by Private Utility	\$377.25 + \$0.10 per linear foot, or part thereof, of project
Tree Plan Field Inspection for Tree Trimming by Private Utility	\$262.43 + \$0.10 per linear foot, or part thereof, of project
Tree Conversion Option Harvest	\$164.02 per acre, or part thereof, to \$3,000.00 maximum
Technology Fee – applicable to all permits and plan review fees	4.0 percent of permit/plan review fee

1

1. Fee may be waived by the Community Planning and Development Director or designee for removal of hazard trees determined to be a high risk based on a Tree Risk Assessment approved by the City’s urban forester.

Section 2. Amendment of OMC 4.36.010. Olympia Municipal Code Section 4.36.010 of the Olympia Municipal Code is hereby amended to read as follows:

4.36.010 Building code review and permit fees

A. The determination of value or valuation under any of the provisions of this code is made by the building official based on the valuation data established by the International Code Council under the provisions of building standards valuation data or other supporting data. The value to be used in computing the building and building plan review fees is the total of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and other permanent equipment. Single-family and duplex dwellings of wood frame construction having an area of more than 2,500 square feet per unit are valued at "good construction" rate. All others are valued at "average construction" rate. Remodels are valued based on the contract price of the project or as determined by the building official.

B. Payment of fees. A permit is not valid until the fees prescribed by law have been paid, nor may an amendment to a permit be released until the additional fee, if any, has been paid.

C. Schedule of permit fees. On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, an applicant shall pay a the fee for each permit ~~must be paid~~ as required using the current fee schedule.

D. Plan Review Fees: When submittal documents are required, an applicant shall pay a the plan review fee ~~must be paid~~ at the time of submitting the submittal documents for plan review. The current fee schedule as adopted establishes the plan review fee. The actual permit fees and related plan review fee is determined upon completion of the plan review and the balance owing must be paid at the time of permit issuance.

The plan review fee is a separate fee from the permit fees specified in this section and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, the applicant shall pay an additional plan review fee ~~is charged~~ at the rate shown in the current fee schedule.

E. Building permit valuations. The value to be used in computing the building permit and building plan review fees is the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent equipment. Contractor's overhead and profit is also included. The Valuation factor is used in assessing the building permit for installation of Sign and Commercial Landscaping permits (plan review for Signs and Commercial landscaping will be 65 percent of the permit).

F. Investigation Fees: Work without a Permit.

1. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation must be made before a permit may be issued for such work.

2. Fee. A property owner or other responsible party shall pay An an investigation fee, in addition to the permit fee, ~~is collected~~ whether or not a permit is then or subsequently issued. The investigation fee is equal to the amount of the permit fee required by this code. The minimum investigation fee is the same as the minimum fee set forth in the currently adopted fee schedule. This fee is an additional, punitive fee and does not apply to any Grading or Building Permit Fee that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a Permit for continued development of that project. If the work done remains illegal for 90 days after service of the Stop Work Order, it is considered hazardous and must be abated per the Olympia Municipal Code.

3. The payment of such investigation fee does not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

G. Fee Refunds.

The building official may authorize the refunding of:

1. 100 percent of any fee erroneously paid or collected.
2. Up to 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Up to 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official may not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

H. Fee Exempt Permits:

1. Agricultural/deer fences up to eight feet tall

FEE TABLE -- BUILDING PERMIT FEES

Building Permit Fees (based on valuation)

Total Valuation	Fee
\$1.00 to \$500.00	\$114.81
\$501.00 to \$2,000.00	\$114.81 for the first \$500.00 plus \$5.78 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$201.75 for the first \$2,000.00 plus \$18.35 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$624.26 for the first \$25,000.00 plus \$13.88 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$971.71 for the first \$50,000.00 plus \$10.32 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,488.38 for the first \$100,000.00 plus \$8.72 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$4,978.73 for the first \$500,000.00 plus \$7.74 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$8,855.08 for the first \$1,000,000.00 plus \$6.48 for each additional \$1,000.00 or fraction thereof

Other Building Inspections and Fees

Inspections outside of normal business hours	\$191.36 per hour* (minimum charge - two hours)
Reinspection fees	\$191.36 per hour*
Inspections for which no fee is specifically indicated	\$191.36 per hour* (minimum charge - one-half hour)
Additional plan review required by changes, additions, or revisions to approved plans	\$191.36 per hour* (minimum charge - one-half hour)
For use of outside consultants for plan checking and inspections, or both	Actual Costs*
Certificate of occupancy inspection not related to building permit and as required by Section 110	\$191.36 per hour* (minimum 2 hours)
Inspections requested on expired permits	191.36 per hour* (minimum charge - two hours)

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost includes supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

** Including administrative and overhead costs.

For Stop Work issued (work being done without a permit)	\$191.36 per hour (minimum charge – one hour)
State of Washington State Building Code Council charges	\$4.50 on every building permit issued
Vacant Property Registration Fee (OMC 16.06.090)	\$200 annually
Temporary Certificate of Occupancy (TCO)	Application filing fee (nonrefundable):
	Residential (single-family) \$109.35
	Commercial and multi-family residential \$164.02 (interior remodel)
	Commercial and multi-family residential \$546.74 (new construction and substantial exterior and interior remodel)

Building Plan Review Fees

SF Plan Review 68 percent of building permit fee if greater than 1500 sf
 25 percent of building permit fee if 1500 sf or less

SF Stormwater Plan Review – Single Family Home, Duplex, Townhouse, Accessory Dwelling Unit, Manufactured Home on Single Lot, Residential or Structural Addition, Residential Revision, or Deferred Submission

(area of new or replaced impervious surface)

Level 1 (300-1,000 sf)	\$118.00
Level 2 (1,000-5,000 sf)	\$261.00
Level 3 (5,000 sf - 1 acre)	\$1,551.00
Level 4 (> 1 acre)	\$2,719.00+ \$118 each additional acre or part thereof
Tree removal permit	\$27.34 per tree up to \$250.00 total

Commercial Review 68 percent of building permit fee

Addition/remodel SF, duplex 68 percent of building permit fee

Areas of Special Flood Hazard:*

<u>Plumbing, Mechanical</u>	<u>\$150</u>
<u>Building</u>	<u>\$350</u>

*For permits required by OMC 16.70.

Mobile/Manufactured Housing or Commercial Permit Fees

*Temporary use (single wide)	\$338.98
*Temporary use (double wide)	\$410.05
Permanent use (single wide)	\$557.67
Permanent use (double wide)	\$574.07
Permanent use (triple wide)	\$595.94
Add-a-room (pre-manufactured addition)	\$420.99
*Temporary commercial use (single)	\$492.06
Permanent commercial use (double)	\$519.40
Permanent commercial use (triple)	\$546.74

Mobile/Manufactured Housing or Commercial Permit Fees

Plan check fee of 65 percent of permit fee will be required for commercial use only.

*Temporary use is considered 180 unless otherwise approved through written request

Demolition Permit Fees

Buildings less than 3,000 sq ft	\$120.28
Buildings between 3,001 and 5,000 sq ft	\$273.37
Buildings between 5,001 and 10,000 sq ft	\$328.04
Buildings greater than 10,000 sq ft	\$426.45

Technology Fee – applicable to all permits and 4.0 percent of permit/plan review plan review fees

Electrical Permit and Inspection Fees

Applications may be submitted using the permit portal (<https://ci-olympia-wa.smartgovcommunity.com/Public/Home>) or in person. The City of Olympia follows the State of Washington Department of Labor & Industries current Fee Schedule.

See OMC 4.36.020.

Washington State Energy Code Review

Commercial	\$218.69
Residential	\$109.35

Electrical Permit Fines and Penalties

The City of Olympia follows the Washington Administrative Code 296-46B-915 Civil penalty schedule

Mechanical Permit Fees (plus applicable unit fees)

Permit Issuance Fee

For the issuance of each permit	\$114.81
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Single Family Residential (flat fee no permit issuance fee)

New SFR Mechanical Heating system including ducts and vents attached thereto (first unit, up to and including 2,500 sq ft)	\$328.04
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Mobile/Manufactured Housing or Commercial Permit Fees

Additional Unit/s and/or associated ducts and vents attached thereto (over 2,500 sq ft) \$284.30

Unit Fee Schedule

Note: The following includes permit issuance fee.

Furnaces

For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance \$71.08

Appliance Vents

For the installation, relocation, or replacement of each appliance vent installed and not included in an appliance permit \$49.21

Repairs or Additions

For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by the Mechanical Code \$71.08

Boilers, Compressors and Absorption Systems

For the installation or relocation of each boiler or compressor \$114.81

Air Handlers

For each air-handling unit to and including 10,000 cubic feet per minute (4,720 L/s), including ducts attached thereto \$71.08

Note: This fee does not apply to an air-handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler, or absorption unit for which a permit is required elsewhere in the Mechanical Code.

For each air-handling unit exceeding 10,000 cubic feet per minute (4,720 L/s) \$71.08

Evaporative Coolers

Mobile/Manufactured Housing or Commercial Permit Fees

For each evaporative cooler other than portable type 71.08

Ventilation and Exhaust

For each ventilation fan connected to a single duct \$49.21

For each ventilation system which is not a portion of heating or air conditioning system authorized by a permit \$49.21

For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood \$49.21

Wood or Gas Stove Insert including vent \$82.01

Incinerators \$136.68

Miscellaneous

For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which no other fee is listed in the code \$49.21

Permit fees for fuel-gas piping is as follows:

Single gas pipe repair or connection including flexible connector for up to the first 5 connections \$49.21

Multiple gas pipe repair or connections including flexible gas connectors for 6 or more connections, additional fee of \$2.73 ea

Other Inspections and Fees

Inspections outside of normal business hours, *per hour (minimum charge – two hours) \$191.10*

Reinspection fees \$191.36*

Inspection for which no fee is specifically indicated, per hour (minimum charge – one-half hour) \$191.36*

Mobile/Manufactured Housing or Commercial Permit Fees

Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge – one-half hour) \$191.36*

For use of outside consultants for plan checking and inspections, or both. Actual Cost

For Stop Work issued (work being done without a permit) \$191.36 per hour (minimum charge – one hour)

* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost includes supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Plumbing Permit Fees

Permit Issuance

For issuing each permit \$174.96

Single Family Residential (flat fee no permit issuance fee)

New SFR Plumbing system (up to 3 bathrooms, one kitchen, over 3/1 use unit schedule for additional fixtures) \$267.90

Swimming Pools*

For each in-ground swimming pool or spa \$136.68 (fencing requirements apply)

For each above ground swimming pool over 5000 gallons \$68.34 (fencing requirements apply)

*All pools over 24 inches in depth require approved fencing

Plumbing Permits for New Single Family Residential \$267.90

Unit Fee Schedule

Note: The following requires a permit issuance fee in addition to unit fees

Gas Piping System

Plumbing Permit Fees

Single gas pipe repair or connection including flexible gas connector for up to the first 5 connections	\$38.27
Multiple gas pipe repair or connections including flexible gas connectors for 6 or more connections, additional fee of	\$2.73 ea
For each plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and backflow protection)	16.40
For each building sewer and each trailer park sewer	\$38.27
Rainwater systems – per drain (inside building)	\$10.93
For each private sewage disposal system/grinder pump (when allowed)	\$82.01
For each water heater and/or vent	\$27.34
For each industrial waste pretreatment interceptor including its trap and vent, except kitchen-type grease interceptors functioning as fixture trap	\$22.96
For each installation, alteration, or repair of water piping and/or water treating equipment, each	\$21.87
For each repair or alteration, of drainage or vent piping, each fixture	\$21.87
For each lawn sprinkler system on any one meter including backflow protection devices therefor	\$38.27
For atmospheric-type vacuum breakers not included in lawn sprinkler system	\$38.27

Other Inspections and Fees

Inspections outside of normal business hours, per hour (minimum charge – two hours)	\$191.36*
Reinspection fees	\$191.36*

Plumbing Permit Fees

Inspection for which no fee is specifically indicated	\$191.36*
Additional plan review required by changes, additions, or revisions to approved plans, per hour (minimum charge – one hour)	\$191.36*
For the use of outside consultants for plan checking and/or inspections	*Actual Costs
For Stop Work being issued (work being done without permit)	\$191.36

* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost includes supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Grading Plan Permit Fees \$426.45 base fee plus \$.01 per cubic yard

Other Inspections and Fees

Inspections outside of normal business hours, per hour (minimum charge – two hours)	\$191.36*
Reinspection fees	\$191.36*
Inspection for which no fee is specifically indicated, per hour (minimum charge one-half hour)	\$191.36*

*Or the total hourly cost to the jurisdiction, whichever is greatest. This cost includes supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Grading Plan Review Fees 65 percent of the permit fee

Other Fees

Additional plan review required by changes, additions, or revisions to approved plans, per hour (minimum charge – one-half hour)	\$191.36*
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* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost includes supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Section 3. Amendment of OMC 4.36.020. Olympia Municipal Code Section 4.36.020 of the Olympia Municipal Code is hereby amended to read as follows:

4.36.020 Electrical inspection and permit fees

Applications may be submitted using the permit portal or in person. The City of Olympia follows the State of Washington Department of Labor & Industries current Fee Schedule, set forth in WAC 296-46B-906, which is hereby incorporated into this chapter by reference, as if fully set forth herein (Plus permit issuance fee). Fees are in addition to other plumbing and building fees listed in this chapter except as specified in SFR fee for plumbing and mechanical.

A. PLAN REVIEW FEE.

- 1. Fee is 68 percent of the electrical work permit fee including a plan review submission fee of: \$86.96
- 2. Supplemental submissions of plans per hour or fraction of an hour of review time \$103.72
- 3. Plan review shipping and handling fee \$ Actual Shipping Cost
- 4. Areas of Special Flood Hazard (For permits required by OMC 16.70) \$150

B. OTHER INSPECTIONS.

- 1. Inspections not covered by above inspection fees must be charged portal-to-portal per hour. \$191.36

C. REFUND PROCESSING FEE.

- 1. All requests for permit fee refunds will be assessed a processing fee equal to 20 percent of the original permit fee.

Section 4. Amendment of OMC 4.40.010. Olympia Municipal Code Section 4.40.010 of the Olympia Municipal Code is hereby amended to read as follows:

4.40.010 Land use application review fees

A. Commencing January 1, 2024, the following fee schedule applies.

Certifications and Appealable Letters	Land Use and Planning Applications¹
Independent Confirmation of Critical Areas Report	\$902 plus any consultant costs
Wetland Report prepared by City staff	\$875 plus any consultant costs
Staff Confirmation Letter for Zoning, Occupancy Status, Flood Hazard, and other similar confirmations	\$219
Staff-Researched Letter, Shoreline Permit Exemption, Land Use Approval Time Extension, Legal Lot Determination, or Appealable Opinion ²	\$503
Actions Independent of Development Review	
Presubmission Conference	\$372 + \$67 for stormwater utility review

SEPA Review (only)	\$525
Variance (staff level)	\$328
Variance and/or Reasonable Use Exception (by Examiner)	\$1,531 + \$1,000 Hearing Examiner deposit ⁴
Code and Plan Amendments	
Comprehensive Plan Amendment (post-screening without rezone)	\$2,843
Shoreline Program	\$3,499
Original Master Plan (Villages & Centers) (See OMC Chapter 18.05)	\$3,499 + \$ 140 per acre or part thereof + \$2,500 Hearing Examiner deposit ⁴
Master Plan Revision	\$1,750 + \$1,500 Hearing Examiner deposit ⁴
Master Plan Revision – Stormwater Utility Plan Review (area of new or replaced impervious surface)	
Level 1 (300-1,000 sf)	\$118.00
Level 2 (1,000-5,000 sf)	\$261.00
Level 3 (5,000 sf - 1 acre)	\$1,551.00
Level 4 (> 1 acre)	\$2,719.00+ \$118 each additional acre or part thereof
Development Agreement	\$4,4500 + \$2,000 Hearing Examiner deposit if referred to examiner ⁴
Zoning and Development Code Maps or Text	\$3,499 + if a site-specific rezone, a \$1,500 Hearing Examiner deposit ⁴
Annexations	
Notice of Intent to Annex	\$350
Petition to Annex	\$4,625
Temporary Uses	
Temporary Use Permit for three or less consecutive days	\$164
Temporary Uses for four or more consecutive days	\$383
Subdivision Actions	
Lot Consolidation	\$612
Boundary Line Adjustment	\$602 plus \$160 per boundary line
Preliminary Short or Large-Lot Plat	\$1,487 + \$300 per lot
Final Short or Large-lot Plat	\$973

Preliminary Long, Short, or Large-Lot Plat – Stormwater Utility Plan Review (if frontage improvements) (area of new or replaced impervious surface)	\$118.00
Level 1 (300-1,000 sf)	\$261.00
Level 2 (1,000-5,000 sf)	\$1,551.00
Level 3 (5,000 sf - 1 acre)	\$2,719.00+ \$118 each additional
Level 4 (> 1 acre)	acre or part thereof
Preliminary Long (ten or more lots) Plat	\$5,096 + \$600 per acre, or part thereof + \$2,500 Hearing Examiner deposit ⁴
Final Long (ten or more lots) Plat ³	\$4,243
Binding Site Plan	Any land use review fee; plus sum equivalent to platting fee - latter reduced by 1/2 if concurrent with initial development
Binding Site Plan – Stormwater Utility Plan Review (area of new or replaced impervious surface)	
Level 1 (300-1,000 sf)	\$118.00
Level 2 (1,000-5,000 sf)	\$261.00
Level 3 (5,000 sf - 1 acre)	\$1,551.00
Level 4 (> 1 acre)	\$2,719.00+ \$118 each additional
	acre or part thereof
Improvements deferral review by Examiner (OMC 17.44.020(E))	\$1,968 + \$2,000 Hearing Examiner deposit ⁴
Land Use (Site Plan) Review³	
No new structure to 5,000 square feet new gross floor area	\$2,952
5,001 to 8,000 square feet of new gross floor area	5,249
8,001 to 16,000 square feet of new gross floor area	\$7,545
16,000 to 24,000 square feet of new gross floor area	\$10,169
24,001 or more square feet of new gross floor area	\$14,324
Land Use Review – Stormwater Utility Plan Review (area of new or replaced impervious surface)	
Level 1 (300-1,000 sf)	\$118.00
Level 2 (1,000-5,000 sf)	\$261.00
Level 3 (5,000 sf - 1 acre)	\$1,551.00
Level 4 (> 1 acre)	\$2,719.00+ \$118 each additional
	acre or part thereof

Supplemental Actions

Traffic modeling or distribution by City staff	No charge, except any consultant fees
Additional SEPA Review (WAC 197-11-335)	No charge, except any consultant fees
Environmental Impact Statement	\$4,702 + preparation at contract rate to be determined
Design Concept Review --Board Level	\$1,367
Design Details Review-- Board Level	\$1,367
Design Review--Staff Level	\$547
Design Review--Staff Level for Single Family Detached and Accessory Dwelling Units	\$273
Shoreline Permit (Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance) and Conditional Use Permit Requiring Examiner Review ⁵	\$1,640+ \$2,000 Hearing Examiner deposit ⁴
Shoreline Permit (Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance) and Conditional Use Permit Requiring Administrative Review ⁵	\$984
Shoreline Permit (Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance) and Conditional Use Permit Requiring Administrative or Hearing Examiner Review - Stormwater Utility Plan Review (area of new or replaced impervious surface)	
Level 1 (300-1,000 sf)	\$118.00
Level 2 (1,000-5,000 sf)	\$261.00
Level 3 (5,000 sf - 1 acre)	\$1,551.00
Level 4 (> 1 acre)	\$2,719.00+ \$118 each additional acre or part thereof
Wireless Communication Facility -- Requiring Examiner Review	\$5,030 + \$2,000 Hearing Examiner deposit ⁴ plus any consultant costs of City
Short-Term Rental Permit	\$109
Wireless Communication Facility -- Requiring Administrative Review ⁵	\$4,046
Modification of an approved application	50 percent of standard fee plus any Examiner deposit
Impact Fee Appeal to Examiner	\$2,296 + \$500 Hearing Examiner deposit ⁴
Other Appeal to Examiner	\$1,422

Appeals to Council (only if authorized)	\$547
Request for Reconsideration or Clarification by Examiner (OMC 18.75.060 and 070)	\$355 + \$500 Hearing Examiner deposit ⁴

Historic Rehabilitation Tax Exemption

Commercial	\$962
Residential	\$284
Technology Fee – applicable to all planning applications	4.0 percent of planning fee

Multi-Family Tax Exemption

Application Fee	\$1,000 + \$75 per unit up to \$5,000
Request for Extension of Conditional Certificate	\$150
Appeal to Examiner	\$1,420

Resubmittal Fee 50% of application fee starting with second resubmittal after the initial application

NOTES:

1. Additional fees may be applicable, including tree plan and engineering fees.
2. Staff certification or researched letter fees, and need for third-party consultation are at the discretion of the Director or designee.
3. There is no extra charge for Planned Residential Development Approval.
4. Where Examiner deposit is required, applicant is responsible and required to pay actual Hearing Examiner costs, which may be higher or lower than the deposit amount.
5. Fee is in addition to any applicable Land Use Review Fee.

Section 5. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances remains unaffected.

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

Section 8. Effective Date. This Ordinance takes effect five days after publication.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Public Hearing on Relocation Assistance and Additional Renter Protections

Agenda Date: 3/19/2024
Agenda Item Number: 5.A
File Number:24-0232

Type: public hearing **Version:** 1 **Status:** Public Hearing

Title

Public Hearing on Relocation Assistance and Additional Renter Protections

Recommended Action

Committee Recommendation:

The Land Use and Environment Committee recommends holding a public hearing on the proposed relocation assistance requirements and additional renter protections.

City Manager Recommendation:

Hold a public hearing on the proposed relocation assistance requirements and additional renter protections.

Report

Issue:

Whether to hold a public hearing on proposed relocation assistance requirements and additional renter protections.

Staff Contact:

Christa Lenssen, Senior Housing Program Specialist, Office of Community Vitality, 360.570.3762

Presenter(s):

Christa Lenssen, Senior Housing Program Specialist, Office of Community Vitality, 360.570.3762

Background and Analysis:

At an August 2023, City Council Study Session staff presented a proposal for a rental housing registry and inspection program, as well as information regarding tenant relocation assistance, late fees and other types of fees. At the Land Use & Environment Committee meeting in January 2024, staff were directed to forward proposed code amendments to Council regarding relocation assistance, junk fees, tenant right to install cooling devices in their units, and providing tenants the option to break lease after receiving notice of a rent increase over 5%. The Committee also reviewed recent tenant protections passed by citizen initiatives in Bellingham and Tacoma. Staff was also directed to draft Economic Displacement Relocation Assistance provisions which would require landlords to pay relocation assistance to tenants who are forced to move because their rent

increased by more than 5%.

Relocation Assistance

At its August 2023 study session, Council directed staff to draft code language to establish relocation assistance measures for tenants who are displaced when their housing unit is condemned, demolished or requires substantial repairs. At the January 2024 Land Use and Environment Committee meeting, staff presented draft code language to create two new relocation assistance measures to address tenant displacement. State law (RCW 59.18.085) requires a landlord to pay relocation assistance if the property is condemned or deemed unlawful to occupy by a government enforcement entity (not required if a natural disaster occurs, because of eminent domain, or caused by a tenant or other third party). Staff drafted code language similar to Tukwila and Lakewood, which requires landlords to comply with state law and to pay relocation assistance if the property is condemned. If the landlord does not provide the tenant relocation assistance within 7 days of the notice of condemnation, the City will pay the tenant directly and seek reimbursement from the landlord. The amount of relocation assistance is three times the monthly rent or \$2,000 (whichever is more).

State law (RCW 59.18.440) allows cities to require payment of relocation assistance to a low-income tenant (at or below 50% of Area Median Income) if the unit is demolished, substantially rehabilitated, or the use changes. A maximum of \$2,000 of relocation assistance may be provided and annual future adjustments can be made based on the consumer price index. Cities may only require landlords to pay up to half of the total amount of relocation assistance. Staff drafted code language that the City will pay half and the landlord will pay half of this relocation assistance. A public hearing is required for a City to implement this type of relocation assistance.

Junk fees

Staff has heard from community partners and constituents that tenants are being charged excessive fees (examples include: lease renewal fees, notice fees, lease violation fees, and annual administrative fees) or fees for unwanted services, such as a garbage valet. Although a landlord cannot evict a tenant for these types of fees (tenant payments must first be applied to rent), these fees will remain on the tenant's ledger and may eventually end up in collections or added to a judgment following an eviction. Many other Washington cities have limited the amount of late fees that may be charged by a landlord. Staff has followed a sample policy adopted by the State of Oregon that restricts the types of fees that landlords may charge and has included draft code amendments.

Tenant right to install cooling devices

During public engagement around renter protections in 2022, staff heard from tenants that their landlord prohibited them from installing an air conditioning unit. Staff has followed a sample policy adopted by the State of Oregon and has included draft code amendments.

Tenant option to break lease after receiving notice of rent increase

In August 2022, Olympia City Council passed an ordinance that requires longer notice periods for rent increases over 5% and 10% to allow tenants more time to plan for the increase or seek alternative housing arrangements. Staff drafted code amendments that would allow tenants to break their lease early without penalty if they find alternative housing before the rent increase takes effect by providing their landlord with 20 days' written notice.

Tenant screening policies

Tenant screening policies can include consideration of an applicant's criminal history, credit history, eviction history, employment history, and income, among other factors. Tenant screening practices present significant barriers for renters to access housing opportunities, particularly for people who are low-income, formerly incarcerated individuals, members of protected classes (such as people of color, people who were born outside the U.S., and people with disabilities). At the January 2024 Land Use and Environment Committee, staff were directed to bring sample policy language regarding tenant screening for public comment at the public hearing. Staff has provided sample policies regarding income to rent ratios, criminal history screening, credit history screening, eviction history screening, and requirements to provide alternative documentation to establish eligibility besides a Social Security Number. No code amendments are currently proposed but may be brought to Council at a later date.

Establishing tenant protections to address housing stability is addressed under Strategy 2.a. of the City's Housing Action Plan ("Identify and implement appropriate tenant protections that improve household stability"), Strategy 2.c. ("Provide displaced tenants with relocation assistance"), and Strategy 2.f. ("Explore barriers and policies that can increase access to housing for formally incarcerated individuals").

Climate Analysis:

The proposed rental housing policies are not expected to have an impact on greenhouse gas emissions. Increased use of cooling devices will likely increase energy use in the short-term. The rental housing registry program will work to increase installation of efficient heating/cooling devices, building envelope improvements.

Equity Analysis:

BIPOC households are more likely to be renters than white households in Thurston County. Approximately 42% of BIPOC households rent, compared to 31% of white households. People of color and people with disabilities earn less on average than white, non-disabled people. In Thurston County, about 36% of white households earn over \$100,000 per year compared to 18% of Native American households. White households are the most likely to earn over \$100,000 annually and least likely to earn under \$35,000 annually than any other racial or ethnic group countywide. In 2020 in Olympia, a person with a disability earned on average \$26,075, compared to \$37,168 earned by a person without a disability. These low-income households are more likely to rent and more likely to qualify for relocation assistance.

This proposal is aimed to address disparities that may result from the new rental housing inspection program. Low-income renters are more likely to rent lower cost units that could require significant repairs. Relocation assistance will assist low-income renters in transitioning to new housing when their housing unit or property is condemned, needs major repairs, is redeveloped or converted to a non-residential use. Low-income renters will still be burdened by displacement and may face difficulty in locating a new rental unit that meets their needs and budget. Staff has provided sample policies that would help to lower barriers presented by tenant screening practices, which disproportionately impact people of color, low-income households, immigrants and refugees. Staff can provide referrals and connections to housing options or supportive services. Staff will continue to seek funding opportunities to help property owners make repairs at lower costs in exchange for renting to low-

income households or limiting rent increases for a predetermined time period. Staff will seek funding support and opportunities to provide additional incentives for rental property owners to keep rents lower and rent to low-income households. The program proposal does allow a landlord and tenant to negotiate the tenant moving into a similar unit, if one is available or provide temporary hoteling during renovation.

Renters would benefit from policies to limit additional fees that increase housing costs and prevent unexpected expenses. Renters who struggle to make rent payments are often charged late fees not just once, but daily, until their balance is paid off. Limiting fees may cause landlords to increase rent to offset costs, which would burden renters. Renters would benefit from being able to install cooling devices in their housing units, as these devices help maintain resident health and safety during hot weather. Renters would benefit from being able to break their lease without penalty after receiving a rent increase notice of 5% or more. This would allow renters to transition to an alternative housing unit without fear of additional costs or fees.

There is limited data on landlord demographics. City of Olympia surveys include demographic data, but not all respondents provide demographic information and there is a limited sample size. Approximately 71% of landlords who completed the landlord survey (part of the Olympia rental housing code update in 2022) identified as white, which is similar to the general population of Olympia overall. Landlords are burdened by additional requirements and costs to provide tenant relocation assistance. Landlords may be negatively impacted if their rental properties are condemned and need to be demolished or taken off the rental market for major renovation to take place. Landlords benefit from cost-sharing of relocation assistance with the City when low-income tenants are displaced due to demolition, substantial rehabilitation or change of use.

Neighborhood/Community Interests (if known):

Potential changes to Olympia Municipal Code's Rental Housing Code (OMC 5.82) are a topic of significant interest to renters and rental housing owners/operators within the city and around Thurston County. Staff has heard from renters and advocates in the community regarding junk fees and need for air conditioning units.

There is considerable local and state interest in establishing measures to address tenant displacement, including new requirements for cities to perform displacement analysis in their Comprehensive Plan Updates. About 54% of landlords and 88% of renters who participated in a 2022 Engage Olympia survey expressed support for the concept of a tenant relocation assistance program, though landlords expressed concern regarding how the program would be funded.

Financial Impact:

Additional costs are not anticipated if the City adopts renter protections that address junk fees, provide tenants the right to install cooling devices, or ability to break their lease early without penalty. The City will advance relocation assistance costs and seek reimbursement from landlords when a property is condemned (if the landlord fails to pay the tenant within 7 days of the condemnation notice). Other cities with similar policies have not reported any losses where the City was not repaid by the property owner.

The City will incur costs related to relocation assistance paid to low-income tenants who are displaced due to demolition, substantial rehabilitation, or change of use (conversion to non-residential use or to a short-term rental). The City will pay 50% of total relocation assistance costs in these

circumstances. Staff recommends budgeting \$25,000 annually for relocation assistance costs, based on information provided by similar programs in Tacoma and Seattle (adjusted for population size). As part of the Buildings Upgrade Prize awarded to the City, \$100,000 was set aside as flexible funding that could be used for seed money, matching funds, subsidized energy audits, and tenant relocation assistance to accommodate major upgrades for energy efficiency. Because of the City's successful Buildings Up phase 1 award, city staff will have the opportunity to compete for an additional \$400,000 in the next funding round. Staff can request additional funding depending on the needs and what we learn in the initial phase. Additional funding may be supplemented by rental housing registry fees.

Options:

1. Hold a public hearing on draft relocation assistance code amendments and additional tenant protections. Direct staff to forward proposed language to Council for potential adoption at a later Council date.
2. Modify relocation assistance and additional tenant protection amendments before forwarding to Council. Direct staff to modify code language on additional topics in briefing. Modifying proposed code amendments may delay implementation of a relocation assistance program.
3. Do not hold a public hearing on draft relocation assistance code amendments and additional tenant protections. Delaying or canceling the public hearing will delay implementation of potential relocation assistance program. If Council takes no action to address potential displacement, tenants will be at greater risk of housing instability if their housing unit is condemned, demolished, needs substantial rehabilitation or the use changes.

Attachments:

OMC 5.82 Draft Amendments
Tenant Screening Sample Policies

Chapter 5.82

RENTAL HOUSING CODE

5.82.000	Chapter Contents Sections:
5.82.010	Purpose and Intent.
5.82.020	Definitions.
5.82.0340	Rent Increase Notification; <u>Tenant's Right to Terminate Tenancy.</u>
<u>5.82.040</u>	<u>Economic Displacement Relocation Assistance.</u>
5.82.050	Pet Damage Deposits.
5.82.060	Limits to Move-in Fees.
5.82.070	Registration of Rental Units.
5.82.080	Business License Required for Rental Housing Units.
5.82.090	Periodic Inspections Required for Rental Properties.
5.82.100	Prohibition on Passing Charges to a Tenant to Comply with a Program.
5.82.110	Rent Increases Prohibited if Unit has Defective Conditions.
<u>5.82.120</u>	<u>Relocation Assistance for tenants of condemned rental units or units determined to be unlawful to occupy.</u>
<u>5.82.130</u>	<u>Relocation Assistance for Low-Income Tenants Displaced by demolition, substantial rehabilitation, or change of use of rental units.</u>
<u>5.82.140</u>	<u>Right to Install Cooling Devices.</u>
5.82.1520	Retaliation Prohibited.
5.82.1630	Violations.

5.82.010 Purpose and Intent

The purpose of this Chapter is to establish regulations supporting housing security to reduce homelessness and to establish standards and enforcement mechanisms as they relate to rental housing within the municipal boundaries of the City of Olympia. It is the intent of the Olympia City Council to continue its long-term commitment to maintain healthy, vibrant, and diverse neighborhoods within the City of Olympia. The regulations contained in this Chapter balance the needs of the landlord, tenant, and the City of Olympia to ensure safe, healthy, and thriving rental housing within the City's municipal boundaries. The City recognizes that the renting of residential property is a commercial venture where owners and landlords must evaluate risk, profit, and loss. Providing housing for Olympia's residents directly impacts quality of life at the most basic level, and therefore requires regulations to ensure that this commercial venture is equitably undertaken. This Chapter ensures housing security for current and future residents within the City of Olympia.

5.82.020 Definitions

Unless the context clearly requires otherwise, the definitions in this section apply throughout this Chapter:

- A. "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.
- B. "Affordable housing provider" means a rental housing property owner that is funded or otherwise contractually obligated to provide housing that is affordable to low-income households. This includes nonprofit organizations, public agencies, or private owners receiving a tax credit to provide affordable housing to low-income households.
- C. "Building" means a structure having a roof supported by columns or walls used for supporting or sheltering of any kind.
- D. "Building code" means all code provisions adopted in and throughout Chapter 16.04 OMC.
- E. "Business license" means a business license as required by this Chapter and by Chapter 5.02 OMC.
- F. "Certificate of compliance" means a statement signed and dated by the City that certifies that each rental unit complies with the requirements and standard of this Chapter.
- G. "Certificate of inspection" means the form created by the City and completed and issued by a qualified rental housing inspector following an inspection that certifies that each rental unit that was inspected passed inspection.
- G.H. "Change of use" means the conversion of any rental unit: from a residential use to a nonresidential use; to a condominium; or from a long-term rental to a short-term rental, as defined in OMC 18.02.170, which results in the displacement of an existing tenant. An owner displacing a tenant so that the owner can occupy the rental unit as the owner's primary residence does not constitute a change of use.
- H.I. "Days" means calendar days unless otherwise provided.
- J. "Declaration of compliance" means a statement submitted to the City by a rental property owner or landlord that certifies that, to the best of such person's knowledge, each rental unit complies with the requirements and standards of this Chapter and Chapter 59.18 RCW, and that there are no conditions presented in any rental unit that endanger or impair the health or safety of a tenant.
- K. "Demolition" means the destruction of any rental unit or the relocation of an existing rental unit or units to another site.
- L. "Displacement" or "displaced" means the demolition, substantial rehabilitation, or change of use requiring an existing tenant or tenants to vacate the rental unit, but does not include the relocation of a tenant from one rental unit to another rental unit with the tenant's consent or the temporary relocation of a tenant for less than 72 hours.
- J.M. "Landlord" means a landlord as defined in and within the scope of RCW 59.18.030 and RCW 59.18.040 of the Residential Landlord Tenant Act of 1973 ("RLTA") in effect at the time the rental agreement is executed or occurs. As of the effective day of this ordinance, the RLTA defines "landlord" as "the owner, lessor, or sub-lessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sub-lessor including, but not limited to, an agent, a resident manager, or a designated property manager."
- K.N. "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 80 percent of the median family income adjusted for family size, for Thurston County, as reported by the United States Department of Housing and Urban Development.
- L.O. "Mobile home" or "manufactured home" means a mobile home or a manufactured home as defined in Chapter 59.20 RCW.
- M.P. "Owner" or "rental property owner" means the owner of record as shown on the last Thurston County tax assessment roll, or such owner's authorized agent.

~~N-Q.~~ "Qualified rental housing inspector" mean a private inspector who possesses at least one of the following credentials and who has been approved by the City as a qualified rental housing inspector based on a process developed by the City consistent with the intent of this Chapter:

1. American Association of Code Enforcement Property Maintenance and Housing Inspector certification;
2. International Code Council Property Maintenance and Housing Inspector certification;
3. International Code Council Residential Building Code Inspector;
4. Washington State licensed home inspector; or
5. Other acceptable credential as determined by the City.

O. "Rent" or "rental amount" means recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises, which may include charges for utilities. These terms do not include nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or other fees, including attorneys' fees. PROVIDED, however, that if, at the commencement of the tenancy, the landlord has provided an installment payment plan for nonrefundable fees or deposits for the security of the tenant's obligations and the tenant defaults in payment, the landlord may treat the default payment as rent owing.

P. "Rental agreement" means any agreement that establishes or modifies the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a rental unit.

Q. "Rental property" means a single parcel with one or more rental units made available for rent or rented by the same landlord.

R. "Rental property complex" means contiguous parcels with rental units rented by the same landlord as a single rental complex.

S. "Rental unit" means a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including single-family residences and units of multiplexes, apartment buildings, and mobile homes and which is made available for rent or rented.

T. "Residential rental housing registration" means registration of one or more rental units as required by this Chapter.

U. "Shelter" means a facility with overnight sleeping accommodations, owned, operated, or managed by a nonprofit agency or governmental entity, the primary purpose of which is to provide temporary shelter for persons experience homelessness in general or for specific populations of such persons and includes a homeless shelter, an emergency shelter, and an emergency housing facility as defined in OMC 18.02.180.

V. "Single-family dwelling" means a single unit providing complete, independent living facilities for a household, including permanent provisions for living, sleeping, cooking, and sanitation.

~~V-W.~~ "Substantial rehabilitation" means extensive structural repair or extensive remodeling that requires a building, electrical, plumbing, or mechanical permit, or is valued at \$6,000 or more per rental unit and that cannot be done with the tenant in occupancy.

~~W-X.~~ "Tenant" means any person who is entitled to occupy a dwelling rental unit primarily for living or dwelling purposes under a rental agreement.

~~X-Y.~~ "Transitional housing" means housing that provides stability for residents for a limited time period, usually two weeks to 24 months, to allow them to recover from a crisis such as homelessness or domestic violence before transitioning into permanent housing. Transitional housing often offers supportive services, which enable a person to transition to an independent living situation.

~~Y-Z.~~ "Unit not available for rent" means a rental unit that is not currently offered or available for rent as a rental unit.

5.82.0340 Rent Increase Notification; Tenant's Right to Terminate Tenancy

- A. A landlord may not increase a tenant's rent by more than five percent of the rent unless the landlord has provided the tenant with notice of the rent increase at least 120 days before such increase takes effect.
- B. A landlord may not increase the rent of a tenant by 10 percent or more of the rent unless the landlord has provided the tenant with notice of the rent increase at least 180 days before such increase takes effect.
- C. Pursuant to RCW 59.18.140, if the rental agreement governs a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, a landlord shall provide a minimum of 30 days' prior written notice of an increase in the amount of rent to each affected tenant.
- D. Any notice of a rent increase required by this section must be served in accordance with RCW 59.12.040. Notice of any rental increase of five percent or less may be served in accordance with RCW 59.12.040.

E. If a landlord gives notice of intent to increase the amount of rent by more than five percent, the tenant may terminate the tenancy at any point prior to the effective date of the increase by providing at least 20 days' written notice and should the tenant so terminate the tenancy, the tenant only owes prorated rent through the date when the tenant vacates the rental unit. A landlord may not charge a tenant any fines or fees for terminating a rental agreement under this subsection.

F. Any notice of rent increase required by this section must state, in clear language, that because the landlord seeks to increase the rent paid by the tenant by more than five percent, , the tenant may terminate the tenancy at any point prior to the effective date of the increase by providing at least 20 days' written notice and, should the tenant so terminate the tenancy, the tenant only owes prorated rent through the date when the tenant vacates the rental unit.

G. The increase notice required by OMC 5.82.040(A) and (B) must specify:

1. The amount of the increase;
2. The total amount of the new rent;
3. The date the increase becomes effective;
4. The rationale for the rent increase; and
5. The rights of tenants under the Economic Displacement Relocation Assistance program under OMC 5.82.040, including:
 - a. A statement of the right of the tenant to request economic displacement relocation assistance in writing within 45 days of receipt of the increase notice;
 - b. A statement that the landlord must pay relocation assistance within 31 calendar days of receiving the request for relocation assistance, and that the landlord must pay to the tenant relocation assistance equivalent to:
 1. Two times the tenant's existing monthly rent if the rent increase is more than five percent but less than 10 percent.
 2. Three times the tenant's existing monthly rent if the rent increase is ten percent or more.
 - c. A statement that if the tenant receives timely relocation assistance as provided for under OMC 5.82.040, the tenant may relocate at any time during the remainder of the tenancy prior to the effective date of the rent increase, if the tenant provide at least 20 days' written notice and pay prorated rent until they vacate the unit.
 - a-d. A statement that if the tenant remains in the rental unit until the effective date of the rent increase, the tenant is obligated to pay the increased rent in accordance with the increase notice

for the duration of the tenant's occupancy of the rental unit and to repay any relocation assistance provided to the tenant.

5.82.040 Economic Displacement Relocation Assistance

A. If, within 45 calendar days after a tenant receives notice indicating a rent increase of more than five percent, in accordance with OMC 5.82.040(G)(6), the tenant may request, in writing, that the landlord provide relocation assistance.

B. If requested by the tenant, within 31 calendar days of receiving the request for relocation assistance, the landlord shall pay to the tenant relocation assistance equivalent to:

1. Two times the tenant's existing monthly rent if the rent increase is more than five percent but less than 10 percent.
2. Three times the tenant's existing monthly rent if the rent increase is ten percent or more.

C. The requirements of this section apply per rental unit, not per individual tenant.

Return of Relocation Assistance.

A. If the tenant receives timely relocation assistance as provided for under this chapter, the tenant may relocate at any time during the remainder of the tenancy prior to the effective date of the rent increase, if they provide at least 20 days' written notice and pay any rent owing until they vacate the unit. When a tenant vacates a rental unit under this section, the tenant owes rent prorated to the date the tenant vacates the unit.

B. At the conclusion of this relocation period, if the tenant remains in the rental unit until the effective date of the rent increase, the tenant is obligated to pay the increased rent in accordance with the increase notice for the duration of the tenant's occupancy of the rental unit and to repay any relocation assistance provided to the tenant.

Notice to the City.

A landlord shall provide notice to the City of Olympia of:

- A. Any request for relocation assistance, within 30 days of receipt of such notice; and
- B. Any payment of relocation assistance within 30 days of making such payment.

Exceptions.

A. The Economic Displacement Relocation Assistance provisions do not apply to any of the following:

1. A landlord and tenant living on the same site if the site has only one rental unit;
2. A landlord and tenant living together in the same single-family dwelling where the tenant shares the dwelling with the owner;
3. Tenants who have lived in the rental unit for less than six months;
4. Living arrangements exempted under RCW 59.18.040;
5. Transient dwelling, as defined in OMC 18.02.180, which includes a short-term rental;
6. An assisted living dwelling defined in OMC 18.02.180.
7. A shelter, as defined in OMC 5.82.020(u).
8. A rental agreement which governs a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household. This exception for subsidized

housing does not include tenancies regulated under Section 8 of the Housing Act of 1937, 42 U.S.C. Sec. 1437 f, commonly known as the choice voucher program.

5.82.050 Pet Damage Deposits

- A. Except as provided in subsection B of this section, a landlord may require payment of a pet damage deposit that may not exceed 25 percent of one month's rent, regardless of the time when the pet damage deposit is paid.
- B. Exceptions
 - 1. A landlord may not require a pet damage deposit for an animal that serves as an assistance animal for the tenant. This prohibition does not prohibit a landlord from bringing an action for damages resulting from damage to the landlord's property caused by the tenant's assistance animal. For purposes of this subsection, "assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability.
 - 2. A landlord may not charge a pet damage deposit in that type of subsidized housing where the amount of rent is set based on the income of the tenant. This exception for subsidized housing does not include tenancies regulated under Section 8 of the Housing Act of 1937, 42 U.S.C. Sec. 1437 f, commonly known as the choice voucher program.
- C. If the tenant's pet's occupancy begins at the beginning of tenancy, the amount of the pet damage deposit must be specified in a rental agreement. If the tenant's pet's occupancy begins after the beginning of the tenancy, the amount of the pet damage deposit must be specified in an addendum to the rental agreement. The tenant may elect to pay the pet damage deposit in three consecutive, equal monthly installments that begin when the tenant's pet first occupies the rental unit or the tenant may propose an alternative installment schedule. If the landlord agrees to the tenant's alternative installment schedule the schedule must be described in the rental agreement.
- D. A landlord may not keep any portion of the pet damage deposit for damage that was not caused by a pet for which the tenant is responsible. Not later than 30 days from the end of the tenancy, consistent with RCW 59.18.280(1)(a), the landlord shall return to the tenant any portion of the pet damage deposit not applied to the costs of remediating damage caused by a pet for which the tenant is responsible, or the landlord shall provide to the tenant an itemized list of damages if a portion or the entirety of the deposit is retained for damage caused by a pet for which the tenant is responsible.
- E. Other than the pet damage deposit authorized by subsection A of this section, a landlord may not charge the tenant any fee for keeping a pet.

5.82.060 Limits to ~~Move-in~~ Fees

~~A refundable security deposit or last month's rent may be charged by a landlord before a tenant takes possession of a rental unit. Landlords are prohibited from charging tenants any other non-refundable fees or one-time fees at the beginning of the tenancy, including a fee to hold a rental unit prior to the tenant taking possession. The amount of the refundable security deposit or last month's rent may not exceed one month's rent, except in that type of subsidized housing where the amount of rent is set based on the income of the tenant. The exception for subsidized housing does not include tenancies regulated under Section 8 of the Housing Act of 1937, 42 U.S.C. Sec. 1437 f, commonly known as the choice voucher program. A landlord is prohibited from charging or accepting any move-in fee in excess of that allowed in this section. Nothing in this section prohibits a landlord from charging a pet damage deposit, as allowed in OMC 5.82.050.~~

A. A landlord may not charge a tenant excessive fees, fees for anticipated landlord expenses, and may not require the payment of any fee except as provided in this section. A fee must be described in a written rental agreement. All required rent, fees, and charges must be identified in writing to a tenant prior to application. A landlord may require only the following types of fees:

1. Applicant screening charges, pursuant to RCW 59.18.257;

2. A refundable security deposit or last month's rent to secure possession of a rental unit, which may not exceed one month's rent, except in that type of subsidized housing where the amount of rent is set based on the income of the tenant. The exception for subsidized housing does not include tenancies regulated under Section 8 of the Housing Act of 1937, 42 U.S.C. Sec. 1437 f, commonly known as the choice voucher program;
3. Refundable pet damage deposits, pursuant to OMC 5.82.050;
4. Utilities or utility-related charges, provided that the landlord provides a clear accounting or methodology for utility charges if not based on tenant usage;
5. Late charges or fees for late payment of rent (not to exceed \$10.00 per month); and
6. Fees to reimburse a landlord expense, which must be substantiated by the landlord pursuant to the requirements in RCW 59.18.280, including:
 - a. Repair of damages to the rental unit or rental property or replacement of fixtures in the rental unit, as allowable under RCW 59.18.180(1) and RCW 59.18.280;
 - b. Improvements, amenities, or other services that are requested by the tenant and that are not required of the landlord by the rental agreement or by RCW 59.18.060;
 - c. Dishonored checks.
 - d. Costs to re-rent a rental unit as allowable under RCW 59.18.310 after a tenant abandons the unit and as authorized by OMC 5.82.030(E).

B. Nothing prohibits a landlord from offering one or more nonessential services, but a tenant must be allowed to opt out of such service(s) and any associated fee(s), if the tenant chooses to not participate. For the purposes of this subsection, "nonessential services" means a third-party service offered by the landlord to the tenant at the tenant's cost where a viable alternative is available, but does not include a duty required to be provided by a landlord pursuant to RCW 59.18.060 or utilities that are required by the lease agreement to be paid by the tenant.

A.C. A landlord is permitted to pursue arbitration fees, reasonable attorneys' fees, and court costs, as authorized by RCW 59.18 and RCW 59.12.

5.82.070 Registration of Rental Units

- A. Registration required for rental units.
 1. Any person who makes available for rent, or rents, any rental unit not exempt under subsection B of this section shall, prior to making such unit available for rent or renting such unit, register the rental unit with the City, and shall maintain the registration throughout the term of the rental of such unit.
 2. A residential rental housing registration is good for one calendar year and expires on December 31st of the calendar year of registration or renewal.
 3. The residential rental housing registration for a rental unit is transferable to any person who acquires ownership of a registered rental unit for the unexpired portion of the one-year term for which it was issued.
- B. Exempt rental units. This section does not apply to the following types of rental units:
 1. A unit within an owner-occupied single-family dwelling where the tenant shares the dwelling with the owner;
 - 1-2. A rental unit occupied by the owner's immediate family (child, parent, sibling). The owner shall submit a declaration on a form provided by the City to qualify for this exemption. The owner may lose this exemption if a tenant submits a complaint to the City about the building condition or a violation of OMC 5.82;
 - 2-3. A unit not available for rent; provided that a unit must be registered under this section before being made available for rent or rented;

- ~~3.4.~~ An owner-occupied mobile home or manufactured home, both as defined in Chapter 59.20 RCW;
- ~~4.5.~~ A living arrangement exempted under RCW 59.18.040;
- ~~5.6.~~ A transient dwelling as defined in OMC 18.02.180, which includes a short-term rental;
- ~~6.7.~~ An assisted living dwelling defined in OMC 18.02.180-~~7~~, with the exception of Permanent Supportive Housing.

- C. Application. A landlord registering a rental unit or units pursuant to this section shall follow the process and shall utilize the form established by the City. The landlord shall pay the required registration fee, submit a declaration of compliance and such other information as required by the City, and shall provide a mailing address to which the City will send any notice required under this Chapter.
- D. Renewal. A landlord shall renew a residential rental registration for the ensuing year on or before the date of the expiration of the current registration by submitting a renewal application on a form and through a process established by the City, updating the information contained in the original application as necessary, and paying the required annual registration fee.
- E. Landlord shall provide and update mailing address. Each landlord registering a rental unit or units under this section or renewing a registration shall provide the City with a mailing address and shall notify the City of any change in the landlord's mailing address. Any notice required to be provided to a landlord or rental property owner by the City that the City mails to the address provided through the registration or renewal process must be deemed received three days after mailing.
- F. Posting of program information. At each rental unit registered under this section, or in a common area of the rental property, the landlord shall post information regarding the City's rental housing and safety inspection program; provided, that the City may establish one or more alternative or additional methods for conveying the information to tenants. Upon request by a landlord, the City shall provide a form with the information required in this subsection.
- G. Fees Established. A landlord of a rental unit subject to the registration requirements under this section shall pay an annual registration fee of \$35 per rental housing unit. An affordable housing provider may request an exemption from registration fees and the City may grant such a request at its discretion.
- H. Penalty. Any person who fails to properly register any rental unit or fails to submit the required documentation for renewal of such registration on or prior to the expiration date of the registration is in violation of this chapter and is subject to the penalty provisions of OMC 5.82.130.

5.82.080 Business License Required for Rental Housing Units.

- A. Unless exempt under subsection B below, each and every person making available for rent or renting one or more rental units within the City limits shall, in accordance with Chapter 5.02 OMC, obtain and maintain a business license. One business license covers all of a person's rental units within the City; however a separate business license is required for any other business operated by such person, in accordance with OMC 5.02.005.
- B. Exemptions. A landlord is exempt from the requirement to obtain a business license under this section if the landlord rents only the following types of rental units:
 - 1. A single rental unit located on the same property as an owner-occupied residence;
 - 2. Rental units exempt from the residential rental housing registration requirements under OMC 5.82.070(B). The operation of dwelling or lodging types that do not fall under this Chapter, such as hotels, motels, short-term rentals, shelters, transitional housing, and housing accommodations at an institution, may require an Olympia business license under a different Olympia Municipal Code provision.
- C. Certificate of compliance. As a condition of the issuance or renewal of a business license, a landlord shall, prior to the renewal of the business license, possess a certificate of compliance issued by the City, certifying that

each rental unit made available for rent or rented by the landlord has been inspected as required by OMC 5.82.090.

- D. Declaration of compliance. As a condition of the issuance or renewal of a business license, a landlord shall, prior to the issuance of the business license, provide to the City a valid declaration of compliance declaring that each rental unit made available for rent or rented by the landlord complies with the requirements of this Chapter and RCW Chapter 59.18 and that there are no conditions present in the rental unit or units that endanger or impair the health or safety of any tenant.
- E. Denial, suspension, or revocation of license – Appeal
1. Denial or revocation of business license. A landlord may be denied a business license, or a landlord's business license may be suspended or revoked, for any of the following reasons:
 - a. The landlord fails to obtain a certificate of compliance as required by this section;
 - b. The certificate of compliance or business license was procured by fraud or false representation of fact;
 - c. The landlord has failed or fails to comply with any of the provisions of this Chapter;
 - d. The landlord fails to pay any fee due to the City under this Chapter;
 - e. The landlord's rental unit or units is subject to a notice of violation for a municipal code violation which has been deemed committed or found to have been committed;
 - f. Any reason set forth in OMC 5.02.050.
 2. Process – Appeal. The denial, suspension, or revocation of a landlord's business license must comply with the business license denial, suspension, or revocation procedures set forth in Chapter 5.02.050 OMC. A landlord may appeal the denial, suspension, or revocation of a business license as provided in OMC 5.02.060.
 3. Reinstatement of business license. If a landlord's business license is suspended or revoked, or an application for a license is denied, the City may grant the landlord a business license only after:
 - a. Any and all deficiencies on which the denial, suspension, or revocation was based have been corrected;
 - b. In the event an inspection has been required, an inspection has been completed and the landlord has provided to the City a valid certificate of inspection that meets the requirements of this Chapter;
 - c. The landlord pays the registration and license fee as set forth in this Code; and
 - d. The landlord reimburses the City in full for any applicable tenant relocation assistance costs under OMC 5.82.090 and RCW 59.18.085 paid by the City on the Landlord's behalf.
- F. Penalty for not obtaining license. In addition to the penalties set forth in Chapter 5.02 OMC, a landlord who makes available for rent or rents a rental unit without having a valid and current business license is in violation of this Chapter and is subject to the penalty provision of OMC 5.83.130, below.

5.82.090 Periodic Inspections Required for Rental Properties

- A. Inspection and certificate of inspection required.
1. Unless exempt under subsection B(1) below, each and every rental property in the City must be inspected at least once every five years by a qualified rental housing inspector and a certificate of inspection, reflecting the completed inspection, must be provided to the City. A required inspection is complete only after a qualified rental housing inspector has performed an in-person inspection as

required by this section and has issued a certificate of inspection on the form provided by the City and the certificate of inspection is received by the City.

2. Nothing in this section precludes inspection of a rental property or one or more units thereof under RCW 59.18.115, RCW 59.18.150, or other applicable law, pursuant to a valid search warrant, or at the request or consent of a tenant.

B. Exemptions; certain inspection reports accepted in lieu of certificate of inspection.

1. The following rental properties are exempt from the inspection requirements of this section:
 - a. A rental property consisting of a single rental unit located on the same property as an owner-occupied residence.
 - b. A rental property consisting only of a rental unit or units exempt from the residential rental housing registration requirements of OMC 5.82.070(B).
 - c. A rental property that received a certificate of occupancy within the previous 10 years and for which the City has not during that period received any report of any municipal code violation or violations at the rental property or of conditions at the rental property that endanger or impair the health or safety of a tenant.
2. In lieu of a certificate of inspection provided by a qualified rental housing inspector following an inspection under this section, the City may accept an alternate inspection report from an affordable housing provider that is required to complete a periodic inspection if the report reflects that inspection performed was substantially equivalent to the City's inspection standards. This includes an inspection report for a privately owned rental housing property rented to a voucher recipient if the rental property has passed inspection by Housing Authority of Thurston County.

C. City Administration.

1. The City shall create and make available a rental unit inspection checklist to be utilized by qualified rental housing inspectors conducting inspections of a rental properties under this section. The checklist must consist, at a minimum, of a number of health and safety elements, and such other elements as the City may elect to include, that a rental unit subject to inspection either meets or fails.
2. The City shall create and make available a certificate of inspection form to be used by a qualified rental housing inspector in conducting an inspection of rental properties under this section.
3. The City shall create and make available a notice of failed inspection form to be used by a qualified rental housing inspector in conducting an inspection of rental properties under this section.
4. The City shall create and make available a tenant notice form to be utilized by rental property owners in informing tenants of the impending inspection of a rental property and individual rental units, as required by RCW 59.18.125(7)(a) and subsection E(2), below. Such notice must comply with RCW 59.18.125(7)(a) and must state that a tenant with a disability who may be negatively affected by entry into their rental unit by the inspector may request a reasonable accommodation by the City, including the City selecting an alternate unit for inspection.
5. The City shall determine the methodology for selecting which units within a rental property are subject to inspection under subsections D(2) and (3), below, and for each rental property subject to a periodic inspection, shall select units for inspection using such methodology and inform the rental property owner and the inspector of the rental units selected for inspection.
6. By December 1 of the year before a rental property's inspection must be completed, the City shall mail a notice to the rental property owner informing the owner that the inspection under this section must be completed in the coming calendar year and identifying those rental units at the rental property that are subject to inspection. The City shall mail such notice to the rental property owner at the address provided on the rental property owner's registration under OMC 5.82.070.

D. Rental units subject to inspection.

1. Except as provided in subsections 4 and 5 below, for a rental property consisting of one to four rental units, one rental unit may be selected by the City for inspection.
2. Except as provided in subsections 4 and 5 below, for a rental property consisting of between five and 20 rental units, no more than 20 percent, rounded up to the next whole number, of the rental units, up to a maximum of four units, may be selected by the City for inspection.
3. Except as provided in subsections 4 and 5 below, for a rental property consisting of 21 or more rental units, no more than 20 percent, rounded up to the next whole number, of the rental units, up to a maximum of 50 units, may be selected by the City for inspection.
4. If one or more units on a rental property selected for inspection by the City fail inspection, the City may require up to 100 percent of the units on the rental property be inspected.
5. If the City has, since the last required inspection, received one or more reports of a municipal code violation at the rental property or conditions at the rental property that endanger or impair the health or safety of a tenant, the City may require 100 percent of the units on the rental property be inspected.

E. Conduct of Inspection of Rental Property.

1. After receiving notice from the City that a rental property is due for inspection under this section, a rental property owner shall arrange with a qualified rental housing inspector to perform, at a particular date and time, the inspection of the unit or units identified by the City as subject to inspection. The inspection must be conducted at the rental property owner's expense, except as provided in subsection 7, below.
2. Not more than 60 nor fewer than 30 days prior to the date set for the inspection, the rental property owner shall provide notice to each tenant of the rental property of the impending inspection, using the form created by the City, completed by the rental property owner with all required information. The rental property owner shall provide a copy of the notice to the inspector upon request on the day of inspection.
3. The qualified rental housing inspector shall conduct an in-person inspection of the rental unit or units selected by the City for inspection. The rental property owner shall allow the inspector to access the rental property and shall, under the authority of RCW 59.18.150, facilitate the inspector's access to each rental unit subject to inspection, including providing the notice required in subsection 2, above.
4. In conducting an inspection under this section, the inspector may only investigate a rental property as needed to provide a certificate of inspection under this section.
5. In conducting an inspection under this section, the inspector shall utilize the checklist developed by the City, inspecting the unit or units subject to inspection to determine if the unit meets or fails to meet each element listed on the checklist. If any rental unit fails to meet any element of the checklist, the rental property fails the inspection and a certificate of inspection for the rental property may not be issued.
6. Unless the rental property fails the inspection, the inspector shall, within 10 days of conducting an inspection of a rental property, issue a certificate of inspection on the form developed by the City and shall provide a copy of the certificate of inspection to the City and to the rental property owner.
7. If the rental property fails the inspection, the inspector shall, within 10 days of the inspection, provide the rental property owner and the City a notice of inspection failure. A rental property owner may appeal a failed inspection under subsection F, below.

8. The City may, at the City's discretion, provide City funding for an inspection of a rental property operated by an affordable housing provider.
- F. Appeal of failed inspection. If a rental property fails an inspection under this section, the rental property's owner may appeal such failure by submitting a written appeal notice to the City Manager. The appeal notice must be received by the City Manager within 14 days of issuance of the notice of failed inspection. The appeal notice must identify the rental property subject to the notice of failed inspection, the name of the rental property's owner, and must state with particularity the basis for the appeal. A copy of the notice of failed inspection must be provided to the City Manager along with the appeal notice. The City Manager, or designee, shall, within 30 days of receipt of the appeal, review the appeal and shall issue a written decision to uphold, modify, or reverse the failed inspection. The City Manager's or designee's decision is the final decision of the City.
 - G. Failure to complete inspection when required. If a rental property owner fails to complete an inspection of the rental property owner's rental property by the end of the calendar year in which the inspection is due, or if the rental property fails the inspection:
 1. The City shall mail a notice of non-compliance to the rental property owner.
 2. Upon receipt of a notice of non-compliance, a rental property owner shall, within 30 days, complete the required inspection and provide a certificate of inspection to the City or enter into a compliance agreement with the City.
 3. If, 30 days after receipt of a notice of non-compliance, a rental property owner has not completed the required inspection and provided a certificate of inspection to the City or has not entered into a compliance agreement with the City, or if at any time a property owner violates the terms of a compliance agreement with the City:
 - a. The rental property owner is in violation of this Chapter and is subject to the penalty provisions of OMC 5.82.130, below;
 - b. The City may declare the rental property or one or more units thereof, unlawful to occupy pursuant to RCW 59.18.085; after so declaring, the City shall mail written notice to the property owner and any and all affected tenants that the rental property or a unit or units have been declared unlawful to occupy;
 - c. The City may suspend or revoke the property owner's business license pursuant to OMC 5.02.050; and
 - d. The rental property owner shall pay for relocation assistance to each displaced tenant as provided in RCW 59.18.085, and, if the City pays for relocation assistance on behalf of the property owner, the property owner shall reimburse the City for all such amounts paid.

5.82.100 Prohibition on Passing Charges to a Tenant to Comply with a Program.

A landlord may not pass on to the tenant any costs incurred by the landlord in complying with this Chapter including: inspection fees, registration fees, business license fees, and repairs not related to damages caused by the tenant.

5.82.110 Rent Increases Prohibited if Rental Unit has Defective Condition.

- A. A landlord may not increase the rent charged to a tenant by any amount if the rental unit has one or more defective conditions making the rental unit uninhabitable, if a tenant's request for repair to make the rental unit habitable has not been completed, or if the rental unit is otherwise in violation of RCW 59.18.060. If the tenant believes the rental unit has one or more defective conditions making the unit uninhabitable or violates RCW 59.18.060, the tenant may notify the landlord in writing as required by RCW 59.18.070,

specifying the premises involved; the owner's name, if known; and the defective condition before the effective date listed in the notice of rent increase.

- B. A landlord may not increase rent on any unit in a rental property if the rental property owner has not completed inspection of the rental property as required in OMC 5.82.090, or if the rental property has failed inspection under that section.

5.82.120 Relocation Assistance for tenants of condemned rental units or units determined to be unlawful to occupy.

The purpose of this section is to establish, pursuant to RCW 59.18.085, a relocation assistance program for tenants whose rental units have been condemned or determined unlawful to occupy by the City.

A. A landlord shall pay relocation assistance to the landlord's tenant pursuant to this section and RCW 59.18.085 when the tenant's rental unit has been condemned by the City or determined by the City to be unlawful to occupy.

B. Notice. At the time the City notifies a landlord that a rental unit owned or managed by the landlord has been condemned or determined to be unlawful to occupy due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, the City will also notify both the landlord and the tenant(s) that the tenant(s) may be entitled to relocation assistance from the landlord under this section and RCW 59.18.085.

B. Advancement of relocation assistance by the City. If the City determines that a tenant(s) is entitled to relocation assistance under this section and RCW 59.18.085, and the landlord has failed to provide the tenant(s) with relocation assistance within seven days of the City notifying the landlord of the condemnation or determination of unlawful to occupy, the City may advance the cost of relocation assistance to the tenant(s). The amount of relocation assistance advanced per rental unit may be no more than \$2,000, or three times the monthly rent, whichever is greater.

C. Reimbursement to the City. The landlord shall reimburse the City the relocation assistance advanced by the City to the tenant(s) within 60 days from the date that the City first advanced said funds.

D. Penalty. If a landlord fails to repay the City for the advanced relocation assistance within 60 days, the City shall, pursuant to RCW 59.18.085(f), assess civil penalties in the amount of \$50 per day for each displaced tenant. In addition, if the City has advanced relocation assistance to a tenant entitled to such assistance under this section or RCW 59.18.085, and if the landlord fails to reimburse the City as required by this section, interest on such amount accrues at the maximum legal rate of interest permitted under RCW 19.52.020, commencing 30 days after the date the City first advanced relocation assistance funds to the displaced tenant(s). The City is also entitled to attorney's fees and costs arising from any legal action taken to recover unpaid relocation assistance, penalties, and interest.

E. Exemptions. A landlord is exempt from payment or reimbursement to the City of relocation assistance if the landlord demonstrates by a preponderance of the evidence within seven days of the City sending notice of the condemnation or determination of unlawful to occupy that the condition(s) causing the dwelling to be condemned or unlawful to occupy was directly caused by:

1. a tenant's or any third party's illegal conduct without the landlord's prior knowledge;
2. a natural disaster, such as an earthquake, tsunami, windstorm, or hurricane; or
3. the acquisition of the property by eminent domain.

5.82.130 Relocation Assistance for Low-Income Tenants Displaced by demolition, substantial rehabilitation, or change of use of rental units

The purpose of this section is to establish, pursuant to RCW 59.18.440, a tenant relocation assistance program for low-income tenants who are displaced when a rental property or rental unit is demolished, substantially rehabilitated, or upon the change of use of such property or rental unit. For purposes of this

section, "low income" means total combined income per rental unit is at or below 50 percent of the median income, adjusted for family size, in Thurston County, Washington.

A. A landlord shall pay relocation assistance to a low-income tenant(s) if the tenant(s) is displaced as the result of: demolition, substantial rehabilitation, or change of use of the property or rental unit.

B. Exemptions. This section does not apply (except as otherwise expressly required by state or federal law) to low-income tenants who are displaced due to the following circumstances or from the following housing types:

1. Any rental unit demolished or vacated because of

a. a tenant's or any third party's illegal conduct without the landlord's prior knowledge;

b. natural disaster, such as an earthquake, tsunami, windstorm, or hurricane; or

c. the acquisition of the property by eminent domain.

2. Any rental unit ordered vacated or demolished because of damage within the landlord's control where relocation assistance under OMC 5.82.120 and RCW 59.18.085 applies;

3. An owner-occupied mobile home or manufactured home, both as defined in Chapter 59.20 RCW;

4. A living arrangement exempted under RCW 59.18.040;

5. A transient dwelling as defined in OMC 18.02.180, which includes a short-term rental;

6. An assisted living dwelling defined in OMC 18.02.180.

7. Any rental unit for which relocation assistance is required to be paid to the tenants pursuant to another state, federal, or local law; and

8. A shelter, as defined in OMC 5.82.020(u).

9. A landlord is not required to pay relocation assistance to:

a. A tenant who moves from a rental unit prior to the application by the owner of the rental unit for any governmental permit necessary for the demolition, substantial rehabilitation, or change of use of the rental unit;

b. A tenant who moves into a rental unit after application by the owner of the rental unit for any necessary governmental permit necessary for the demolition, substantial rehabilitation, or change of use of the rental unit, if the tenant receives, prior to taking possession of the rental unit, written notice from the property owner that specifically describes the activity or condition that may result in the tenant's temporary or permanent displacement and advises the tenant of the tenant's ineligibility for relocation assistance;

c. A tenant who moves into a rental unit after any required condominium conversion notification or filing, if the tenant receives, prior to taking possession of the rental unit, written notice from the property owner that specifically describes the activity or condition that may result in the tenant's temporary or permanent displacement and advises the tenant of the tenant's ineligibility for relocation assistance.

d. A tenant who is offered an opportunity to purchase their rental unit prior to conversion to a condominium, provided that the property owner enters into a relocation agreement with any tenant(s) who earns 50 percent of Area Median Income or below and who is unable or who does not wish to purchase their rental unit, and provided the property owner submits the relocation agreement to the City for approval. The City may condition its approval of the relocation agreement on the property owner entering into a compliance agreement with the City.

C. Notice to Tenants. When a tenant is to be displaced due to demolition, substantial rehabilitation, or change of use of the rental property or their rental unit, a landlord may only terminate the tenancy by providing a tenant with written notice at least 120 days before the end of the month or period of tenancy. The notice must include a Tenant Relocation Information packet that informs the tenant of their rights under this chapter, a tenant income verification form, and instructions that tenants must complete and return the form to the City within 30 days from the date that the notice was provided.

D. Notice to City. Within 14 days of providing the tenant with the notice required by subsection C, above, including the Relocation Information Packet, the landlord shall provide the City with a list of names of the tenants listed in the lease agreement and number of rental units for the rental unit(s) subject to demolition, substantial rehabilitation, or change of use.

E. Tenant eligibility for relocation assistance. Low-income tenants who are parties to a rental agreement for the rental unit are eligible for relocation assistance, but only if the tenant to be displaced resides in a rental unit at issue when the landlord delivers the notice required by subsection C, above and only if the tenant completes and provides to the City the tenant income verification form and is determined by the City to meet income eligibility requirements.

F. Tenant income verification.

1. To be eligible for relocation assistance under this section, a tenant must complete and provide to the City, within 30 days from the date that the notice, as required in subsection C, above, was provided, the income verification form. To be complete, the tenant income verification form must include the names of all occupants of the rental unit, the total combined monthly and annual income of the occupants of the rental unit, the total combined income of the occupants for the current calendar year, and must be signed by the tenant. Any tenant who fails to return a completed tenant income verification form to the City within 30 days from the date that the notice required in subsection C, above, was provided is not eligible for relocation assistance unless the tenant has requested and received a written extension from the City.

2. Based on the information contained in the complete tenant income verification form, the City determines which tenants qualify as low-income tenants and are therefore eligible to receive relocation assistance.

3. Any tenant who fails or declines the opportunity to submit the tenant income verification form, who refuses to provide the information in a timely manner as required, or who is found to have intentionally misrepresented any material information regarding income or eligibility to relocation benefits, is not eligible for relocation assistance under this section.

G. Relocation assistance verification. Within 30 days of the City's receipt of the completed tenant income verification forms from all tenants who are parties to a rental agreement in a rental unit, the City will mail to each rental unit household who submitted a complete tenant income verification form and to the landlord, at the address provided under OMC 5.82.070(E), a notice stating whether or not the rental unit household is eligible for relocation assistance.

H. Appeal. Both the tenant and the owner may file an appeal of the City's determination of a tenant's eligibility for relocation assistance by submitting a written appeal notice to the City Manager. The appeal notice must be received by the City Manager within 14 days of City's issuance of the notice of eligibility for relocation assistance. The appeal notice must identify the rental property at issue, the rental unit at issue, the name of the rental property's owner, the name of the tenants who are parties to a rental agreement of the unit at issue and must state with particularity the basis for the appeal. A copy of the notice of eligibility determination for relocation assistance must be provided to the City Manager along with the appeal notice. The City Manager, or designee, shall, within 30 days of receipt of the appeal, review the appeal and shall issue a written decision to uphold, modify, or reverse the City's determination. The City Manager's or designee's decision is the final decision of the City.

I. Relocation assistance payments.

1. Low-income tenants who are displaced, who comply with the requirements of this chapter, and are determined to be eligible by the City, may receive a total relocation assistance payment of \$2,000 for their eligible rental unit. The amount of relocation assistance is adjusted annually on or before January 1 by the percentage amount of change in the housing component of the Consumer Price Index, as published by the United States Department of Labor, Bureau of Labor Statistics for the Seattle-Tacoma-Bellevue area. The relocation assistance payment is in addition to the refund from the landlord of any deposits or other sums to which the tenant is lawfully qualified to receive.

2. The landlord that is displacing a tenant is responsible for payment of one-half of the total amount of relocation assistance due to eligible tenants pursuant to this chapter and the City is responsible for one-half the relocation assistance due to eligible tenants pursuant to this chapter.

3. Within 10 days after receipt by the owner of the notice of tenant eligibility, the landlord shall pay eligible tenants who will be displaced the landlord's portion of the relocation assistance. A landlord must submit written proof to the City that it provided the eligible tenants with the required payment within five business days of such payment. Upon receipt of the owner's share of relocation assistance costs, the City will send the City's portion of relocation assistance payments to eligible tenants.

5.82.140 Right to Install Cooling Devices

A. A landlord may not prohibit a tenant from installing or using a portable cooling device (air conditioner or evaporative cooler) in a rental unit. A landlord may only prohibit or restrict a tenant from installing or using a portable cooling device if installation or use of the device would:

1. Violate building codes or state or federal law;
2. Violate the device manufacturer's written safety guidelines for the device;
3. Damage the premises or render the premises uninhabitable;
4. Require more amperage to power the device than power service to the building, rental unit, or circuit can accommodate;
5. Block a window that serves as the necessary egress (i.e. exit) from the rental unit;
6. Interfere with the tenant's ability to lock a window that is accessible from outside;
7. Damage or void the warranty of the window or frame, puncture the envelope of the building, or otherwise cause significant damages due to the use of brackets or other hardware required to securely fix the device;
8. Damage the rental unit or building because the device cannot be adequately drained; or
9. Risk the device falling.

B. A landlord may require portable cooling devices to be:

1. Installed or removed by the landlord or landlord's agent;
2. Subject to inspection or servicing by the landlord or landlord's agent; or
3. Removed from October 1 through April 30.

C. A landlord may not enforce a restriction on portable cooling devices against a tenant allowed under this section unless the restrictions are in writing and delivered to the tenant.

D. A landlord is immune from liability for any claim for damages, injury, or death caused by a portable cooling device installed by the tenant.

E. A landlord who must limit portable cooling devices for a building under subsection (A)(4) of this section shall prioritize allowing the use of devices for individuals who require a device to accommodate a disability. A landlord is not responsible for any interruption in electrical service that is not caused by the landlord, including interruptions caused by an electrical supply's inability to accommodate use of a portable cooling device.

5.82.1520 Retaliation Prohibited.

A landlord may not retaliate against a tenant for asserting tenant rights under the tenant protection provisions of this Chapter or any other applicable tenant protection law.

- A. It is a violation of this Chapter and a defense against eviction for a landlord to threaten, commence, or carry out retaliation, including a retaliatory eviction, based on the tenant having asserted rights and protections afforded by this Chapter or any other applicable tenant protection law.
- B. There is a rebuttable presumption that a landlord's action was retaliatory if the action occurred within 90 days of the tenant asserting a right or protection afforded by this Chapter or any other applicable tenant protection law.
- C. In addition to the definitions of retaliation provided in RCW 59.18.240, prohibited retaliatory actions under this section include:
 1. Rescinding an offer of lease renewal;
 2. Refusing to provide, accept, or approve a rental application or a rental agreement;
 3. Misrepresenting any material fact when providing a rental reference about a tenant; and
 4. Threatening to allege to a government agency that a tenant or prospective tenant, or a family member of a tenant or prospective tenant, is not lawfully in the United States.
- D. A landlord who retaliates against a tenant for asserting rights or protections afforded by this Chapter or any other applicable tenant protection law is in violation of this Chapter and is liable to the tenant and is subject to the remedies and penalties under OMC 5.82.130.

5.82.1630 Violations

- A. Any tenant claiming injury from any violation of this chapter may bring an action in Thurston County Superior Court or in any other court of competent jurisdiction to enforce the provisions of this chapter and is entitled to all remedies available at law or in equity appropriate to remedy any violation of this chapter, including declaratory or injunctive relief.
- B. A landlord who violates this Chapter is liable to the tenant in an action brought by the tenant under subsection A, above, for: (1) any actual damages incurred by the tenant as a result of the landlord's or owner's violation or violations of this chapter; (2) double the amount of any security deposit unlawfully charged or withheld by the landlord; (3) reasonable attorney fees and costs incurred by the tenant in bring such action.
- C. A landlord's failure to comply with any of the provisions of this chapter is a defense in any legal action brought by the landlord to recover possession of the rental unit.

- D. A landlord's failure to comply with any of the provisions of this chapter may result in denial, suspension, or revocation of a business license, as provided in OMC 5.82.080.
- E. A landlord or rental property owner who violates any provision of this Chapter commits a civil infraction or infractions and is subject to a fine or fines as set forth below. Each day a landlord or rental property owner is in violation of any provision of this Chapter constitutes a separate violation.
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. Three or more offenses arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.
- F. The penalties imposed in this Chapter are not exclusive when the acts or omissions constitute a violation of another chapter of the Olympia Municipal Code. In addition to all other penalties, remedies, or other enforcement measures established within this Chapter, or as otherwise provided by law, any act or omission that constitutes a violation of this Chapter may be subject to penalties and enforcement provisions as provided by other provisions of the Olympia Municipal Code, and such penalties and enforcement provisions may be imposed as set forth in such provisions. The exercise of one remedy does not foreclose use of another. Remedies may be used singly or in combination; in addition, the City may exercise any rights it has at law or equity.



Tenant Screening Overview and Sample Policies

Background

Tenant screening policies can include consideration of an applicant's criminal history, credit history, eviction history, employment history, and income, among other factors. Olympia City Council is interested in exploring policies that make housing more accessible for people who are low-income, formerly incarcerated individuals, members of protected classes (such as people of color, people who were born outside the U.S., and people with disabilities), in accordance with [Olympia's Housing Action Plan](#) and Thurston County's [Assessment of Fair Housing](#).

Sample policies are included in this document from other cities in Washington State and nationwide. Many of the sample policies included do not completely prohibit a landlord from screening an applicant's criminal, credit, or eviction histories, but rather provide guidance as to what information may be included in tenant screening. Best practices include completing an individual assessment, rather than relying on blanket policies that exclude applicants. Many policies allow the applicant to provide alternative information to help demonstrate ability to pay rent, establish identity, etc.

Criminal History

Criminal history screening can create barriers for people of color who have higher rates of being arrested, convicted and incarcerated than white individuals due to disparities in the criminal justice system. [HUD issued guidance in 2016](#) that directs housing providers to avoid using blanket criminal history policies (such as 'no felonies') and to instead complete an individualized assessment of applicants. HUD states that housing providers who have overly restrictive criminal history screening policies may be in violation of the Fair Housing Act, which prohibits discrimination in housing based on protected classes such as race and national origin. Many other cities have defined how and when criminal history may be used to screen tenants.

Refer to sample policies from Tacoma, Seattle, Minneapolis, and New Jersey provided in this document.

Credit History

Credit scores do not reflect on-time rent payments and may not accurately reflect a tenant's ability to make timely rental payments. Many studies indicate that credit scoring systems have disproportionate impacts on communities of color. Immigrants and refugees may have little to no established credit history. Several other U.S. cities have addressed the use of credit history in tenant screening. In Minneapolis, landlords cannot screen tenants based on credit score, but can consider information in a credit report, if relevant to their ability to pay rent, and cannot screen out tenants if they have insufficient credit history. In Philadelphia, landlords cannot have a blanket exclusion policy based solely on the tenant's credit score or screening score.

Refer to sample policies from Minneapolis and Philadelphia provided in this document.

Use of Social Security Numbers

Requirements that applicants provide a Social Security Number can create barriers to immigrants and refugees. The Washington State Law Against Discrimination protects people from housing discrimination based on their citizenship or immigration status. Alternative forms of identification can be provided

instead of a Social Security Number. Fair housing organizations in Washington have provided [guidance](#) on this issue and [alternative forms of identification](#) that can be provided to establish identity. Tacoma prohibits landlord from requiring a Social Security Number as the only way to conduct screening and requires landlords to accept alternate proof to establish eligibility.

Refer to sample policy from Tacoma provided in this document

Income to Rent Ratios

Many landlords require an applicant to make three or more times the rent, and some require each household member to demonstrate they earn three or more times the rent (rather than the combined income of the household). Many low-income and fixed-income individuals, such as seniors and people with disabilities, struggle to meet these requirements. Tacoma prohibits landlords from requiring an applicant's income to be more than 2.5 times the rent (if the unit rent is above HUD Fair Market Rent) and 3 times the rent (if the unit rent is under HUD Fair Market Rent). In Minneapolis, if a landlord requires an income equal to 3 times the rent or higher, the landlord must allow an exception where the applicant can demonstrate a history of successful rent payment with an income less than 3 times the rent.

Refer to sample policies from Tacoma and Minneapolis provided in this document

Eviction History

Eviction history may not accurately represent what occurred in a tenant's history without further context. In Washington, once an eviction is filed it frequently shows up on a tenant screening report (even if it was filed in error, there was a resolution, etc). In Philadelphia and Minneapolis, landlords are prohibited from considering evictions prior to a certain timeframe, evictions that were dismissed or resolved, and several other specific circumstances. Minneapolis prohibits landlords from rejecting applicants based on insufficient rental history.

Refer to sample policies from Minneapolis and Philadelphia provided in this document

Related reports

Salt in the Wound: How Eviction Records and Back Rent Haunt Tenant Screening Reports and Credit Scores: https://www.nclc.org/wp-content/uploads/2022/09/IB_Salt_in_the_Wound.pdf

Past Imperfect: How Credit Scores "Bake In" and Perpetuate Past Discrimination: https://www.nclc.org/wp-content/uploads/2016/05/20240227_Issue-Brief_Past-Imperfect.pdf

Unequal Access to Credit: The Hidden Impact of Credit Constraints: <https://www.newyorkfed.org/medialibrary/media/outreach-and-education/community-development/constraints-on-access-to-credit.pdf>

Background Checks and Social Effects: Contemporary Residential Background Checks and Social Effects: Contemporary Residential Tenant-Screening Problems in Washington State Tenant-Screening Problems in Washington State:

<https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1086&context=sjsj>

Sample Tenant Screening Policies

Sample policies from Tacoma, Seattle, New Jersey, Minneapolis, and Philadelphia have been included in this document for reference. This is not an inclusive or exhaustive list of other cities or states that have addressed tenant screening but provides a good sample of policies to address each topic.

The table below shows which policies are addressed by each jurisdiction.

Jurisdiction	Criminal History	Credit History	Social Security Numbers	Income to rent ratio	Eviction History
Tacoma	X		X	X	
Seattle	X				
New Jersey	X				
Minneapolis	X	X		X	X
Philadelphia		X			X

Tacoma Municipal Code Summary

Landlords cannot:

1. Exceed maximum income-to-rent ratios (of either 2.5 times the monthly rent or 3 times the monthly rent depending on whether the rent is above or below HUD Fair Market Rent.)
 - o A landlord may require the financially responsible applicant to demonstrate a monthly gross income of up to three (3) times the amount of the monthly rent for the unit when the monthly rent amount is below Fair Market Rent.
 - o A landlord may require a financially responsible applicant to demonstrate a monthly gross income of up to 2.5 times the amount of the rent for the dwelling unit when the monthly rent amount is at or above the Fair Market Rent.
2. Place blanket bans on prospective tenants with felony or drug convictions, and arrest records.
3. Require a Social Security Number as the only way to conduct screening. (*Note: Alternative proof to establish eligibility must be accepted.*)

[Tacoma Municipal Code, 1.95.035 Tenant Screening](#) (Effective July 23, 2023) – Full text included below

A. A landlord may screen potential tenants and additional occupants of the rental unit based upon their own screening practice. A landlord must comply with the requirements of RCW 59.18.257 and not have any discriminatory policies used in screening for tenancy. This section strives to prevent screening policies that can be deemed to be discriminatory or lead to homelessness.

B. Social Security Number Requirement.

1. No landlord shall require that any tenant, prospective tenant, occupant, or prospective occupant of rental property provide a social security number for any reason. Alternative proof of financial eligibility such as portable screening reports, or other proof of income must be accepted, where available, if offered by the tenant.

2. Nothing in this section shall prohibit a landlord from either: (i) complying with any legal obligation under federal law, or (ii) requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant. However, if the landlord requests a social security number for verifying financial qualifications, other documentation sufficient to verify financial qualifications must also be accepted, such as, portable screening reports, Individual Taxpayer Identification Number (ITIN) or other proof of income. If a person is offering alternative means, the landlord must offer the same rental agreement terms to the applicant as if a social security number was provided.

3. Criminal History.

a. No landlord shall have a blanket ban on renting to anyone who has a previous felony conviction or arrest record. Instead, they must conduct an individual assessment of a tenant's criminal history such as the type and severity of the offense and how long ago the offense occurred.

b. Landlords can deny tenancy for criminal history based on a pending charge or conviction of any of the following:

- (1) Sex Offenses under RCW 9A.44 Tacoma Municipal Code
- (2) Violent offense under RCW 9.94A.030, against landlord, employees, or other tenants
- (3) Arson under RCW 9A.48
- (4) Manufacturing, sale, or distribution of controlled substance under RCW 69.50, or Use of Buildings for Unlawful Drugs under RCW 69.53.

c. Landlords cannot deny tenancy for criminal history solely based on:

- (1) An arrest that did not result in conviction, except as provided under subsection b above.
- (2) Participation in or completion of a diversion or deferral of judgment program.
- (3) A conviction that has been judicially dismissed, expunged, voided, or invalidated.
- (4) A conviction for a crime that is no longer illegal in the State of Washington.
- (5) A conviction or any other determination or adjudication issued through the juvenile justice system.
- (6) A criminal conviction for misdemeanor offenses for which the dates of sentencing are older than 3 years from the date of the application, excluding court-mandated prohibitions that are present at the property for which the applicant has applied; or
- (7) A criminal conviction for a felony offense for which the dates of sentencing are older than 7 years from the date of the application, excluding court-mandated prohibitions that are present at the property for which the applicant has applied.

C. Financial Responsibility of Applicant.

When there are multiple tenants who will reside in common within a dwelling unit, the tenants may choose which adults will be the applicants financially responsible for the dwelling unit and which will be tenants with no financial responsibility and considered just an occupant of the dwelling.

1. A landlord may require the financially responsible applicant to demonstrate a monthly gross income of up to three (3) times the amount of the monthly rent for the dwelling unit when the monthly rent amount is below Fair Market Rents as published by the U.S. Department of Housing and Urban Development (“HUD”).
2. A landlord may require a financially responsible applicant to demonstrate a monthly gross income of up to 2.5 times the amount of the rent for the dwelling unit when the monthly rent amount is at or above the Fair Market Rents as published annually by HUD.
3. For the purpose of this subsection, a landlord’s evaluation of an applicant’s income to rent ratio must:
 - a. Include all income sources of a financially responsible applicant, including, but not limited to, wages, rent assistance (non-governmental only), and monetary public benefits. The landlord may also choose to consider verifiable friend or family assistance.
 - b. Calculate the income to rent ratio based on a rental amount that is reduced by the amount of any local, state, or federal government rent voucher or housing subsidy available to the applicant;
 - c. Be based on the cumulative financial resources of all financially responsible applicants for the dwelling unit.
 - d. If an applicant does not meet the minimum income ratios as described herein, a landlord may require additional and documented security from a guarantor, or an additional security deposit. The landlord shall communicate this conditional approval to the applicant in writing and indicate the amount of the additional security. Applicant will have no less than 48 hours after the communication of conditional approval to accept or decline this opportunity.
 - e. If a landlord chooses to require additional documented security from a guarantor, the landlord may require the guarantor to demonstrate financial capacity. If the guarantor is a friend or family member, the landlord cannot require the guarantor to have income greater than 3 times the rent amount. The landlord may not require an applicant’s guarantor agreement to exceed the term of the tenant’s rental agreement.
4. Evaluating adult tenants who are not financially responsible. A landlord may screen an adult tenant who will reside with an applicant in a dwelling unit but who is not responsible for paying the rent, only for factors related to maintaining the property, and for conduct consistent with the health, safety or peaceful enjoyment of the premises by other residents or the landlord and to evaluate prospective occupants’ ability to comply with the landlord’s rules of residency. A landlord may not screen an occupant for financial responsibility.

Seattle Municipal Code Summary

Applicants cannot be denied housing based on criminal history unless the landlord has a legitimate business reason to do so. It also bans the use of advertising such as "no felons" that automatically excludes people with arrest records, conviction records, or criminal history.

A "legitimate business reason" exists when the policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest. To determine such an interest, a landlord must demonstrate, through reliable evidence, a nexus between the policy or practice and resident safety and/or protecting property, in light of the following factors:

- A. The nature and severity of the conviction;
- B. The number and types of convictions;
- C. The time that has elapsed since the date of conviction;
- D. Age of the individual at the time of conviction;
- E. Evidence of good tenant history before and/or after the conviction occurred; and
- F. Any supplemental information related to the individual's rehabilitation, good conduct, and additional facts or explanations provided by the individual, if the individual chooses to do so. For the purposes of this definition, review of conviction information is limited to those convictions included in registry information.

Seattle Municipal Code 14.09 (Effective February 19, 2018)

Full Text link:

https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT14HURI_CH14.09USSCREH
[O](#)

New Jersey Fair Chance in Housing Act Summary

Under the FCHA, it is always unlawful for a housing provider to consider any of the following records:

1. Arrests or charges that did not result in a criminal conviction
2. Expunged convictions
3. Convictions erased through executive pardon
4. Vacated and otherwise legally nullified convictions
5. Juvenile adjudications of delinquency
6. Sealed records

Advertising/Initial Application/Conditional Offer: If a housing provider chooses to consider criminal history, it must make a conditional offer of housing before doing so.

That means a housing provider cannot ask an applicant if they have a criminal history on their initial application materials, in an interview, or in any other way before making a conditional offer, and cannot advertise that it will refuse to consider applicants with criminal histories, with two limited exceptions:

1. a conviction for the manufacture or production of methamphetamine on the premises of federally assisted housing, or
2. a conviction that requires the applicant to register as a sex offender for life

In addition, if a housing provider chooses to consider an applicant's criminal history, it must then provide the applicant with a Notice of Disclosure stating that criminal history will be considered and that the applicant has a right to provide evidence of mitigating factors, including inaccuracies in their criminal record and evidence of rehabilitation.

After a conditional offer, a housing provider may only consider:

1. Any conviction for murder, aggravated sexual assault, kidnapping, arson, human trafficking, sexual assault, or endangering the welfare of a child in violation of N.J.S.2C:24-4(b)(3);
2. Any conviction that requires lifetime state sex offender registration;
3. Any conviction for a 1st degree indictable offense, or release from prison for that offense, within the past 6 years;
4. Any conviction for a 2nd or 3rd degree indictable offense, or release from prison for that offense, within the past 4 years;
5. Any conviction for a 4th degree indictable offense, or release from prison for that offense, within the past 1 year.

Individualized Assessment. After a housing provider reviews the above permissible convictions, it must conduct an individualized assessment of the:

1. Nature and severity of the offense(s);
2. Applicant's age at the time of the offense(s);
3. How recently the offense(s) occurred;
4. Any information the applicant provided in their favor since the offense(s);
5. If the offense(s) happened again in the future, whether that would impact the safety of other tenants or property; and
6. Whether the offense(s) happened on, or was connected to, property that the applicant had rented or leased

Optional Withdrawal of Conditional Offer. If a housing provider decides to withdraw a conditional offer, it must provide an applicant with a Notice of Withdrawal that explains the specific reasons for the withdrawal, and notifies the applicant of their right to appeal the decision.

After receiving the above, the applicant has 30 days to request all of the information a housing provider relied upon. The housing provider must provide the requested information for free within 10 days of the request.

The applicant can appeal the withdrawal by submitting evidence of inaccuracies in their criminal record or evidence of rehabilitation. A housing provider must consider the information and provide a new determination within 30 days.

New Jersey Fair Chance in Housing Act (Effective January 3, 2022)

Full text link: <https://www.njoag.gov/wp-content/uploads/2022/02/Fair-Chance-in-Housing-Act-Regulations.pdf>

Minneapolis City Charter Summary

There are two options for screening renters. Owners can use the inclusive screening criteria in the ordinance or do an individual assessment. Even if a rental property owner doesn't charge an application fee, they have to use one of these options.

Inclusive screening criteria

Under this option, standards can't be stricter than the standards in the ordinance, but they may be less restrictive. The inclusive guidelines cover criminal, rental, and credit history.

- Criminal history
 - Cannot consider misdemeanors with dates of sentencing older than three years
 - Cannot consider felonies with dates of sentencing older than seven years
 - Cannot consider convictions for certain felonies with dates of sentencing older than 10 years, including: first-degree murder, second-degree murder, third-degree murder, first-degree manslaughter, kidnapping, first-degree criminal sexual conduct, first degree assault, first degree arson and first degree aggravated robbery
- Rental history
 - Cannot consider evictions where judgment was entered three or more years from date of application
 - Cannot consider settlements entered one or more years before applicant submits application
 - Cannot consider dismissed evictions or evictions resulting in judgment for the applicant
 - Cannot screen out for insufficient rental history
 - If a landlord requires an income equal to three times the rent or higher, the landlord must allow an exception where the applicant can demonstrate a history of successful rent payment with an income less than three times the rent
- Credit history
 - Cannot screen based on credit score, but can consider information in a credit report if relevant to ability to pay rent
 - Cannot screen out for insufficient credit history

Individual assessment option

If a property owner wants to use criteria stricter than those in the ordinance, they must evaluate applicants using an individual assessment. The property owner must consider all additional evidence provided by the applicant to explain, justify, or negate the relevance of information revealed by screening.

In an individual assessment, a property owner must consider:

- The nature and severity of the incidents that would lead to a denial
- The number and type of the incidents
- The time that has passed since the incidents occurred
- The age of the individual at the time the incidents occurred

Exceptions

A property owner may screen out any applicant in these situations:

- Applicants convicted of drug offenses as defined in [Section 102 of the federal Controlled Substances Act](#)
- Applicants convicted of offenses that would exclude them from federally assisted housing, including but not limited to when any member of the household is subject to a lifetime sex offender registration requirement under a state sex offender registration program

Minneapolis City Charter 244.2030 (Effective June 1, 2020)

Full Text link:

https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodemd=COOR_TIT12HO_CH_244MACO_ARTXVIREDWLI_244.2030APSCCRPRTE

Philadelphia Renters Access Act Summary

Landlords cannot have a blanket exclusion policy against people with eviction records and cannot have a blanket exclusion policy based solely on a credit score or tenant screening score.

Tenants can be screened for:

- Rental history
 - Rental references
 - Evictions occurring within last 4 years
- Relevant credit history
- Other screening criteria
 - Income
 - Relevant criminal history
 - ID verifications
 - Other non-prohibited criteria selected by the landlord

Tenants cannot be screened for:

- Rental history
 - Evictions occurring four or more years prior
 - Eviction records that:
 - Did not end in judgment for the landlord
 - Have been sealed
 - Have been withdrawn or marked satisfied or settled, discontinued and ended
 - Were filed during the COVID-19 emergency period
 - Have a judgement by agreement in place or have been resolved

Process:

1. Before accepting an application or application fee for rental housing, landlords must provide the applicant with the written or electronic uniform screening criteria.
2. The Uniform Screening Criteria should not include any of the prohibited screening criteria established in Section 9-810.
3. If a landlord rejects an application, within three business days of the rejection, they must provide a written or electronic statement of reasons for the rejection and include copies of any third-party reports the landlord relied on.
4. After receiving notice of rejection, a rejected tenant has 48 hours to notify the landlord of their intent to dispute or request reconsideration of the denial, and seven business days to provide evidence of:
 - (1) incorrect, inaccurately attributed, or prohibited information, or
 - (2) mitigating circumstances related to the grounds for denial.
5. If a rejected applicant disputes information or seeks reconsideration, and provides information that demonstrates their ability to satisfy the requirements of tenancy, the landlord must offer to the rejected applicant the landlord's next available dwelling unit of comparable size and rental price if the landlord owns five or more rental units in the City of Philadelphia.

Philadelphia Renters Access Act (Effective October 13, 2021)

Full Text links: [Sections 9-1108](#) and [Section 9-810](#)



City Council

Olympia Police Department Automated License Plate Reader Cameras Implementation Plan Briefing

Agenda Date: 3/19/2024
Agenda Item Number: 6.A
File Number:24-0222

Type: information **Version:** 2 **Status:** Other Business

Title

Olympia Police Department Automated License Plate Reader Cameras Implementation Plan Briefing

Recommended Action

Committee Recommendation:

The Community Livability and Public Safety Committee received a briefing regarding the Automated License Plate Reader Cameras and expressed support for its implementation.

City Manager Recommendation:

Receive a briefing regarding the Automated License Plate Reader Cameras implementation plan.

Report

Issue:

Receive a briefing regarding the Automated License Plate Reader Cameras implementation plan.

Staff Contact:

Rich Allen, Chief, Olympia Police Department, 360.753.8147

Presenter(s):

Rich Allen, Chief, Olympia Police Department
Mack Larkin, Territory Sales Manager, Flock Safety

Background and Analysis:

Although lower than last year, the number of auto thefts that have occurred in our city and region during 2023 is still higher than our five-year average. What is equally troubling is the way criminals are using these stolen cars to commit other crimes such as robbery, organized retail theft, and burglary.

The Olympia Police Department applied for and has been awarded a grant from the Department of Commerce to fund the utilization of technology to address this crime trend. OPD has chosen Flock Safety as the vendor to place Automated License Plate Readers (ALPR) at strategic locations.

ALPR technology has been used by police agencies nationwide to locate stolen vehicles and to solve

other crimes where an automobile has been used. Vehicle information captured by the system is kept in a database for thirty days and can be searched by vehicle characteristics (license plate number, make, model, paint color etc.). This searchable database makes it an ideal tool in solving crimes.

For Olympia, the data captured by the cameras will belong to OPD and will be stored on a secure server. It will only be accessible by agencies who have received expressed permission from OPD. A public-facing transparency page will be built, allowing the public to learn information about how many times the database has been accessed and for what reason.

The grant funds will allow for a two-year deployment of a limited number of cameras in a “pilot program” approach. The cameras will be focused, but not limited to, the westside of the city, near the “Capital Mall Triangle” area.

Climate Analysis:

The impact to the climate is expected to be de minimis. The cameras will either be connected to existing power in the traffic light poles or will be powered by solar.

Equity Analysis:

ALPR is not Artificial Intelligence (AI). The ALPR system focuses on capturing vehicle characteristics, not driver/occupant information. The technology does not target or capture individual demographics, thus the possibility to search for driver/occupant information in the database is non-existent.

Neighborhood/Community Interests (if known):

The community has interest in OPD’s ability to solve crime, return stolen property to its rightful owner, and to hold persons committing crimes accountable.

Financial Impact:

OPD received a grant from the Department of Commerce for \$100,000 for this project. The lease price for the cameras, installation, technological support and website transparency portal will be covered by this grant, with no impact to the General Fund.

Options:

1. Receive the briefing.
2. Do not receive the briefing.
3. Receive the Briefing at another time.

Attachments:

Automatic License Plate Readers Factsheet
Flock Safety Factsheet
Flock Safety Falcon Camera Factsheet
Flock Safety Privacy Factsheet
Ethics and Innovation Factsheet
Presentation

About Automatic License Plate Readers (ALPR)

The Problem: Violent Crime Is Not Going Away

Nationwide, cities are experiencing a disturbing rise in homicides and violence. The FBI's 2020 Crime Report shows a 30% increase in homicides from 2019 to 2020, the largest single-year increase recorded.

Over two-thirds of the country's most populous cities saw [even more homicides](#) in 2021.

One Solution: Technology that Detects Objective Evidence to Clear More Cases

Automated License Plate Readers (ALPR) capture computer-readable images of license plates and vehicles, allowing officers to compare plate numbers against those of stolen cars or wanted individuals on a crime database like the NCIC.

ALPR devices assist law enforcement in solving crime in two ways:

- Proactive - ALPR devices provide real-time alerts when a vehicle that is stolen or associated with a known suspect is detected.
- Investigative - ALPR cameras help determine whether and which vehicle(s) were at the scene of a crime.

Is ALPR effective ?

According to the National Conference of State Legislatures, when employed ethically and objectively, ALPRs are an effective tool for law enforcement, cutting down on the time required for investigations and acting as a force multiplier. In 2011, a study by the Police Executive Research Forum concluded that ALPRs used by the Mesa, Ariz., Police Department resulted in "nearly 3 times as many 'hits' for stolen vehicles, and twice as many vehicle recoveries."

Communities with ALPR systems report crime reductions of up to 70 percent. In some areas, that included a 60 percent reduction in non-residential burglaries, 80 percent reduction in residential burglary, and a 40 percent reduction in robberies.

ALPR Provides Objective Evidence While Protecting Privacy

ALPR does not include facial recognition capabilities and does not capture personally identifiable information (PII). While eyewitnesses and individual officers are subject to inherent human bias, ALPR cameras capture wholly-objective images of vehicles and license plates, providing a clear and actionable investigative lead.

ALPR Use Cases Include:

- **AMBER Alerts:** License plate readers in metro Atlanta were able to find a vehicle containing a kidnapped one-year-old, who had been taken from his mother at random off the street. The child was recovered unharmed. Some ALPR systems integrate directly with the National Center for Missing and Exploited Children's AMBER Alert system, sending real-time alerts to officers in seconds. [[New information released about 1-year-old's kidnapping](#)]
- **Silver Alerts:** Knoxville Police were able to locate a missing elderly man who suffers from dementia after he drove away in a family vehicle. ALPR technology has helped solve hundreds of Silver Alerts across the country. [[Missing man with dementia found using Flock camera](#)]
- **Firearm violence:** The Las Vegas Trail, a high-crime area in Fort Worth, TX, saw violent crime decrease by 22% in 2021 compared with the first nine months of 2019. Fort Worth Police attributed this drop partially to the license plate reader system implemented in the neighborhood during the same period of time. [[Crime is down 22% in Fort Worth's Las Vegas Trail. How neighbors and police made it safer](#)]
- **Organized theft:** Grafton, a growing village with a bustling retail district, is dealing with increased organized retail theft – Two-thirds of all the crimes reported to Grafton police in 2020 were retail thefts. Grafton Police have implemented a license plate reader system to identify vehicles that have been involved in thefts or have been stolen themselves. In one week alone, they recovered three stolen vehicles with drivers planning to engage in retail theft. [[Losses mount as retailers fight theft rings, accuse online storefronts of doing little to stop resale of stolen goods](#)]

flock safety

Let's defeat crime together

Help your city reduce crime with cameras that see like a detective

"Flock Safety made my job easy. The system was up and running in just a few weeks, and has proven to help our police department find the evidence to solve more crime."

City Manager in Ohio

Flock Safety provides an affordable, infrastructure-free automatic license plate reading (ALPR) camera system for cities who want to reduce crime within a principled framework. Unlike traditional ALPR, Flock uses Vehicle Fingerprint™ technology to transform hours of footage into a searchable database to find the single piece of evidence needed, even when a license plate isn't visible.

Not your average security cameras

Infrastructure-Free and Discreet Design

With solar power and LTE connectivity, we can install the devices almost anywhere. And the beautiful design means it will blend in with your city's aesthetic.

Safety-as-a-Service

We install and maintain the devices, so you can focus on running the city. That means we will support you from procurement, through permitting, and even preparing you to present this project to the city council.

Vehicle Fingerprint Technology

Your officers can find vehicle evidence by vehicle type, make, color, license plate state, missing and covered plates, and other unique features like bumper stickers, decals, and roof racks.



Join 2500+ cities using Flock Safety to eliminate crime



Detect

objective evidence your police need to solve crime



Decode

footage with machine learning so your police can investigate



Deliver

real-time alerts to police if a wanted or stolen vehicle drives by

Public Safety Technology Built with Principles

You own the footage

We won't share it or sell it. It's 100% yours for your law enforcement to use to solve crime.

Protect resident privacy

All data automatically deletes by default every 30 days on a rolling basis and is encrypted with AES-256 encryption.

Promote transparency and accountability

Flock provides a transparency portal to share data with your community about how the devices work on an ongoing basis. Flock requires an investigative reason to search and proactively provides an audit report to city leadership.

Clear pricing and infrastructure free

\$2500 per camera / year. All the footage is stored in the cloud at no additional fee and there are no hidden costs.

Protect the Whole Community

It takes all community members working together to eliminate crime, which is why we created a public-private partnership that enables businesses, neighborhoods, schools, and others to partner with your city and police department to build your network.

Learn More:



"Flock Safety continues to enhance and help our police department capture these vehicles and return the assets to their owners."

-Council member Josh McCurn of Lexington, KY



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Flock Safety Falcon[®] LPR



Eliminate crime on every roadway with hassle-free LPR.

PROBLEM

Without key evidence, like a license plate or vehicle description, many cases go unsolved.

SOLUTION

Flock Safety Falcon[®] LPR cameras provide vehicle data, real-time alerts, searchable evidence, and analytics to improve police response and investigations 24/7.

Solve more cases faster with Flock's effective and trusted LPR technology.

1

IMPROVE EFFICIENCY AND MAXIMIZE INVESTMENT WITH A ONE-STOP-SHOP

With one annual subscription fee, Flock Safety covers hardware procurement, permitting, deployment planning, policy creation, installation, maintenance, user training, customer support, and software upgrades.

2

CUT COSTS WITH PUBLIC-PRIVATE PARTNERSHIPS

Flock Safety brings LPR to neighborhoods and businesses, providing law enforcement privately-funded access to actionable evidence.

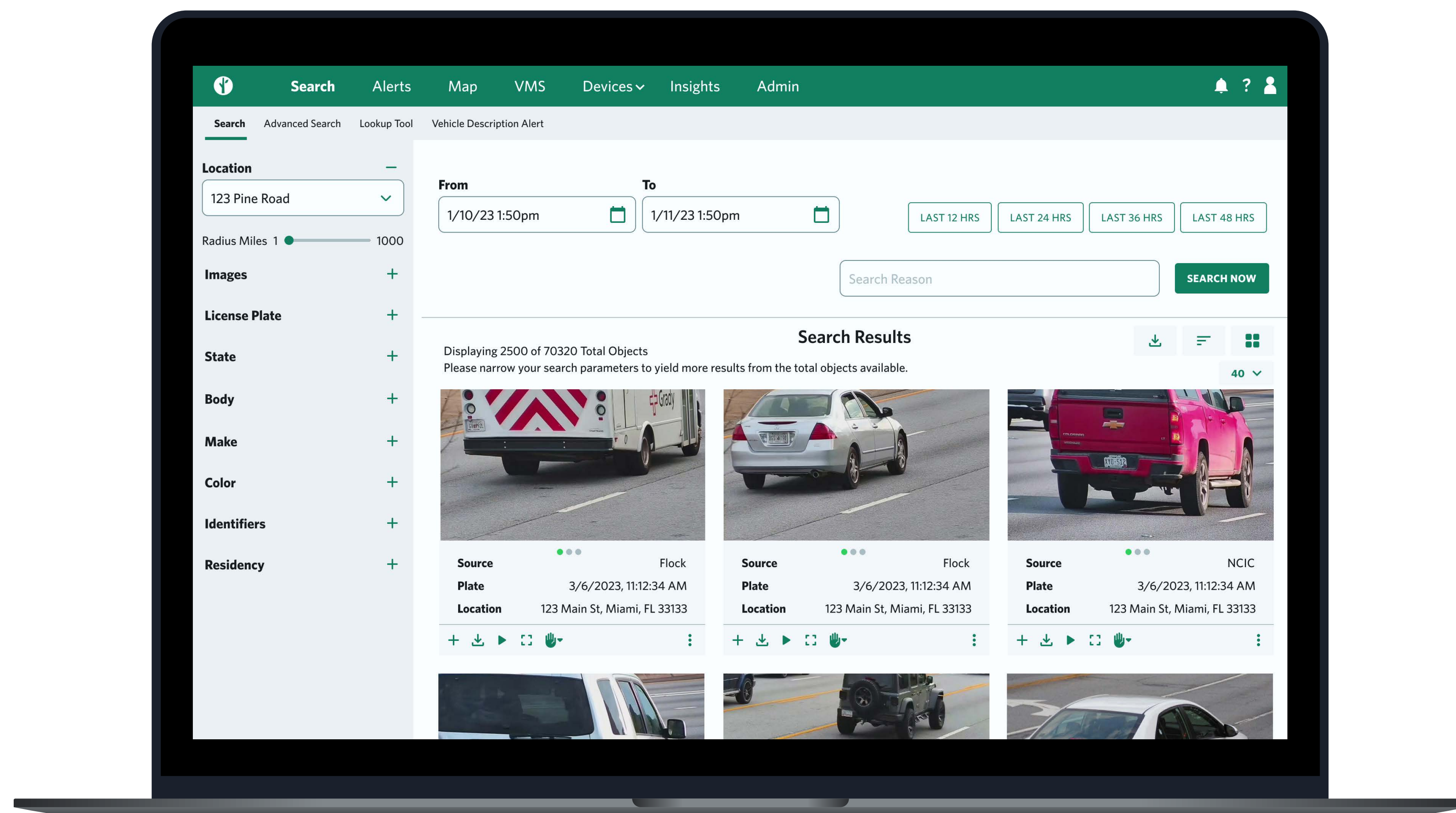
3

GAIN TRUST WITH BUILT-IN DATA GUARDRAILS

Our LPR is designed for secure, responsible use with customized user permissions, usage audits, and limited data retention. Devices only capture vehicle data, not people, to mitigate bias and accelerate case clearance. Your agency owns 100% of the data, and we never sell it to third parties.

flock safety

Trusted by thousands of law enforcement agencies.



Cobb County, GA
Police Dept

Fort Worth, TX
Police Dept

Wichita, KS
Police Dept

Riverside County, CA
Sheriff's Dept

Key Features & Functionality

SEARCH

Search full, partial, and temporary plates by time and location.

VEHICLE FINGERPRINT®

Filter by Flock's patented Vehicle Fingerprint® attributes:
Vehicle make | Body type | Color | State Registration
Decals | Bumper stickers | Back racks | Top racks

LOCATION-BASED SEARCH

Perform single and multi-location-based searches to link a suspect vehicle to one, or multiple crime scenes.

CONVOY ANALYSIS

Identify associate suspect vehicles with convoy analysis.

REAL-TIME ROUTING

Determine possible vehicle path of travel with Real-Time Routing Analysis.

CUSTOM ALERTS

Automate email, text, and in-app alerts from custom and shared Hot Lists (i.e. NCIC).

HOT LIST SHARING

Create and share hot lists.

ACCESS EXTERNAL ALPR DATA

Access external ALPR databases:
FBI NCIC | NCMEC Amber Alert | REJIS | CCIC & more

CJIS COMPLIANT

Meet CJIS security policy compliance.

AUDIT TRAIL

- Capture required reason for search field capture.
- Report on user behavior for audits and positive outcomes for proof of ROI.

MOBILE APP

Access the FlockOS mobile companion app.

About Flock Safety ALPR

Privacy and Ethics Factsheet

How does Flock Safety keep devices and data secure?

Flock Safety holds itself to the highest level of security. We have implemented the following security policies and features:

- Flock Safety data and footage is encrypted throughout its entire lifecycle. All data is securely stored with AES256 encryption with our cloud provider, Amazon Web Services.
- On-device, data is only stored temporarily for a short time until it is uploaded to the cloud, at which point it is removed automatically from the local device. This means the data is secure from when it is on the Flock Safety device to when it is transferred to the cloud, using a secure connection to Flock Safety servers. While stored in the cloud, all data (both footage and metadata) is fully encrypted at rest.
- Flock Safety defaults to permanently deleting all data after 30 days on a rolling basis, setting a new standard in the industry.

Who has access to data collected by Flock Safety devices?

- Flock Safety's customers own 100% of their data and determine who has access. Flock Safety will never share or sell the data, per our privacy policy.
- With explicit written permission from the customer, Flock Safety does have the ability to grant law enforcement access to specific footage for a short period (24 hours, 48 hours, or however long the customer desires) in the event of an investigation following a crime. Access can only be granted through the approval of the customer.
- Flock Safety has maintenance software in place to measure device performance and image capture quality. This is used to diagnose issues preemptively and schedule service calls in the event of a device malfunction or emergency.

About Flock Safety ALPR

Privacy and Ethics Factsheet

How long does Flock Safety keep data?

- Flock Safety stores footage for only 30 days on a rolling basis by default, after which the footage is automatically hard deleted. The only exception to this is if a democratically-elected governing body or official legislates a different data retention period.

What features do Flock Safety devices have that enable audits and oversight?

- While searching for footage or other evidence on the Flock Safety platform, law enforcement agencies must enter reason codes to verify the legitimacy of the search and create an audit trail.
- Authorized users go through training to properly use our system and communicate with their dispatch teams.
- Flock Safety customers commit not to use the data collected to work with third-party repossession companies, traffic enforcement, revenue collection, unpaid fines, or towing companies. We do not use facial recognition or capture any personally identifiable information such as name, phone number, or address, and we do not work with federal government agencies for immigration enforcement purposes.
- Flock Safety's ALPR Transparency Portal, an optional free feature for all law enforcement customers, is the first public-facing dashboard for law enforcement agencies, city leaders, and local government officials to share policies, usage, and public safety outcomes related to ALPR technology. The ALPR Transparency Portal helps promote transparency and accountability in the use of policing technology in order to build community trust while creating a safer, more equitable society.

Ethics + Innovation


Privacy

- Footage owned by Agency/City and will never be sold or shared by Flock
- 30 day data retention, then deleted. Short retention period ensures that all data not associated with a crime is automatically deleted & unrecoverable
- NO personally identifiable information is identifiable in Flock
- Not connected to registration data or 3rd party databases (Carfax, DMV)

Transparency

- Public approval process and community education for each customer
- Flock's transparency portal tells your community how law enforcement use the system, including how many searches are conducted and who data is shared with

Accountability

- Investigative reason required for search
 - Flock system proactively provides audit report that includes details of each search in the customer's network
 - ALPR policy outlines how the system is used
- 

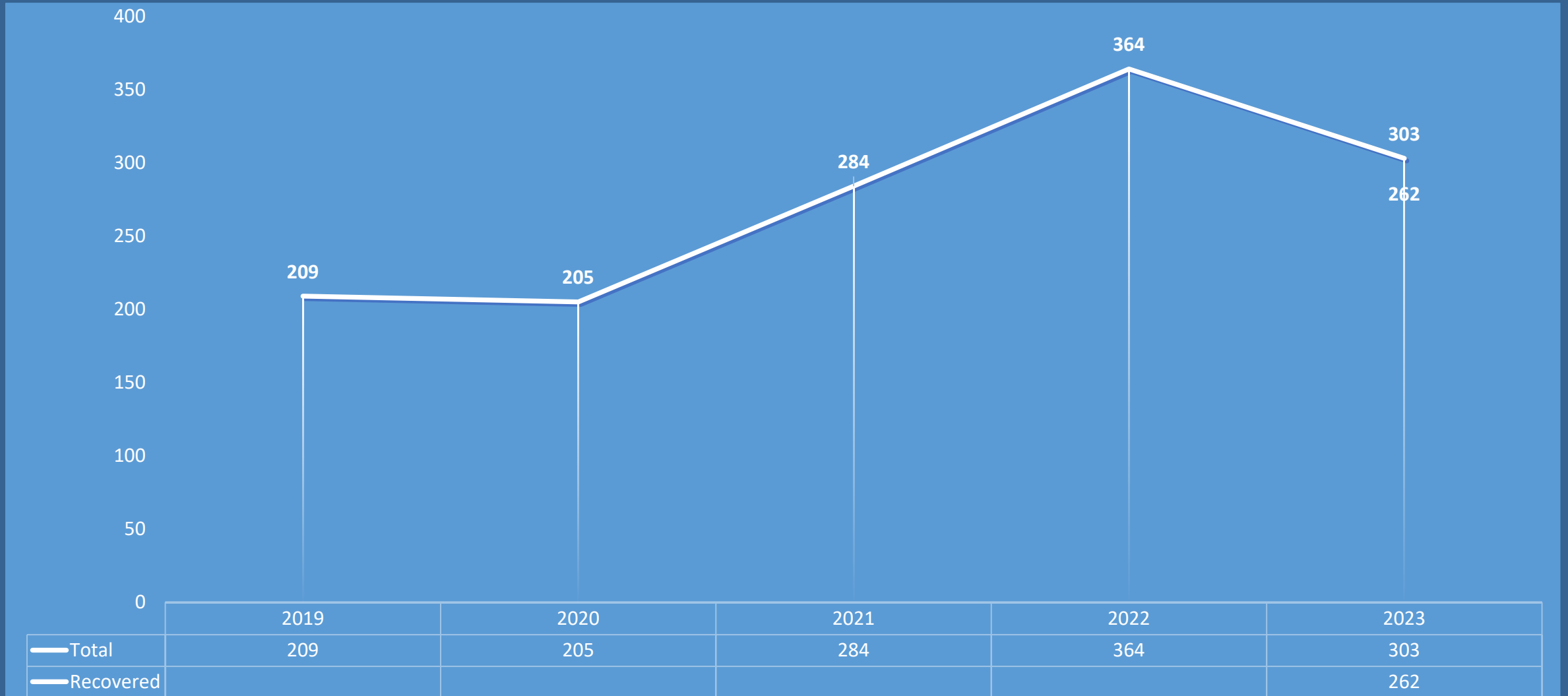
Presenter: Rich Allen, Police Chief

March 19, 2024



Automated License Plate Readers

Yearly Auto Thefts - Olympia



Top Three Recovery Locations

Olympia: 35.6%

Pierce County: 22.7%

Thurston County: 10.7%

Demographics

Males: 78.9%

White: 68.6%

Black: 17.1%

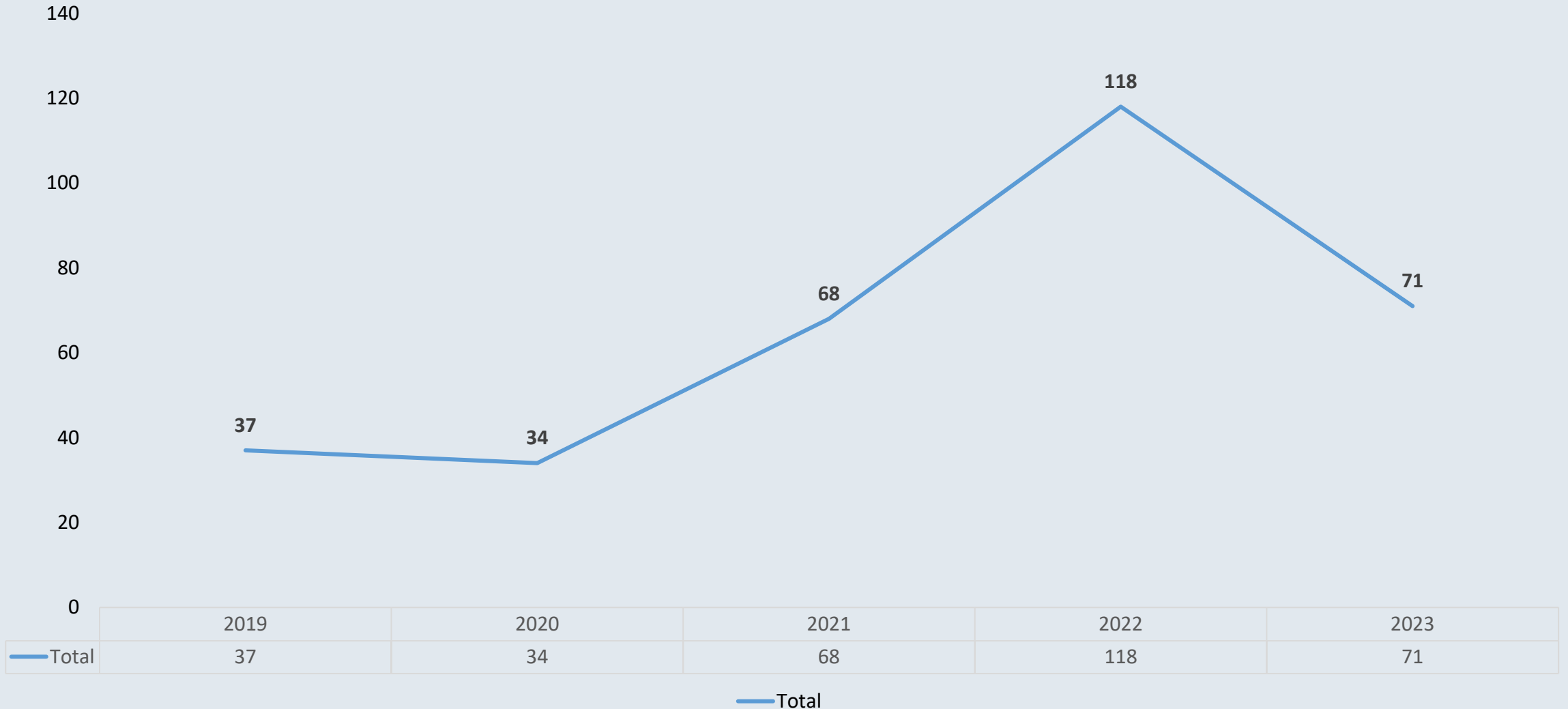
Asian: 5.7%

Hispanic: 2.9%

Unknown: 5.7%

Olympia residents = 43.8%

Stolen Outside Olympia but Recovered by OPD



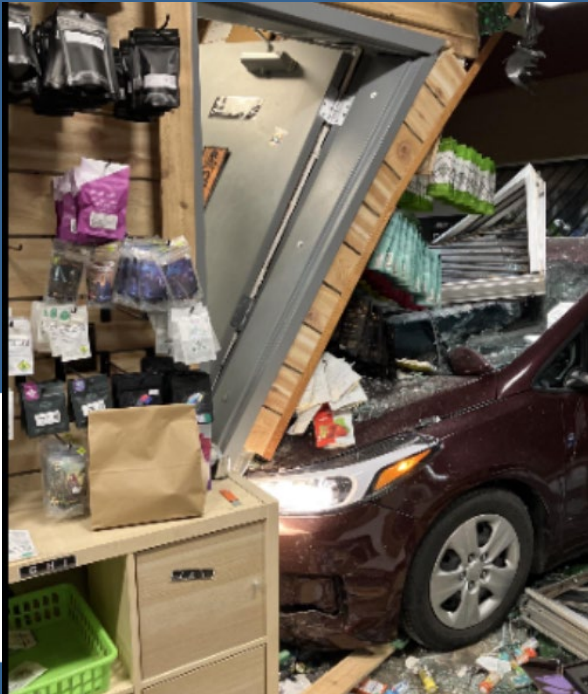
Crimes with Stolen Cars

- Marijuana/commercial burglaries
- Armed robberies
- Organized Retail Theft

Seven teens accused of robbery in Thurston County, police say



Posted Wednesday, December 13, 2023 9:26 am



Current Approach

OLYMPIA POLICE

TIPS TO REDUCE AUTO THEFT

- Park in well-lit locations & avoid isolated areas
- Completely close all windows
- Lock all the doors
- Never leave a spare key in the car
- Install a steering wheel locking device
- Never leave your vehicle running unattended
- Install an alarm system with a kill switch



OLYMPIA POLICE

Attn: Hyundai Drivers

OLYMPIA POLICE

Three arrested after stolen auto & stolen firearms recovered.

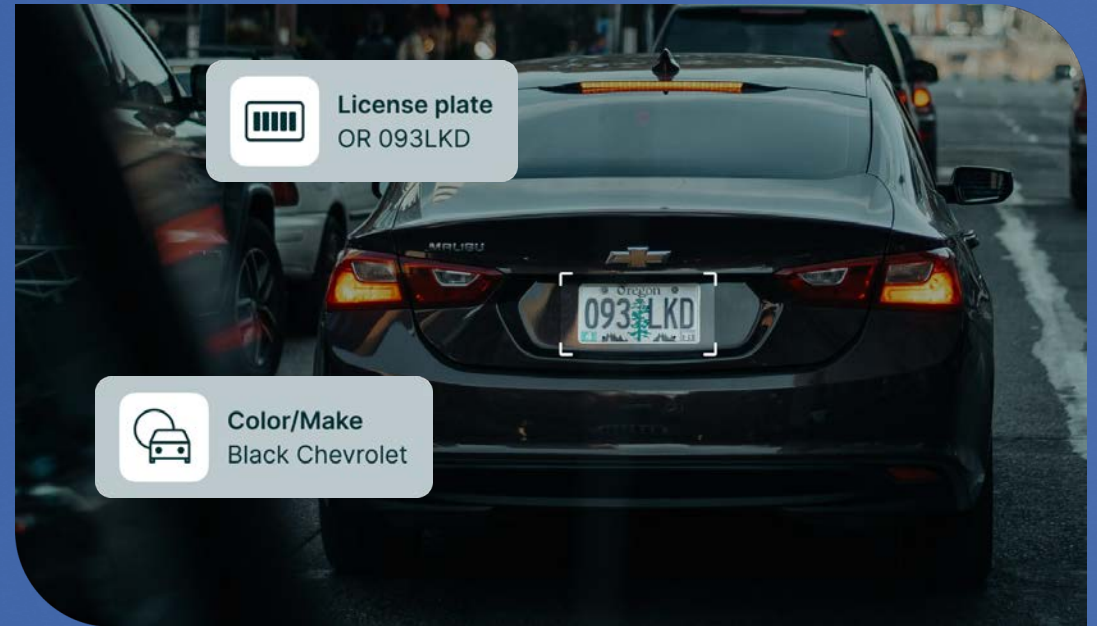
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When you get Flock you get:

Flock Safety provides your police department with indiscriminate evidence from fixed locations. We provide all of the maintenance so that your police department and city staff can focus on keeping your city safe and prosperous.



INFRASTRUCTURE-FREE

Reduce time to value and utility costs with full-service deployment.



24/7 COVERAGE

Capture objective vehicle data around the clock to multiply your force.



REAL-TIME ALERTS

- NCIC
- NCMEC (Amber Alert)
- Custom Hot Lists



Ethically Made

- No people
- No facial recognition
- No traffic enforcement
- Indiscriminate evidence

flock safety

What this IS

- License plate recognition
- Gathers objective evidence and facts about vehicles, not people
- Alerts police of wanted vehicles
- Used to solve crime
- Adheres to all state laws

What this is NOT

- Not facial recognition
- **Not tied to Personal Identifiable Information**
- Not used for traffic enforcement
- **Data not stored beyond 30 days**
→ *automatically deletes every 30 days*

How does this technology prevent and eliminate crime?

- **Proactive:** Real time Alerts when stolen or wanted vehicles enter your city
- **Investigative:** As clearance Rates increase, crime rates decrease
- Flock cameras serve as a **deterrent**

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Protecting Privacy

- Footage owned by Agency/City and will never be sold or shared by Flock
- 30 day data retention, then deleted
- Short retention period ensures that all data not associated with a crime is automatically deleted & unrecoverable
- Takes human bias out of crime-solving by detecting objective data, and detecting events that are objectively illegal (ex. Stolen vehicles)
- All data is stored securely in the AWS Cloud, and end to end encryption of all data
- **Search reason is required for audit trail**
- NOT facial recognition software
- NOT predictive policing
- NO PII is contained in Flock
- **NOT used for traffic enforcement**
- Not connected to registration data or 3rd party databases (Carfax, DMV)
- Transparency Portal (optional)

Centralia PD (WA)

Transparency Portal

Last Updated: Tue Jan 30 2024

Overview

Centralia Police Department uses Flock Safety technology to capture objective evidence without compromising individual privacy. Centralia Police Department utilizes retroactive search to solve crimes after they've occurred. Additionally, Centralia Police Department utilizes real-time alerting of hotlist vehicles to capture wanted criminals. In an effort to ensure proper usage and guardrails are in place, they have made the below policies and usage statistics available to the public.

Policies



What's Detected

License Plates, Vehicles



What's Not Detected

Facial recognition, People, Gender, Race



Acceptable Use Policy

Data is used for law enforcement purposes only. Data is accessed by Centralia Police Department and is never sold to 3rd parties.



Prohibited Uses

Immigration enforcement, traffic enforcement.

Usage



Data retention (in days)

30 days



Number of owned cameras

20

External organizations with access

Aberdeen WA PD, Airway Heights WA PD, Arlington PD (WA), Auburn WA PD, Benton County WA SO, Black Diamond WA PD, California Highway Patrol, Chehalis WA PD, Clyde Hill WA PD, Des Moines WA PD, Eatonville WA PD, Grandview WA PD, Hoquiam WA PD, Kennewick WA PD, Kent WA PD, Klickitat County WA SO, Lakewood WA PD, Liberty Lake WA PD, Mabton WA

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Transparency + Insights

Measure ROI and promote the ethical use of public safety technology

Transparency Portal

- Customizable for each agency
- Display technology policies
- Publish usage metrics
- Share downloadable Search audits

Insights Dashboard

- Measure crime patterns and ROI
- Audit Search history

Examples

- Click here for [Morgan Hill PD](#)
- Click here for [Vallejo PD](#)

Flock Safety In Washington

Plus, many
more
commercial and
private
customers

Spokane County SO
Lakewood PD
Sunnyside PD
Tukwila PD
Yakima PD
Toppenish PD
Kent PD
Centralia PD
Pacific PD
Liberty Lake PD
Grandview PD
Moses Lake PD
Arlington PD
Airway Heights PD

Des Moines PD
Union Gap PD
Zillah PD
Medina PD
Eatonville PD
Richland PD
Kennewick PD
Benton County SO
West Richland PD
Selah PD
Pasco PD
Clyde Hill PD
Wapato PD
Othello PD

Marysville PD
Moxee PD
Mabton PD
Black Diamond PD
Educational Service District 105
Town Of Yarrow Point
Warden PD
Omak PD
Tieton PD
Town of Harrah
Yakima Housing Authority
Hoquiam PD

Homicide Suspects Located, Arrested

📍 Tukwila PD - Tukwila, WA

→ **July 25, 2023**

- Officers received an alert that a stolen vehicle associated with a recent homicide had been detected nearby.
- Officers quickly located the vehicle and initiated a pursuit as it fled towards Seattle.
- The vehicle eventually crashed and two suspects were detained by Tukwila PD.
- No injuries were reported.



Case Study: Results to Date



Yakima PD - Yakima, WA

→ Installation of Cameras April 6th 2022

→ Since Flock went live, they have assisted in solving

- ◆ 11 homicides
- ◆ 24 robberies
- ◆ 52 police evasions
- ◆ 56 weapon offenses
- ◆ 78 hit and runs
- ◆ 392 stolen or retrieved vehicles

[source](#)



Pictured: Yakima Police De

Missing, Endangered Senior Found in 15 Minutes

 Port Washington PD - Port Washington, WI



Silver Alert Issued

A Grafton crime analyst entered the missing Town of Brookfield senior's vehicle into the Flock system and saw it had been in their city.

2:43 p.m.

2:43 p.m.



Senior Returned

Within an hour of the plate being entered in Flock, the car was located and the individual reunited with their family.



Vehicle Sets Off Alert

The vehicle passed a Flock LPR camera in Port Washington and an alert is immediately sent to local officers.

When every second matters, Flock Safety's Machine Vision is Critical



- 12:33 PM ● Amber Alert Issued
- 1:01 PM ● Search Conducted with Flock Safety
- 2:30 PM ● Suspect Vehicle Located
- 5:03 PM ● Felony Stop + Arrest
- 6:00 PM ● Baby Reunited with Mother



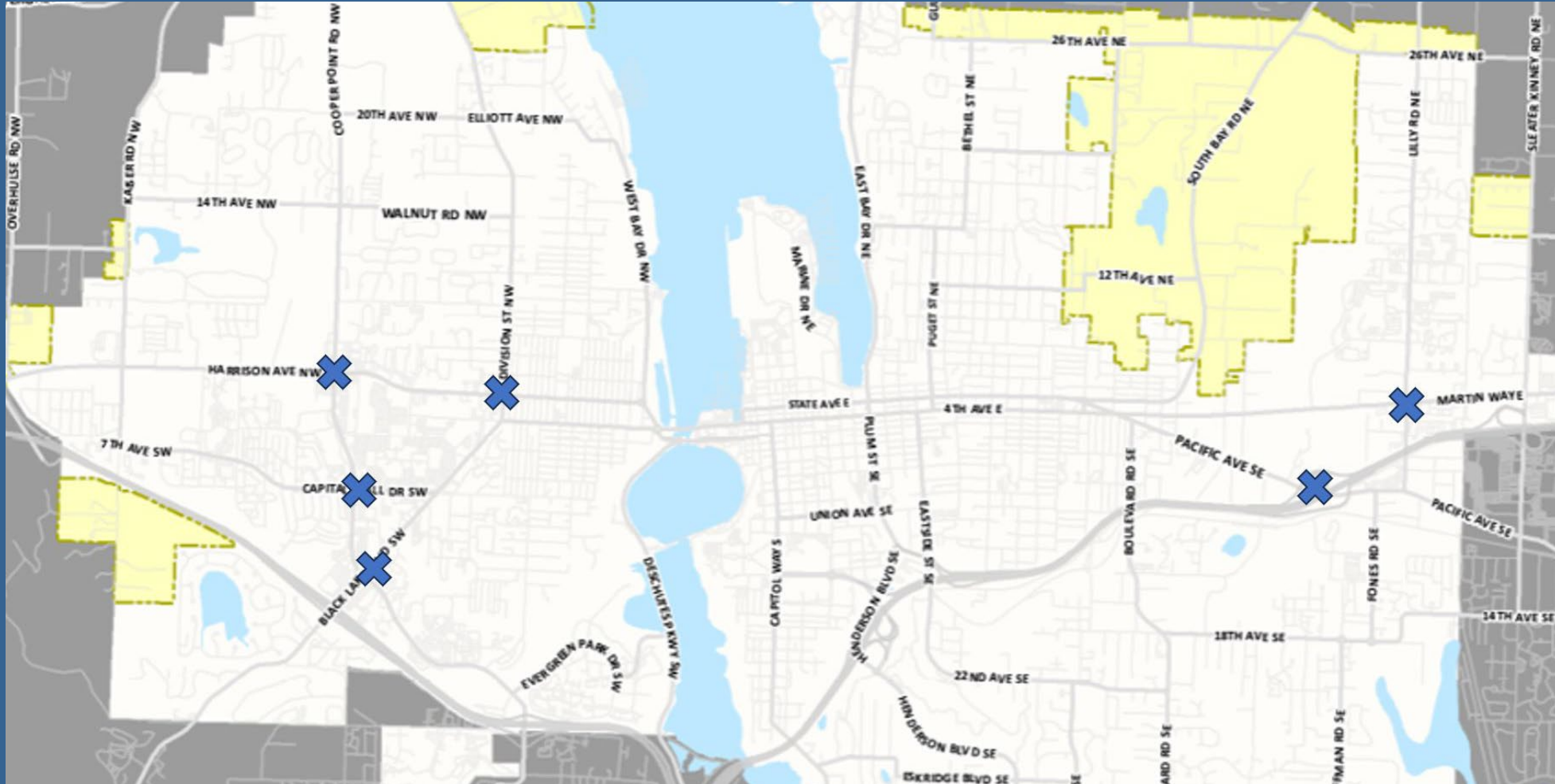
Stranger on Stranger Abduction

August, 28 2020

Our Approach

- Obtained Grant from Department of Commerce
- Two-Year Program
- Placement evaluation after 1-year
 - Can be easily relocated
- Measure Success????

Camera Placement





Questions?

Then a request



City Council

Community Representative Briefing of the December 2022 Officer Involved Shooting

Agenda Date: 3/19/2024
Agenda Item Number: 6.B
File Number:24-0219

Type: report **Version:** 1 **Status:** Other Business

Title

Community Representative Briefing of the December 2022 Officer Involved Shooting

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive an overview of the Community Use of Force Review Board process, the role of the Community Representative and a briefing from a Community Representative on the officer involved shooting that occurred in December 2022.

Report

Issue:

Whether to receive an overview of the Community Use of Force Review Board process, the role of the Community Representative and a briefing from a Community Representative on the officer involved shooting that occurred in December 2022.

Staff Contact:

Shelby Parker, Deputy Chief, Olympia Police Department, 360.753.8147

Presenter(s):

Shelby Parker, Deputy Chief, Olympia Police Department
Sarah Nagy, Community Representative, Community Use of Force Review Board

Background and Analysis:

On December 29, 2022, at approximately 10:30 a.m., the Thurston County Sheriff's Office Civil Division responded to 7108 Desperado Drive in Tumwater to attempt service of a civil eviction. The occupant of the residence did not respond to the deputies' attempts to communicate with him at the front door. After multiple attempts to communicate, the front door was forced open. Deputies found the front door was heavily barricaded. Deputies observed the occupant at the top of the stairs. He concealed his hands, yelled at the deputies, and refused to exit the residence. Deputies observed what appeared to be an improvised explosive device at the rear of the residence. Thurston County Sheriff's Office Command activated the Thurston County SWAT Team due to the increased risk to

public safety.

The Thurston County SWAT Team is a multi-agency team comprised of members from the Thurston County Sheriff's Office, Olympia Police Department, Tumwater Police Department, Lacey Police Department, Yelm Police Department, Medic One, and Providence Health. Over two and half hours of crisis negotiations were conducted with the occupant while the SWAT Team was responding and developing tactical plans. The occupant's behavior was erratic, ranging from yelling in both English and his primary language to laughing out of context.

At approximately 1:26 p.m., the occupant fired multiple rounds directly at SWAT members. SWAT members retreated, and additional resources were deployed. Over the next 8 hours and 16 minutes, the occupant repeatedly fired at SWAT members and SWAT armored vehicles. SWAT members returned fire several times. One Olympia Police Officer returned fire. The officer's rounds did not strike the occupant. After several hours the occupant surrendered, bringing an end to the 11-hour and 12-minute event.

Per OPD Policy, a Use of Force Review Board was later convened. The board's composition is dictated by policy and is comprised of the following members: lieutenant in the involved member's chain of command, training sergeant, patrol sergeant, an officer selected by the involved officer, a sworn peace officer from an outside law enforcement agency, department instructor, and a community member.

The Use of Force Review Board was convened over the course of two days in late October of 2023. The board received a briefing from The Region 3 County Independent Investigation Team and interviewed the involved OPD officer and witness officers. At the conclusion of the two days, the board unanimously concluded the OPD officer's actions were within department policy and training.

This briefing will provide an overview of the critical incident that occurred in December 2022, review the Department's internal review process, and explain the community member's role on the review board.

Climate Analysis:

This topic is not expected to have an impact on greenhouse gas emissions.

Equity Analysis:

The Use of Force Review Board process is designed to evaluate the officer's actions to ensure everyone was treated equitably and fairly during a use of force event.

Neighborhood/Community Interests (if known):

The community has an expectation of police transparency and accountability.

Financial Impact:

There are no financial impacts related to the briefing.

Options:

1. Receive the briefing.
2. Do not receive the briefing.
3. Receive the briefing at another time.

Attachments:

None



City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8244

City Council

Executive Session Pursuant to RCW 42.30.110 (1)(g) - Personnel Matter

Agenda Date: 3/19/2024
Agenda Item Number: 10.A
File Number:24-0245

Type: executive session **Version:** 1 **Status:** Executive Session

Title

Executive Session Pursuant to RCW 42.30.110(1)(g) - Personnel Matter