



Meeting Agenda

Planning Commission

City Hall
601 4th Avenue E
Olympia, WA 98501

Contact: Cari Hornbein
360.753.8048

Monday, July 20, 2020

6:30 PM

Online and via Phone

Register to attend:

https://us02web.zoom.us/webinar/register/WN_Dx7leorUTq2Q1OEXyofjUQ

1. CALL TO ORDER

Estimated time for items 1 through 5: 20 minutes.

1.A ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

[20-0569](#)

Approval of June 15, 2020 Planning Commission Meeting Minutes

Attachments: [06152020 OPC Draft Minutes](#)

4. PUBLIC COMMENT

Public comment will not be taken during the meeting, however written comments will be taken. Please submit your written comments to the e-mail addresses noted below at least two hours prior to the meeting. Your comments will be forwarded to the Planning Commissioners prior to the meeting.

*o For the Amendments to the Municipal Code related to Recreational Vehicles,
e-mail comments to Nicole Floyd at: nfloyd@ci.olympia.wa.us*

*o For the Housing Options Code Amendments, e-mail comments to Joyce Phillips
at: housingoptions@ci.olympia.wa.us*

*o For Organizational Retreat Planning, e-mail comments to Cari Hornbein at:
chornbei@ci.olympia.wa.us*

5. STAFF ANNOUNCEMENTS

This agenda item is also an opportunity for Commissioners to ask staff about City or Planning Commission business.

6. BUSINESS ITEMS

6.A [20-0559](#) Amendments to the Municipal Code related to Recreational Vehicles - Public Hearing

Attachments: [Draft Ordinance](#)
[RCW 35A.21.312](#)

Estimated time: 45 minutes

6.B [20-0545](#) Housing Options Code Amendments - Briefing

Attachments: [Project Webpage](#)
 [Revised Staff Recommendation Summary](#)
 [Staff Response to Public Comment Themes](#)
 [RCW 36.70A.600 \(Revised\)](#)

Estimated time: 60 minutes

6.C [20-0560](#) Organizational Retreat Planning

Estimated time: 30 minutes

7. REPORTS

From Staff, Officers, and Commissioners, and regarding relevant topics.

8. OTHER TOPICS

None

9. ADJOURNMENT

Approximately 9:00 p.m.

Upcoming

Next regular Commission meeting is August 3, 2020. See 'meeting details' in Legistar for list of other meetings and events related to Commission activities.

Accommodations

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 Advisory Committee meeting, please contact the Advisory Committee staff liaison (contact number in the upper right corner of the agenda) 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 Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8244

Planning Commission

Approval of June 15, 2020 Planning Commission Meeting Minutes

Agenda Date: 7/20/2020
Agenda Item Number:
File Number:20-0569

Type: minutes **Version:** 1 **Status:** In Committee

Title

Approval of June 15, 2020 Planning Commission Meeting Minutes



Meeting Minutes

Planning Commission

ATTACHMENT 1

City Hall
601 4th Avenue E
Olympia, WA 98501

Contact: Cari Hornbein
360.753.8048

Monday, June 15, 2020

6:30 PM

Online and via phone

Register to attend:

https://us02web.zoom.us/webinar/register/WN_SQ-_0_dCSDGxVd79eLwdiw

1. CALL TO ORDER

Chair Millar called the meeting to order at 6:30 p.m.

1.A ROLL CALL

Present: 6 - Chair Candi Millar, Vice Chair Paula Ehlers, Commissioner Tammy Adams, Commissioner Yen Huynh, Commissioner Carole Richmond and Commissioner Aaron Sauerhoff

Excused: 2 - Commissioner Kento Azegami and Commissioner Travis Burns

Absent: 1 - Commissioner Rad Cunningham

1.B OTHERS PRESENT

Department of Ecology Senior Shoreline Planner Kim Van Zwalenburg

City of Olympia Community Planning and Development Staff:

Senior Planner Joyce Phillips

Senior Planner Cari Hornbein

Engineering and Planning Manager Tim Smith

2. APPROVAL OF AGENDA

The agenda was amended to add a discussion about equity to Other Topics.

The agenda was approved as amended.

3. APPROVAL OF MINUTES

3.A [20-0472](#) Approval of June 01, 2020 Planning Commission Meeting Minutes

The minutes were approved.

4. PUBLIC COMMENT

In lieu of taking public comment during the meeting, interested parties were asked to submit written comments prior to the meeting. Written comments regarding the Housing

Options Code Amendments were received from the following individuals:

Amy Boos
Joel Carlson
Thad Curtz
Susan Davenport
John Gear
Christie Masterson
Pat Rasmussen
Cynthia Stonick
Pandora Touart
Marti Walker
Bob Vada, Jr.
Alice Zillah

5. STAFF ANNOUNCEMENTS

Ms. Hornbein shared announcements.

6. BUSINESS ITEMS

- 6.A** [20-0450](#) Shoreline Master Program Periodic Review - Department of Ecology
Overview

The information was received.

- 6.B** [20-0460](#) Housing Options Code Amendments - Residential Design Review
Briefing

The discussion was completed.

7. REPORTS

Ms. Hornbein reported that there were no items scheduled for the July 6, 2020 Planning Commission meeting; Commissioners tentatively decided to meet on July 6 to plan their annual retreat if enough Commissioners were able to attend.

Chair Millar reported that she attended the June 10, 2020 General Government Committee meeting; advisory committee work plans were on the agenda. She reported on work plan items of other advisory committees.

8. OTHER TOPICS

Commissioners discussed the topic of equity in light of recent protests.

9. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Upcoming

The next regular Planning Commission meeting is July 20, 2020.



Planning Commission

Amendments to the Municipal Code related to Recreational Vehicles - Public Hearing

Agenda Date: 7/20/2020
Agenda Item Number: 6.A
File Number: 20-0559

Type: public hearing **Version:** 2 **Status:** In Committee

Title

Amendments to the Municipal Code related to Recreational Vehicles - Public Hearing

Recommended Action

Hold a public hearing on proposed changes to the zoning code regulations related to occupancy of recreational vehicles. If the Commission has sufficient information, deliberate and formulate a recommendation to the City Council.

Report

Issue:

Discussion of potential minor amendments to the Olympia Municipal Code (OMC) to bring the code into compliance with the RCW by allowing recreational vehicles to be used as primary residences when located within a manufactured home community or mobile home park.

Staff Contact / Presenter:

Nicole Floyd, Senior Planner, Community Planning and Development, 360.570.3768

Background and Analysis:

Currently the City does not allow recreational vehicles to be used as residences anywhere in the City. This is in direct conflict with recent revisions to the State Law that were created to ensure regulations do not discriminate against consumer choices in the placement of homes. The RCW was amended to prohibit Cities from preventing the use of recreational vehicles used as primary residences in manufactured/mobile home communities. The Municipal Code therefore must be amended to conform to the revised RCW language.

The proposed revisions are applicable only to manufactured/mobile home parks, therefore the applicability is relatively limited. The proposed revisions intend to treat all of the housing types likely to be located in a manufactured/mobile home park (manufactured, mobile, RV) the same. Requirements that impose fire, safety, utility hook-up etc., would remain in place and apply equally to all housing types, including recreational vehicles. The intent is to allow replacement of units within the housing park provided the total number of units is not increased. The replacement unit would be required to be connected to utilities and be placed on the previously approved pad/site location

regardless of whether it is a manufactured home or recreational vehicle.

Neighborhood/Community Interests (if known):

None known.

Options:

1. Recommend adoption of the draft amendments to City Council as proposed.
2. Recommend adoption of the draft amendments to City Council with revisions.
3. Recommend denial of the draft amendments to City Council.

Financial Impact:

None, processing of these amendments is covered by the department's annual budget.

Attachments:

- 1) Draft Amendments
- 2) RCW 35A.21.312

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, amending Olympia Municipal Code Chapters 16.06.060, 18.02.180, 18.04.040, 18.04.060, to remove conflicts between the municipal code and State Law related to residing in recreational vehicles within Manufactured / Mobile Housing Communities.

WHEREAS, the City wishes to ensure accuracy in its Municipal Code and consistency with State law; and

WHEREAS, the amendments are procedural actions resulting in non-substantive changes respecting use or modification to the environment, therefore, not subject to the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(19); and

WHEREAS, the Olympia Planning Commission (herein the "OPC") reviewed this proposal on July 16, 2020, recommended that the proposed amendments were consistent with the City's Comprehensive Plan; and

WHEREAS, on June 10, 2020 a legal notice was published in *The Olympian* newspaper regarding the public hearing; and

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

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

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

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

Section 1. Amendment of OMC 16.06.030(B). Olympia Municipal Code 16.06.030(B) is hereby amended to read as follows:

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.

302.5 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:

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 that:

- i) 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).
- ii) The total number of residential units within the community/park shall 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.
- iii) A recreational vehicle shall not be permitted as an accessory living quarter or an accessory dwelling unit to any other primary residence within the community/park.
- iv) The recreational vehicle shall comply with all applicable requirements of the International Building and Fire Codes in effect at the time of application.
- v) Unless the pad/side is shown on the approved site plan without connection, the recreational vehicle shall be connected to the sanitary sewer or an onsite sewage system in compliance with OMC 13.08.090 and all applicable Thurston County regulations.

B) 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.

Section 2. Amendment of OMC 18.02.180(R). Olympia Municipal Code 18.02.180(R) is hereby amended to read as follows:

R. DEFINITIONS - SPECIFIC.

Radio Frequency Emissions. Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

Radio, Television, or Communication Tower. A vertical structure that is intended to send or receive radio, or other wireless communications and to serve more than one user or an enterprise whose principal business is such communications. See Antenna.

Ravine. A narrow gorge that normally contains steep slopes and is deeper than ten (10) vertical feet as measured from the lowest point of the valley to the top of the slope.

Rear Yard. See Yard, Rear.

Reasonable Alternative. An activity that could feasibly attain or approximate a proposal's objectives, but with less environmental impact or decreased level of environmental degradation.

Recreation, Active. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

Recreation, Commercial. A facility operated as a business which is designed and equipped for leisure-time activities such as theaters, bowling alleys, museums, aquariums, public and private recreational concessions, miniature golf, archery ranges, and amusement activities such as coin or token-operated machines, rides, or booths to conduct games. (See also Health Fitness Centers and Dance Studios, Golf Courses, Country Clubs, and Riding Stables.)

Recreation, Passive. Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, or similar table games and activities which may involve educating the user.

Recreation Facility. A place designed and equipped for the purpose of sports and leisure-time activities.

Recreational Vehicle. A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick-up campers, camping trailers, tiny-houses on wheels, motor coach homes, converted trucks, buses, or boats.

Recreational Vehicle Park. Any lot or parcel of land upon which two or more recreational vehicles sites are located, established, or maintained as temporary living quarters for recreation or vacation purposes, not to exceed 180-days of the year.

Recycling. The process by which waste products are collected and reduced to raw materials and transformed into new products.

Recycling Facility. A facility for the collection and/or sorting and storage of recyclable materials generated from domestic or small business sources, such as bottles, cans, paper, cardboard, aluminum, and plastics. This definition does not include facilities for the processing of recyclable

materials, which are classified as an industrial use. Recycling facilities are further divided into two categories: Type I Recycling Facilities include bins or other temporary or permanent facilities for the collection of small quantities of recyclable materials to be sorted and/or processed elsewhere. A Type I facility may be accessory to a primary use, such as a recycling bin at a grocery store parking lot. Type II Recycling Facilities include facilities primarily dedicated to the collection, sorting, or purchase and resale of recyclable materials.

Remodel. The alteration, restoration, reconstruction, addition to, structural modification, change of existing building footprint or internal floor plan that requires city approval or the issuance of any City permit.

Rental, Residence. The temporary rental of a single-family home for personal social events such as a wedding reception, private party or similar activity. (See also Temporary Uses.)

Replat. The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law; or the alteration of any streets or the establishment of any new streets within any such subdivision, but not including conveyances, made so as to combine existing lots by deed or other instruction.

Restaurant. A use providing preparation and retail sale of food and beverages, including coffee shops, sandwich shops, ice cream parlors, fast food take-out, espresso stands, and similar uses. A restaurant may include licensed "on-site" provision of alcoholic beverages for consumption on the premises when accessory to such food service. A "drive-in" restaurant is one where all or a significant portion of the consumption takes place or is designed to take place with the patrons remaining in their vehicles while on the premises. A "drive-through" restaurant is one which has one or more drive-through lanes for ordering and dispensing of food and beverages to patrons remaining in their vehicles, for consumption off the premises.

Restoration. Measures taken to restore an altered or damaged natural feature including:

- a. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- b. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Restrictive Covenant. A restriction on the use of land usually set forth in the deed. [NOTE: Restrictive covenants usually run with the land and are binding upon subsequent owners of the property. However, some restrictive covenants run for specific periods of time.]

Retail Trade. The selling of goods or merchandise to the general public for personal, business, or household consumption. The retail sales establishment is usually a place of business and is engaged in activity to attract the general public to buy goods. The establishment may also buy and receive goods. Retail sales includes services related to the retail goods. The establishment may process, repair, manufacture, and wholesale some of the products, such as jewelry, baked goods, beverages, apparel, pottery, or consumer electronics, but such processing, repair, or manufacturing must be associated with retail activities, be limited to rear or upper floor areas in the same building, and emit no loud noise or noxious odor. See Industry, Light.

Revision of Application, Minor. A change or correction by an applicant of a proposed project, either voluntarily or to conform with applicable standards and requirements, that does not, in the opinion of the Director, constitute a substantial change requiring reinitialization of the review process and period.

Revision of Application, Substantial. A change or correction by an applicant of a proposed project, either initiated voluntarily by the applicant or to conform with applicable standards and requirements, that in the opinion of the Director requires a new review process and period. For example, a change in a proposal which, as a result of changes in the proposed land use, substantially greater floor area or number of residential units, or substantial relocation of uses or structures, or the like, probably would result in significantly different impacts to the environment, upon public services or facilities, or to neighboring properties or land uses.

Review Authority. A person, committee, commission or council responsible for review and final action on a land use or development entitlement or permit.

Revolving Sign. See Sign, Animated.

Rezone. A change in the land use classification of a specific area to another use classification.

Right-of-Way - Improved. All of the right-of-way where any portion of it is used for motor vehicle travel.

Rights-of-Way. The right of one to use or pass over the property of another.

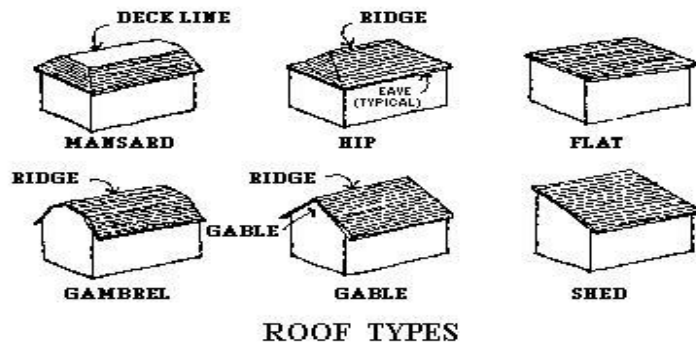


FIGURE 2-6

Roof. The outside top covering of a building.

Rooming House. See Lodging House.

ROW. Rights-of-ways of public easements, roadways, streets, or other so defined public access locations.

Rummage Sale. An occasional or periodic market held in an open area or structure which is sponsored by schools, places of worship or other nonprofit organizations.

Run With The Land. A covenant, benefit or restriction of the use of land binding on present and future owners of the property.

Section 3. Amendment of OMC 18.04.040(B). Olympia Municipal Code OMC 18.04.040(B) is hereby amended to read as follows:

18.04.040 Permitted, conditional and prohibited uses

B. Prohibited and Unspecified Uses. Land uses which are not listed in Table 4.01 as permitted or conditional uses are prohibited. However, the Director of Community Planning and Development may authorize unlisted uses consistent with Section 18.02.080, Interpretations. In addition to those uses prohibited by Table 4.01, the following uses are prohibited in these districts:

1. All Residential Districts.
 - a. Adult oriented businesses (see Chapter 18.02, Definitions).
 - b. Mobile homes, except in approved mobile home/manufactured home parks or when used as temporary housing consistent with Section 18.04.060(DD), Temporary Uses.
 - c. Habitation of recreational vehicles, except when used as temporary housing consistent with Section 18.04.060(DD) or as permanent housing within a mobile/manufactured housing park as outlined in Section 18.04.060(P) and Section 16.06.030(B).
 - d. Junk yards.
 - e. Uses which customarily create noise, vibration, smoke, dust, glare, or toxic or noxious emissions exceeding those typically generated by allowed uses.
 - f. Secure community transition facilities.

2. All Residential Districts Except RMU. Conversion of residences to a commercial use (not including home occupations).
3. RMU District.
 - a. Home improvement/hardware stores larger than ten thousand (10,000) square feet in size.
 - b. Garden stores.
 - c. Motor vehicle sales.
 - d. Service stations.
 - e. The sale of gasoline.
 - f. Drive-in and drive-through businesses and uses.

Section 4. Amendment of OMC 18.04.060(P). Olympia Municipal Code 18.04.060(P) is hereby amended to read as follows:

P. MANUFACTURED OR MOBILE HOME PARKS.

The following requirements apply to all manufactured/mobile home parks subject to conditional use approval.

1. Site Size. The minimum size for a manufactured or mobile home park shall be five (5) acres.
2. Utilities. Manufactured or mobile home parks shall be completely and adequately served by City utilities.
3. Lot Sizes. Each space or lot upon which a manufactured or mobile home is to be located shall be at least two thousand five hundred (2,500) square feet in area and have a minimum width of thirty (30) feet, exclusive of common parking areas and driveways.
4. Accessory Buildings. Buildings and structures accessory to the primary residence (manufactured home, mobile home, or recreational vehicle) located on an approved pad within the manufactured / mobile housing park shall be allowed, provided at least fifty (50) percent of the pad/site remains unencumbered by structures. An accessory roof or awning may be attached to a manufactured or mobile home and shall be considered a part thereof. Automobile parking spaces, which are not computed in the space or lot area, may be covered with a carport.
5. Access. All drives within the park shall be hard surfaced. Sidewalks and paths shall be provided consistent with applicable City Development Standards.
6. Clearance. There shall be at least ten (10) feet clearance between manufactured or mobile homes. Manufactured or mobile homes shall not be located closer than ten (10) feet from any building within the park or from any property line bounding the park.
7. Screening. There shall be sight-obscuring fencing (see Section 18.40.060(D), Fencing), landscaping, or natural vegetated buffers at least eight (8) feet wide on all sides of the park. Such screening shall contain openings which provide direct pedestrian access to adjoining streets and trails.
8. Open Space. At least five hundred (500) square feet of ground area for each manufactured or mobile home space shall be made available in a centralized location or locations for recreational uses. (See Section 18.04.080(J).) At least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.
9. Lighting. Access roadways and recreational areas shall be provided with general area lighting at no less than five-tenths (5/10) foot candle intensity as measured at ground level.
10. Site Plan. A complete and detailed plot plan shall be submitted to the Hearing Examiner for approval. The plan shall show the locations and dimensions of all contemplated buildings, structures, spaces, driveways and roads and recreational areas. The City may require additional information as necessary to determine whether the

proposed park meets all the above mentioned conditions and other applicable provisions of this code.

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

DD. TEMPORARY USES.

1. Intent. Certain uses, when active for a limited period of time and when properly regulated, can be compatible, or otherwise limited in impact to neighboring properties and the general community. In accord with this intent, no temporary use shall be allowed unless a temporary use permit is approved by the City as prescribed by this section. Each separately proposed activity or use shall require a separate permit and payment of the fee required by OMC 4.40.010(A).
2. General Standards. Temporary uses are subject to the following regulations:
 - a. No temporary use shall be permitted on public rights-of-way, unless a rights-of-way obstruction permit is authorized by the Public Works Department.
 - b. Temporary uses not listed in the use table in this chapter may be authorized by the applicable approval authority, provided such temporary uses are similar to and no more intensive than other temporary uses permitted in the district in which the subject property is located.
 - c. The applicable approval authority may apply additional conditions to any temporary use permit in order to:
 - i. Ensure compliance with this chapter;
 - ii. Ensure that such use is not detrimental to neighboring properties and the community as a whole; and
 - iii. Ensure compliance with the International Building Code.
 - d. Within three (3) days after termination of the temporary use permit, such use shall be abated and all structures, signs and evidence of such use removed. The City may require a financial surety be posted by the applicant upon application to defray the costs of cleanup and repair of the property should the permittee fail to do so. The property owner is responsible for any abatement action and costs should the permittee fail to properly clean and repair the property.
 - e. Temporary use permits not exercised within thirty (30) days of issuance shall be null and void.
3. Specific Temporary Use Standards. The following temporary uses are permitted subject to the requirements below.
 - a. Use of mobile homes, and recreational vehicles as emergency housing during reconstruction of a dwelling following damage sustained from earthquake, fire, storm or other natural disaster, not to exceed the period of reconstruction.
 - b. A recreational vehicle may be used as temporary housing during the construction of a primary residence not to exceed twenty four (24) months; provided all of the following criteria are met:
 - i. The recreational vehicle shall be occupied by the property owner and cannot exceed manufacturer recommended occupant loads/levels. The owner of the property shall match the registration of the recreational vehicle. Proof of current vehicle registration, insurance, and a valid driver's license shall be provided.
 - ii. Occupancy of the recreational vehicle shall be limited to the duration of time necessary for construction in which occupation of the primary residence is prohibited by the scope of work and no other residence onsite is available.

- iii. Occupation of the recreational vehicle shall not exceed twenty four (24) months. Extensions are not permitted.
 - iv. The building permit number for the construction shall be provided at the time of application for the Temporary Use Permit and the building permit approval shall be conditioned to ensure the recreational vehicle has been vacated, relocated to an approved storage location, and detached from the sewer/septic system prior to occupancy of the primary residence being constructed.
 - v. The recreational vehicle shall contain at least one internal toilet and at least one internal shower and shall include a Recreational Park Trailer or Recreation Vehicle label from Washington State Labor and Industries (or equivalent agency if from another state). Proof is required with the Temporary Use Permit Application.
 - vi. The recreational vehicle shall be connected to the sanitary sewer or an onsite sewage system in compliance with OMC 13.08.090 and all applicable Thurston County Regulations for the duration of the occupation and connection to the approved sewer/septic system. The recreational vehicle shall be disconnected from the sewer/septic system prior to occupancy of the residence.
- c. One model home per five acres may be constructed in each subdivision prior to final plat approval. Model homes shall contain a functional restroom served by City water. The applicant for a model home permit shall provide adequate parking and emergency access. The Director may authorize appropriate temporary provisions of water and sewer service and other utilities prior to final plat approval. Operation of model homes shall cease when building permits have been issued for ninety (90) percent of the subdivision's lots.
- d. Residences rented for personal social events, such as wedding receptions, private parties or similar activities. No more than six (6) such events may occur during any one (1) year.
- e. Temporary, commercial wireless communications facilities, for the purposes of providing coverage of a special event such as news coverage or sporting event. Such facilities must comply with all federal and state requirements. Temporary wireless communications facilities may be exempt from the provisions of Chapter 18.44 up to one week after the duration of the special event.
4. Violations. At any time when such temporary use is operated in violation of required conditions of this section, or otherwise found to constitute a nuisance, the City may revoke the temporary use permit. The permittee shall be given notice of and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the approval authority, the violation poses a life, health, or safety threat, the temporary use permit may be revoked immediately, and the permittee shall be given the opportunity to request reconsideration and/or appeal.

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 shall remain unaffected.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This Ordinance shall take effect on _____, being five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

RCW 35A.21.312**Authority to regulate placement or use of homes—Regulation of manufactured homes—Issuance of permits—Restrictions on location of manufactured/mobile homes and entry or removal of recreational vehicles used as primary residences.**

(1) A code city may not adopt an ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be regulated for the purposes of siting in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, except as provided in subsection (2) of this section, any code city may require that:

- (a) A manufactured home be a new manufactured home;
- (b) The manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative;
- (c) The manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;
- (d) The home is thermally equivalent to the state energy code; and
- (e) The manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

A code city with a population of one hundred thirty-five thousand or more may choose to designate its building official as the person responsible for issuing all permits, including department of labor and industries permits issued under chapter 43.22 RCW in accordance with an interlocal agreement under chapter 39.34 RCW, for alterations, remodeling, or expansion of manufactured housing located within the city limits under this section.

(2)(a) A code city may not adopt an ordinance that has the effect, directly or indirectly, of restricting the location of manufactured/mobile homes in manufactured/mobile home communities that were legally in existence before June 12, 2008, based exclusively on the age or dimensions of the manufactured/mobile home.

(b) A code city may not prohibit the siting of a manufactured/mobile home on an existing lot based solely on lack of compliance with existing separation and setback requirements that regulate the distance between homes.

(c) A code city is not precluded by (a) or (b) of this subsection from restricting the location of a manufactured/mobile home in manufactured/mobile home communities for any other reason including, but not limited to, failure to comply with fire, safety, or other local ordinances or state laws related to manufactured/mobile homes.

(3) Except as provided under subsection (4) of this section, a code city may not adopt an ordinance that has the effect, directly or indirectly, of preventing the entry or requiring the removal of a recreational vehicle used as a primary residence in manufactured/mobile home communities.

(4) Subsection (3) of this section does not apply to any local ordinance or state law that:

(a) Imposes fire, safety, or other regulations related to recreational vehicles;
 (b) Requires utility hookups in manufactured/mobile home communities to meet state or federal building code standards for manufactured/mobile home communities or recreational vehicle parks; or

(c) Includes both of the following provisions:

(i) A recreational vehicle must contain at least one internal toilet and at least one internal shower; and

(ii) If the requirement in (c)(i) of this subsection is not met, a manufactured/mobile home community must provide toilets and showers.

(5) For the purposes of this section, "manufactured/mobile home community" has the same meaning as in RCW [59.20.030](#).

(6) This section does not override any legally recorded covenants or deed restrictions of record.

(7) This section does not affect the authority granted under chapter [43.22](#) RCW. [[2019 c 390 § 15](#); [2009 c 79 § 2](#); [2008 c 117 § 2](#); [2004 c 256 § 3](#).]



Planning Commission

Housing Options Code Amendments - Briefing

Agenda Date: 7/20/2020
Agenda Item Number: 6.B
File Number: 20-0545

Type: information **Version:** 1 **Status:** In Committee

Title

Housing Options Code Amendments - Briefing

Recommended Action

Information only. No action requested.

Report

Issue:

Discussion on staff responses to public comment themes regarding the draft housing options code amendments.

Staff Contact:

Joyce Phillips, Senior Planner, Community Planning and Development, 360.570.3722

Presenter(s):

Joyce Phillips, Senior Planner, Community Planning and Development

Background and Analysis:

In November 2019 the City Council referred three housing options to the Planning Commission for consideration. In its referral the Council directed the Commission to develop an ordinance that would implement at least two of the three options specified in the referral. The three housing options identified for consideration in Olympia were selected from a list of options outlined in RCW 36.70A.600 and are summarized as follows:

Duplexes on Corner Lots - Allow duplexes on all corner lots in all zoning districts that permit single family residences.

Duplexes, Triplexes, and Courtyard Apartments - Allow duplexes, triplexes, or courtyard apartments on each parcel in one or more zoning districts that allow single family residences.

Accessory Dwelling Units (ADUs) - Allow ADUs but do not require an additional parking space, do not require the property owner to live on site, and do not have a maximum size requirement less than 1,000 square feet.

In March of 2020 the State of Washington amended the housing options included in RCW

36.70A.600 (attached). These amendments went into effect on June 11, 2020. The revisions in state law affect two of the three options under consideration by the City.

The option about duplexes, triplexes, and courtyard apartments was expanded to include additional housing types, such as fourplexes, six-plexes, and stacked apartments. Staff is not proposing to add additional housing types to the proposed code amendments at this time.

The option for ADUs was separated into distinct options and the specific size provision was modified. This means the provisions about parking, owner occupancy, and maximum size could be adopted independently of each other, whereas before all of the actions listed would have had to have been adopted at the same time.

As a result of the changes to state law, the staff recommendations issued in early March were revised to reduce the maximum size of ADUs from 1,000 square feet down to 800 square feet. A maximum size of 800 square feet is less restrictive than the City's current requirement, which is that each ADU can be no more than 66% of the size of the primary house up to 800 square feet in size.

Neighborhood/Community Interests (if known):

Staff have been soliciting and collecting public comments on this proposal since January of 2020. Public comments have been shared with the Planning Commission periodically and have been posted on the project webpage within a few days of the Planning Commission meetings. The City will continue to take public comment on this proposal through the end of the public hearing, which has not yet been scheduled.

To date, there has been a fair number of comments submitted. Some of the comments are in support of the proposed amendments, some are in opposition, some express concern, and some are beyond the purview of the Planning Commission. Staff has summarized themes from the public comments that express concern and have provided brief responses to them (see attached).

Options:

None, no action is requested.

Financial Impact:

None.

Attachments:

Project Webpage
Revised Staff Recommendations Summary
Staff Response to Public Comment Themes
RCW 36.70A.600 (Revised)

Housing Code Amendments

COVID-19 impacts

Public meetings were postponed during the Stay Home, Stay Healthy order. Rather than holding an in-person Open House as had been planned, we are providing the presentations below. The first presentation goes over the three options under consideration. The second presentation reviews the staff recommendations to implement the options. The third explains revised Accessory Dwelling Unit (ADU) recommendations given recent changes to state law. The draft code amendments necessary to implement staff's recommendations are included below.

- [Presentation 1 – The Options](#)
- [Presentation 2 – Staff Recommendations](#)
- [Presentation 3 - Revised ADU Staff Recommendations](#)

Public comments about the proposed code amendments will be accepted until the end of the public hearing, which is not yet scheduled.

Planning Commission meeting

The Planning Commission will meet again on this topic on July 20, 2020 at 6:30 p.m. You must pre-register to attend the Zoom meeting. Instructions to register and join will be included on the meeting agenda once it is issued.

Public comments will not be taken during the meeting, however written comments will continue to be taken. Please submit your written comments to housingoptions@ci.olympia.wa.us at least two hours prior to the meeting. Comments received by 4:30 p.m. the day of the meeting will be forwarded to the Planning Commissioners prior to the meeting. Any comments received after 4:30 p.m. will still be provided to Planning Commissioners but may not be forwarded to them until after the meeting.



What's Happening?

The City plans for where and how Olympia will grow and what is needed to serve that growth (parks, open spaces, infrastructure, streets, public services, etc.) under the Washington State Growth Management Act (GMA). The

GMA was amended in 2019 to encourage cities to take steps to increase residential building capacity in urban growth areas. The updated GMA ([RCW 36.70A.600](#)) provides a list of twelve options to do so.

After reviewing the options, the City Council identified three options that appear to be appropriate for the Olympia. The Council directed the Planning Commission to draft an ordinance to implement two or three of the identified options. Learn more about each below.

How to comment

This work is specific to code amendments necessary to implement two or three of the options identified above. Public comments about the proposed code amendments will be accepted until the end of the public hearing, which is not yet scheduled. They can be mailed to housingoptions@ci.olympia.wa.us

Public comments received can also be viewed in the Document Library on our [Engage Olympia page](#).

SEPA DNS

The City has issued a [SEPA Determination of Non-Significance](#) with a public comment period ending on April 21.

- [View SEPA Checklist](#)
- [View SEPA comments](#)

Note: Comments related to the project are welcome continuously and will be solicited up to and through the project.

 [Implementation Options & Staff Recommendations](#)

 [View Frequently Asked Questions](#)

Stay Informed

- [Subscribe](#) to Planning & Development E-News
- [Email us](#) to be a Party of Record for these zoning amendments
- [Download the complete Public Participation Plan](#)



Duplexes on corner lots

Proposal: Allow duplexes on each corner lot in all zoning districts that permit single family residences.

[Read more...](#)

For Olympia, that would mean a duplex would be allowed on almost all corner lots since almost all zoning districts include single family residences as a permitted use. In order to obtain a building permit the applicant would need to demonstrate compliance with setbacks from property lines, maximum building height and number of stories, maximum lot coverages, low impact development stormwater standards, parking requirements, and design review.

In order to comply with the “on each corner lot” provision of the statute, the minimum lot size would be the same size as the minimum lot size for a single-family residence of the underlying zoning district.

 [Download info sheet](#)



Accessory Dwelling Units (ADUs)

Proposal: Allow ADUs in association with a single-family residence (SFR), with a few specific provisions.

[Read more...](#)

The specific provisions include:

- Allow attached ADUs on all parcels with a SFR where the lot is at least 3,200 square feet in size
- Allow both attached and detached ADUs on all parcels with a SFR, provided the lot is at least 4,356 square feet in size
- No additional on-site parking required
- No owner-occupancy requirement
- Cannot limit the size below one thousand square feet
- Must not prohibit the separate rental or sale of ADU and primary residence
- Impact fees may not be more than the projected impact of the ADU
- City may set other regulations, conditions, procedures, and limitations and must follow all applicable state and federal laws and local ordinances

In Olympia, ADUs are allowed on all lots with a detached single-family home, regardless of the lot size. This may need to be amended to address situations where an attached SFR is located on lots that are at least 3,200 square feet in size. Other amendments that would be needed include:

- Eliminate requirement for an additional on-site parking requirement
- Eliminate requirement for the property owner to live on site
- Modify the size provisions so an ADU can be up to 1,000 square feet

The ADU option includes language that allows cities making use of these ADU provisions to also consider other local provisions. Optional issues the City may want to address include:

- Maximum building height
- Attaching an ADU to an accessory structure (e.g. detached garage)

 [Download info sheet](#)



Duplexes, triplexes and courtyard apartments

Proposal: Allow a duplex, triplex, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel.

[Read more...](#)

In order to implement this option, Olympia would need to determine which of these housing types would be appropriate in which zoning districts. Again, because of the phrase “on each parcel”, that would mean the proposed development would be allowed as long as the underlying development standards are met, such as setbacks from property lines, maximum building height and number of stories, maximum lot coverages, low impact development stormwater standards, parking requirements, and design review.

Because the statutory language includes the word “or” it seems each city could address these housing types separately. Just as an example, the final decision may be that duplexes are appropriate in the R 4-8 zoning district, whereas triplexes and/or courtyard apartments are not. Or another example might be that duplexes are appropriate in all zoning districts that permit SFRs, triplexes are appropriate in most residential zones, and courtyard apartments are appropriate in a few residential zones.

 [Download info sheet](#)

Questions?

Contact Joyce Phillips, Senior Planner, at 360.570.3722 or jphillip@ci.olympia.wa.us

Implementation Options

Implement two to three of the Housing Options Below
(REVISED Staff Recommendation included on Page 2)

OPTION 1: Accessory Dwelling Units

1. Select this option to implement

To Implement:

- Eliminate Requirement for additional off-street parking space
- Eliminate Requirement for property owner to live on site
- Increase maximum size of ADU from 800 square feet to 1,000 square feet
- Consider optional revisions:
 - ◇ Increase building height allowed for ADUs that are not attached to the house from 16 feet to 24 feet
 - ◇ Clarify that an ADU can be attached to an accessory structure such as a garage or shed and both can be of the maximum allowed size

2. Do not select this option to implement

OPTION 2: Duplexes on Corner Lots

1. Select this option to implement

To implement:

- Modify the permitted uses tables to include duplexes on corner lots in the following chapters or the Unified Development Code: 18.04 – Residential Districts (all zoning districts); 18.05 – Villages and Centers (all zoning districts); 18.06 – Commercial Districts (all zoning districts except Urban Waterfront; Urban Waterfront-Housing, and Auto Services

2. Do not select this option to implement

OPTION 3: Duplexes, Triplexes or Courtyard Apartments

1. Select Duplexes as an option to implement

To Implement:

- Identify which additional zoning districts are appropriate for duplexes (R4, R 4-8, R6-12)

2. Select Triplexes as an option to implement

To Implement:

- Identify which additional zoning districts are appropriate for triplexes (R1/5; R4; RLI; R4-8; R6-12)

3. Select Courtyard Apartments as an option to implement

To Implement:

- Define Courtyard Apartments
- Establish minimum standards for courtyard apartments
- Identify which zoning districts are appropriate for courtyard apartments (R1/5; R4; RLI; R4-8; R6-12)

4. Do not select any of these options to implement

REVISED Staff Recommendations – by Housing Type

NOTE: [House Bill 2343](#) (HB 2343) was approved by the 2020 Washington State Legislature, signed into law by Governor Inslee, and goes into effect on June 11, 2020. HB 2343 amends the housing options included in RCW 36.70A.600 and those changes effect the Accessory Dwelling Unit (ADU) provisions under consideration. As a result, staff is modifying its recommendations related to the size of ADUs, as indicated below. New language is shown in red underlined text. Language to be removed is shown in ~~strikethrough text~~.

Implement OPTION 1: Accessory Dwelling Units (ADUs)

- Eliminate requirements for additional parking and for the property owner to live on-site
- ~~Increase maximum size of ADU from 800 square feet to 1,000 square feet~~
- Allow any ADU to be up to 800 square feet in size, regardless of the size of the primary residence
- Increase building height for ADUs that are not attached to the house from 16 feet to 24 feet
- Clarify that an ADU can be attached to a garage or accessory structure and each can be up to the maximum size allowed in the underlying zoning district

The recommendations below remain unchanged:

Implement OPTION 2: Duplexes

- Allow duplexes on corner lots in all zoning districts that permit single family residences*

Selectively Implement OPTION 3 as follows (by housing type)

Duplexes

- Allow duplexes in the R-4, R 4-8, and R 6-12 zoning districts on each parcel* – unless the City documents a specific infrastructure or physical constraint that would make this unfeasible for a particular parcel

Triplexes

- Allow triplexes in the R 6-12 zoning district on each parcel* – unless the City documents a specific infrastructure or physical constraint that would make this unfeasible for a particular parcel
- Clarify that five parking spaces per unit are required (1.5 spaces per unit, rounded up to 5)

Courtyard Apartments

- Define courtyard apartments
- Identify minimum development standards for courtyard apartments – such as orientation around and direct access from ground floor units to a shared courtyard and the provision of private open space for each unit
- Allow courtyard apartments in the R 6-12 zoning district each parcel* – unless the City documents a specific infrastructure or physical constraint that would make this unfeasible for a particular parcel

Other

Amend density provisions in 18.04 to note that City staff will review permitting in areas designated as Low Density Neighborhoods on an annual basis to review achieved density and make revisions, as needed, if twelve units per acre is approached or exceeded.

** Upon demonstration that all zoning district standards for setbacks from property lines, maximum lot development standards (building coverage, impervious surface coverage, and hard surface coverage), parking, design review, tree requirements, low impact development stormwater requirements, and the protection of critical areas are satisfied.*



Staff Responses to Public Comment Themes

July 2020

The City is considering **Housing Options Code Amendments** to the zoning code in order to allow a wider variety of housing types in residential zoning districts. The housing types include Accessory Dwelling Units (ADUs), duplexes, triplexes, and courtyard apartments. In some cases, amendments to the standards for these housing types are proposed. In other cases, the housing type is not currently allowed in some zones and amendments are proposed to allow the housing type in certain zones. For more information about the proposed amendments please visit olympiawa.gov/housingcode.

Public Comments

Public Comments on the Housing Options Code Amendments have been submitted over several months. Below the major themes of those comments that express concerns rather than support are identified and staff responses are provided.

Housing Supply/Shortage/Affordability

General Issue Raised	Staff Response
More units does not mean more affordability.	Olympia has a very low vacancy rate (less than three percent). More housing units will help address the demand for housing, which will help prevent rent prices from increasing as fast as they otherwise could if zoning continues to restrict or prohibit multi-unit housing types in many areas of the community. Housing created as a result of these proposed amendments may not be affordable for low income groups, although the City is working on numerous projects to increase housing that is affordable at all income levels. It is anticipated that these housing units will be primarily market rate housing. Sale or rent will depend on many factors, such as size, location, and the quality of construction. However, if this proposed ordinance is approved it could also be used to construct subsidized housing affordable to low income levels. The primary intent is to provide a greater variety of housing types and sizes to meet the diverse needs of the entire community, rather than continuing to restrict portions of the community to new housing that is only affordable to those with moderate to high incomes. The result of having more housing units and options available will be to help take some of the pressure off of the housing market to at least slow down the cost of housing price increases.
The City should include provisions to primarily serve those who are low income.	The City is working on multiple housing efforts simultaneously. Some of the other efforts are directly related to providing low income housing, emergency housing, and working to end homelessness. Olympia needs more housing for people across the entire income spectrum.
Will the City require set asides for low income people for this housing?	These proposed amendments for increased housing options do not have specific requirements to be set aside for low-income households. These housing types will occur in existing neighborhoods and the rental rates will be set by the property owner(s). However, low-income housing developers could use the increased housing options to create more low-income housing units. There is also evidence to suggest that ADUs are often rented to family members or acquaintances, often at below market rates.



Staff Responses to Public Comment Themes

Neighborhood Character/Design Review

General Issue Raised	Staff Response
How will the City help to retain the character and feel of our neighborhoods?	These housing types are subject to the Infill & Other Residential design review requirements specifically because they do address Neighborhood Scale and Character. These housing types will be subject to these standards even when proposed on properties that are not located in the Infill Design District.
Would duplexes on corner lots be required to appear as single family residences from the streets?	Not necessarily. As long as the proposed structure meets the Infill & Other Residential design review requirements, and the development standards of the zoning district, it would be allowed. The ability to have one front door face each street will depend on the size and shape of the lot, as well as any driveway location constraints.
Window placement should ensure privacy is maintained on adjacent properties.	Window placement and privacy issues are part of the Infill & Other Residential design review standards. This is reviewed at the time of building permit application.
Retain trees	The City's tree requirements and standards are not proposed to change with these housing options. The minimum tree density requirement is 30 "tree units" per acre. This requirement will continue to apply to all properties, whether constructed with single-family houses or multi-unit housing. Part of the reason the building height for ADUs that are not attached to the primary building is proposed to be increased is to allow for an ADU to be built over a detached garage or shop. This would allow more of the lot to be kept in yard and garden area, which would allow more trees to be retained or planted.
The City should monitor neighborhood character and aesthetics by neighborhood.	The design review for each of the housing types proposed require a review of other housing styles on both sides of the same street, within 300 feet of the lot. This means the new construction will blend in not only with the greater neighborhood, but on each block.

Compatibility and Scale of New Structures

General Issue Raised	Staff Response
Concern that three story apartment buildings will be built and will not fit in.	All of the housing types proposed are limited to two stories in the low-density residential zoning districts (primarily R4-8 and R6-12).
The 35 foot height limit is too high.	Thirty-five (35) feet is the current maximum height allowed for single-family homes.
Overhangs, stairs, and clerestory windows must be counted in allowed square footage and height.	The way the city measures building height, setbacks, and developable portions of the lot is not proposed to change. Overhangs are allowed to project two feet into the setback areas, stairs count as part of the structure and therefore must meet setbacks if they exceed thirty inches in height. Building height is measured from the average grade of the building site to the midpoint of the roof. All of these standards will continue to apply to all properties, whether constructed with single-family houses or multi-unit housing.
Should allow larger ADUs/ Should require smaller ADUs.	We are proposing any ADU could be up to 800 square feet. This is because the ADU is meant to be <i>accessory</i> to the primary home. We realize that some people want bigger ADUs and some people do not want ADUs to be larger in



Staff Responses to Public Comment Themes

	size than a certain percentage of the primary home. The proposed size is meant to balance those perspectives. However, the City may want to increase the proposed size to 850 square feet to match the maximum size allowed in the City of Lacey because the cities are working together to develop preapproved ADU plan sets that would be available for use.
Shading that results from taller new construction could negatively impact the solar panels on adjacent properties.	The City does not currently have standards or requirements about ensuring new construction does not shade adjacent properties, even if there are solar panels already installed. While property owners can work with the adjacent property owners to obtain private “solar access” easements, they are not required to do so and in most cases have installed solar panels without such easements. The proposed changes do not alter the portions of the lot that can be built on or the maximum height of the structures that could be built. Even though the maximum height for detached ADUs is proposed to increase from 16 feet to 24 feet, it is still lower than the 35 feet that is currently allowed for additions to the home that could be built in the same area of the lot.

Parking

While some comments supported less or no parking for these housing types, most parking comments were to express concern that off-street parking should be required. Concerns that finding street parking or things like street sweeping, mail delivery, and garbage collection would become more challenging were expressed. Also mentioned were increased risks to bicyclists and pedestrians and restricted ingress and egress for emergency vehicles on congested streets. Other opinions were that requiring on-site parking is expensive, supports continued auto-dependence, and prioritizes space for cars over space for people.

Staff response: We are striving for a balance to accommodate parking. The staff recommendations include requirements for all of these housing types, except ADUs. These are *minimum* parking requirements and property owners could choose to provide on-site parking for ADUs or additional parking for any housing type. Planning staff coordinated with transportation engineering staff to look at peak parking demands for these housing types. City Transportation Engineering staff used the Parking Generation, 3rd Edition manual of the Institute of Transportation Engineers and calculated the average peak parking demand for these housing types. The proposed minimum required off-street parking provisions for these housing types is adequate to meet average peak parking demands for these housing types.

Housing Type	Current Min. Required	Avg. Peak Parking Demand	Proposed Min. Required	Notes
Single Family	2	1.83 spaces	2	
ADU	1	.034 – 0.5 spaces	0	Even at highest rate, when combined with Single Family, the peak number of stalls is 2.33, which we would round down to 2.
Duplex	4 (2 per unit)	1.02 spaces/unit	4 (2 per unit)	
Triplex	1.5 per unit	1.02 spaces/unit	1.5 per unit	Clarify minimum of 5 is required in R 6-12 zoning district
Courtyard Apt.	1.5 per unit	1.02 spaces/unit	1.5 per unit	Standard for apartments is 1.5 per unit (1 per studio unit)



Staff Responses to Public Comment Themes

Traffic and Schools

General Issue Raised	Staff Response
City's development standards for street improvements are costly but necessary	The City requires frontage improvements (sidewalk, curb, gutter, planter strip, etc.) be constructed for projects that will result in more than 20 new average daily trips. This is not proposed to change as a result of these amendments. It is worth noting that the Council's Land Use and Environment Committee is looking at the cost of development, including street improvements. The Committee may recommend changes to the full Council at some point in the future.
Adding duplexes and triplexes, while increasing the density of the population within our neighborhoods will also significantly change traffic patterns, causing congestion where currently there is none.	The City's Comprehensive Plan envisions growth within the Urban Growth Area, including where and how densely that growth will occur. The amount of people the city is planning to accommodate by 2035 has not changed. While the Plan directs most of the new population to moderate and high-density neighborhoods, it also calls for some growth and infill within the areas designated as Low Density Neighborhoods. The proposed amendments will implement that portion of the Plan. This includes making use of existing streets and utilities to accommodate infill. This will help disperse traffic out across the City, while still directing most new growth to the higher density areas where walking, bicycling and transit are more convenient. In instances where the existing infrastructure is not adequate to serve additional housing, the city will deny the application or require the property owner to make the necessary improvements.
Schools – overcrowded and under funded	The local School District is planning for the same amount of population increases as the City. The District is aware of and supports the Future Land Use Map and where the growth is anticipated to occur.
Traffic congestion	The City collects transportation impact fees for each new residential unit. The aggregated fees are used to build the transportation improvements needed to ensure the city meets the adopted level of service standards.
Sidewalks are needed with new construction, and it's needed even more in areas near schools.	The City requires the construction of the sidewalk, or payment into a sidewalk program, with each residential building permit on lots where the sidewalk is not present. When property is subdivided an analysis of walking routes to schools is conducted. It is common to have requirements to build sidewalks, even off-site, in order to meet the requirement to provide safe walking routes to schools.

Infill and Housing Variety

General Issue Raised	Staff Response
Increasing density at cost of protecting the environment.	All of the City's environmental protection standards will still remain in effect. All of these standards will continue to apply to all properties, whether constructed with single-family houses or multi-unit housing. This includes protecting groundwater, wetlands, floodplains, steep slopes and geologically hazardous areas, streams and riparian areas, and important habitats and species. It is important to note that the allowed densities of the underlying zoning districts are not proposed to change.



Staff Responses to Public Comment Themes

What about areas where existing infrastructure cannot accommodate additional housing?	In areas where existing infrastructure cannot accommodate additional housing the City will not issue building permits unless the needed improvements are made.
Current ADU size and height standards too restrictive.	We understand that some members of the community want ADU standards that are more strict, while others would prefer standards that are less restrictive. The proposed amendments are less restrictive than the current standards and are balanced between these competing perspectives.

Tear Downs

General Issue Raised	Staff Response
The proposed amendments to allow more housing types in single family neighborhoods will destroy our neighborhoods.	Staff does not believe these proposed code amendments will result in an increase in the number of demolition permits that are issued or detract from the character of existing neighborhoods. There is evidence throughout Thurston County cities that when houses are demolished and the property owner decides to rebuild, it is likely a single family home will be built in its place. However, if the property owner has the desire and can meet the development and design review standards, the option to build a duplex would be allowed. Depending on the zoning district where the property is located, a triplex or courtyard apartment may also be an option. Regardless of these housing types proposed, design review and off-street parking standards would have to be satisfied. Allowing small scale multifamily housing is consistent with the Comprehensive Plan adopted vision for low density residential areas. Small scale, multi-unit residential development that meets the infill design review requirements is consistent with the comprehensive plan's low density land use designation and with existing development in low density neighborhoods.
Single family homes will be sold to developers for apartment buildings.	The only type of apartments that would be allowed in most of these zoning districts (apartments are currently allowed in the RLI zone) have specific open space requirements for both shared and private open spaces for the tenants.
These code changes will encourage investor owned housing in our neighborhoods – we don't want that.	These housing options will also allow more homeowners to add an ADU or convert their homes to duplexes. Many of the homes in the City are owned by the people who live in them. Many of the homes are owned by others, who may or may not live in the area, and then rented. Most owners who rent housing do so as an investment. Over 50% of our community currently rents their housing. The code amendments proposed are modest and balance several issues, including aesthetics of the structures and blending new construction in with the surrounding neighborhood. Staff does not believe these amendments will result in a significant change in the amount of housing that is owned by investors.



Staff Responses to Public Comment Themes

Other

General Issue Raised	Staff Response
Not satisfied with the amount of notice provided.	City staff has ensured this project has met and exceeded the public notice requirements.
These amendments will only benefit developers.	We understand that many people believe this to be true. The majority of people that staff have talked to about these proposed amendments are people who are interested in building an ADU on their property. A few people have shown interest in converting their existing homes into duplexes. Even fewer have inquired about triplexes or courtyard apartments. The addition of any of these housing types would be considered to be by “developers”. The code amendments will equally benefit all property owners who could provide more housing opportunities. The primary purpose of these amendments is to provide more choices and opportunities for people who want to live in neighborhoods throughout Olympia, rather than only zoning districts that contain apartment complexes.
Support these for local property owners and developers over out of town developers or larger scale projects.	The requirements will be the same for all people regardless of where they live. Changes that help local property owners will also help out of town developers if the developers are interested in small scale infill housing opportunities. Larger scale projects would need to be located in moderate or high density zoning districts.
Duplexes in an area of single family homes may lead to lack of property maintenance.	This presumes that people who rent their residences are less likely to maintain the property than a homeowner. This is a stereotype. There are some renters who maintain the property as well as or better than a homeowner and vice-versa. All properties will continue to be required to be maintained in accordance with the City’s codes (codes that address nuisances, property maintenance, unfit buildings, etc.), which apply equally to all residential housing types.
ADU standards that are too costly will result in more illegal ADUs.	Some ADU standards relate to zoning (size, setbacks, design review) while others are related to engineering and building (utility connections, impact fees). The related standards in these amendments are specific to zoning standards with the intent to balance housing and neighborhoods. Other aspects related to costs for building ADUs and other housing types are being considered by the Council’s Land Use and Environment Committee in related work. The City strives to balance housing needs, community interests, and impact fees, and costs.
What does the city do to encourage development on existing infill lots?	One of the primary benefits of developing existing infill lots is that in most cases the water and sewer lines are already in the street and available for connection. If the sidewalk is present the property owner will not need to pay for construction of a new sidewalk. In addition, if there was a residence on the property in the past, existing meters may be used for the new construction and impact fees may not be required.
Why doesn’t the City encourage residential	The adopted Comprehensive Plan identifies three High Density Neighborhood areas in the City (Downtown, eastside, and westside). These areas are intended to accommodate most of the population growth, are



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development in other areas, like along arterials?	zoned for a mix of commercial and residential uses at higher densities, and are connected by urban transportation corridors. The Downtown was the first of these three areas to go through a subarea planning process which resulted in the Downtown Strategy being adopted. The other two high density neighborhood areas will go through a similar planning process in the future. The Comprehensive Plan also states that infill within the Low Density Neighborhood area is needed and describes these areas as providing for a mix of residential housing types.
Concerns that this will lead to gentrification and continued racial issues. Concern that money and greed is at the root of this. We don't want to end up like Seattle.	The City is working to provide more housing options across the city. Most new housing units will occur in moderate and high density areas but some growth is also planned to occur in low density neighborhoods. By allowing more housing opportunities across all housing types and income levels, we are working to prevent gentrification. Allowing homes to add an ADU or convert into a duplex or triplex may help alleviate pressure to buy older homes on larger lots to demolish them. Working to allow more housing types in existing neighborhoods will help keep pace with our changing demographics (fewer people per household) and provide greater choice for where people can live in our community. Not everyone wants to live in apartment complexes or can find affordable housing (to rent or buy) in the neighborhoods of their choice. The intention of these amendments is to provide much needed housing by increasing the variety of housing types allowed in low density residential areas, making use of existing utilities and public amenities (parks, schools). These amendments are intended to reduce the likelihood of gentrification by spreading out housing across the City rather than targeting only one or two areas for new growth. In addition, by having more housing and housing options in all neighborhoods, the City is working to eliminate barriers to decent housing for all groups including minorities of any kind (race, ethnic, sexual orientation, etc.).
Don't increase density in our neighborhoods.	The proposed code amendments do not increase the densities allowed in the underlying zoning districts. However, it is possible that development patterns may change over time so that the achieved densities could increase. All new subdivisions are reviewed for compliance with the density range of the applicable zoning district. Annual monitoring of density is proposed to maintain consistency with the Comprehensive Plan.
Courtyard apartments benefit corporations and are built around cars.	As proposed, courtyard apartment proposals require a shared open space as well as private open spaces for each unit. Parking is not allowed in the courtyard that the apartments must be built around. The City's design review requirements ensure the certain elements of design are addressed to help the new construction blend into the existing neighborhood.
Concern about the combined sewer and stormwater system that might be overloaded.	The City has master plans for sewer and stormwater. These master plans align with the Comprehensive Plan and look at the infrastructure requirements needed to serve the existing and planned growth. Additionally, the City's Engineering Design and Development Standards (EDDS) are designed to ensure development complies with the standards for public safety and environmental protection, including for sanitary sewer and stormwater. All development is reviewed for compliance with EDDS before any permits are issued. The Cities and Thurston County work cooperatively



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	with the LOTT Cleanwater Alliance to ensure development can be accommodated and treated and that the treatment facilities are adequately sized to handle the anticipated population growth and economic development activity.
Stormwater and drainage concerns	All of the current standards addressing stormwater runoff will continue to apply to all properties, whether constructed with single-family houses or multi-unit housing. These include limits on hard surface and impervious surfaces on each lot.
The City should delay action on this proposal during the pandemic.	No action is being taken and scheduling of the public hearing has been delayed. The City continues to take written public comments and will do so until the close of the public hearing. Staff's recommendations for how to implement the housing options under consideration were issued just a week or so prior to the stay home order being issued. Staff chose to continue briefings with the Planning Commission on the topic but will not schedule the public hearing until adequate provisions can be made to allow for public testimony to be provided.
Increased need for police and fire services	The City establishes the need for police and fire services on the population within city limits. The amount of growth the City is planning for is set in the Comprehensive Plan and is not proposed to change at this time.
Strain on trash collection and sewer infrastructure	Infill development is the most efficient way for a city to provide urban services such as trash collection and sanitary sewer to new population growth. Infill development makes use of existing routes and pipes. The overall need for trash service and sewer treatment is based on the overall population to be served, which is not proposed to increase with these amendments beyond the growth envisioned in the Comprehensive Plan.
New buildings could shade garden areas and decrease ability to grow food	New buildings will shade lands that fall within its shadow. The area of the shadow will vary throughout the year and by the time of day. However, the portions of lots where construction is allowed are not changed as a result of these proposed amendments. All of these standards will continue to apply to all properties, whether constructed with single-family houses or multi-unit housing. The only change in height that is proposed is for ADUs that are not attached to the main house. The height increase would allow an ADU to be constructed over a garage or other accessory building. The ADU could then be up to 24 feet in height, as proposed. This height allowance is still lower than the height allowed for the main house, which is 35 feet.
Goal of net density of 6 units per acre.	The City is not proposing to implement the housing option included in the state law to establish a minimum density of six units per acre. The allowed densities of the zoning districts are not proposed to change as a result of these proposed amendments. Some zones have existing density provisions for less than 6 units per acre to help balance values, such as protecting sensitive drainage basins (RLI – Residential Low Impact and R-4CB – Residential 4 Chambers Basin).
Why not just increase the minimum lot size	The majority of the City is already subdivided. While most lots are larger than the minimum lot size allowed, in most cases they are not large enough to be re-divided. However, some lots are smaller in size – either at or only slightly larger than the minimum lot size. If the city increases the minimum lot size we risk turning lots that currently conform to zoning standards into



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	“non-conforming” lots. This can create challenges in the future. The City proposes these changes with the intent to keep all existing conforming lots as conforming. And new subdivisions are required to show the proposed use for all lots that are not for single family homes so the City can calculate density to ensure the proposed development falls within the allowed density range of the zoning district.
Why doesn't the City propose larger lot size requirements for triplexes and courtyard apartments?	The City is proposing code language to implement the option as written in state law, which is to allow these housing types on each parcel in zoning district(s) where single family homes are allowed. If we required larger lot sizes for these housing types, it would not satisfy the “on each parcel” part of the option as written in state law.
The proposed language about monitoring density seems vague.	The language proposes the density described in the Comprehensive Plan (up to 12 units per acre) be monitored on an annual basis. The intent of the language is to ensure consistency between the Comprehensive Plan and the codes that implement it. The monitoring will be focused on the question of whether the density described in the Comprehensive Plan is met. The specific methodology may need to be adjusted based on changes; for example, zoning district boundaries may change over time.

Supportive Issues Identified

Some comments included support for the proposed amendments. These issues are noted but staff is not responding to them specifically:

- Will help reduce sprawl and to be a more sustainable City
- Will protect surrounding farm and forest lands
- Will help to return to historic residential development patterns
- ADUs will support and allow for more upward social and economic mobility
- The adopted Comprehensive Plan calls for a mix of housing types
- Supports a variety of housing types for all kinds of people
- Supports greenhouse gas emission reduction, promotes more walking/bicycling/transit use
- Makes better use of existing infrastructure
- Would allow more housing units in Historic Neighborhood without tearing down existing structures
- Support for more options to allow people to age in place
- Support for pre-approved ADU plans

Beyond Planning Commission's Purview

Several comments address issues that are beyond the scope of the Planning Commission. While these comments have been provided to the Commission and will be forwarded to the City Council, staff will not address them here. These issues include:

- Current Property Tax System
- Appeal provisions in current state law
- SEPA Decision Issued
- Private covenants
- Rent Control issues
- Multi-Family Tax Exemptions

RCW 36.70A.600**Cities planning under RCW 36.70A.040—Increasing residential building capacity—Housing action plan authorized—Grant assistance.**

*** CHANGE IN 2020 *** (SEE **2343-S.SL**) ***

(1) A city planning pursuant to RCW **36.70A.040** is encouraged to take the following actions in order to increase its residential building capacity:

(a) Authorize development in one or more areas of not fewer than five hundred acres that include at least one train station served by commuter rail or light rail with an average of at least fifty residential units per acre that require no more than an average of one on-site parking space per two bedrooms in the portions of multifamily zones that are located within the areas;

(b) Authorize development in one or more areas of not fewer than five hundred acres in cities with a population greater than forty thousand or not fewer than two hundred fifty acres in cities with a population less than forty thousand that include at least one bus stop served by scheduled bus service of at least four times per hour for twelve or more hours per day with an average of at least twenty-five residential units per acre that require no more than an average of one on-site parking space per two bedrooms in portions of the multifamily zones that are located within the areas;

(c) Authorize at least one duplex, triplex, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel;

(d) Authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;

(e) Authorize attached accessory dwelling units on all parcels containing single-family homes where the lot is at least three thousand two hundred square feet in size, and permit both attached and detached accessory dwelling units on all parcels containing single-family homes, provided lots are at least four thousand three hundred fifty-six square feet in size. Qualifying city ordinances or regulations may not provide for on-site parking requirements, owner occupancy requirements, or square footage limitations below one thousand square feet for the accessory dwelling unit, and must not prohibit the separate rental or sale of accessory dwelling units and the primary residence. Cities must set applicable impact fees at no more than the projected impact of the accessory dwelling unit. To allow local flexibility, other than these factors, accessory dwelling units may be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority, and must follow all applicable state and federal laws and local ordinances;

(f) Adopt a subarea plan pursuant to RCW **43.21C.420**;

(g) Adopt a planned action pursuant to RCW **43.21C.440**(1)(b)(ii), except that an environmental impact statement pursuant to RCW **43.21C.030** is not required for such an action;

(h) Adopt increases in categorical exemptions pursuant to RCW **43.21C.229** for residential or mixed-use development;

(i) Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;

(j) Authorize a duplex on each corner lot within all zoning districts that permit single-family residences;

(k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter **58.17** RCW; and

(l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city.

(2) A city planning pursuant to RCW **36.70A.040** may adopt a housing action plan as described in this subsection. The goal of any such housing plan must be to encourage construction of additional

affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. A housing action plan may utilize data compiled pursuant to RCW **36.70A.610**. The housing action plan should:

(a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households;

(b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;

(c) Analyze population and employment trends, with documentation of projections;

(d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;

(e) Review and evaluate the current housing element adopted pursuant to RCW **36.70A.070**, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;

(f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and

(g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.

(3) If adopted by April 1, 2021, ordinances, amendments to development regulations, and other nonproject actions taken by a city to implement the actions specified in subsection (1) of this section, with the exception of the action specified in subsection (1)(f) of this section, are not subject to administrative or judicial appeal under chapter **43.21C** RCW.

(4) Any action taken by a city prior to April 1, 2021, to amend their comprehensive plan, or adopt or amend ordinances or development regulations, solely to enact provisions under subsection (1) of this section is not subject to legal challenge under this chapter.

(5) In taking action under subsection (1) of this section, cities are encouraged to utilize strategies that increase residential building capacity in areas with frequent transit service and with the transportation and utility infrastructure that supports the additional residential building capacity.

(6) A city with a population over twenty thousand that is planning to take at least two actions under subsection (1) of this section, and that action will occur between July 28, 2019, and April 1, 2021, is eligible to apply to the department for planning grant assistance of up to one hundred thousand dollars, subject to the availability of funds appropriated for that purpose. The department shall develop grant criteria to ensure that grant funds awarded are proportionate to the level of effort proposed by a city, and the potential increase in housing supply or regulatory streamlining that could be achieved. Funding may be provided in advance of, and to support, adoption of policies or ordinances consistent with this section. A city can request, and the department may award, more than one hundred thousand dollars for applications that demonstrate extraordinary potential to increase housing supply or regulatory streamlining.

(7) A city seeking to develop a housing action plan under subsection (2) of this section is eligible to apply to the department for up to one hundred thousand dollars.

(8) The department shall establish grant award amounts under subsections (6) and (7) of this section based on the expected number of cities that will seek grant assistance, to ensure that all cities can receive some level of grant support. If funding capacity allows, the department may consider accepting and funding applications from cities with a population of less than twenty thousand if the actions proposed in the application will create a significant amount of housing capacity or regulatory streamlining and are consistent with the actions in this section.

(9) In implementing chapter 348, Laws of 2019, cities are encouraged to prioritize the creation of affordable, inclusive neighborhoods and to consider the risk of residential displacement, particularly in neighborhoods with communities at high risk of displacement.

[**2019 c 348 § 1.**]

ATTACHMENT 4



Planning Commission Organizational Retreat Planning

Agenda Date: 7/20/2020
Agenda Item Number: 6.C
File Number: 20-0560

Type: discussion **Version:** 1 **Status:** In Committee

Title

Organizational Retreat Planning

Recommended Action

Discussion only; no action requested.

Report

Issue:

Discussion of the 2020 organizational retreat.

Staff Contact:

Cari Hornbein, Senior Planner, Community Planning and Development, 360.753.8048

Presenter(s):

Cari Hornbein, Senior Planner, Community Planning and Development

Background and Analysis:

The organizational retreat is an event the Planning Commission holds most years, usually in the fall. This event focusses on improving commissioner relationships and procedures, as well as opportunities for training and information sharing on topics of interest. The upcoming discussion will give Commissioners an opportunity to identify areas of interest, as well as potential venues that satisfy social-distancing protocol.

Neighborhood/Community Interests (if known):

N/A

Options:

None at this time; discussion only.

Financial Impact:

To be determined.

Attachments:

None