

Chapter 2

ADMINISTRATION AND APPLICABILITY

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2.010 Applicability

See Section 1.030 of the EDDS.

2.020 Definitions

ABUTTING - Having a common boundary.

ACCESS - The safe, adequate, and usable ingress/egress (entrance/exit) to a property or use.

ACTION - A decision made by the review authority(s) on a land use application, including appropriate findings, environmental determination, and conditions of approval, where applicable.

AFFECTED PARTY - Any individual, partnership, corporation, association, or public or private organization of any character significantly affected by or interested in an action before the Review Authority, including any party in a contested case.

ALLEY - A public or private way at the rear or side of property permanently reserved as a means of vehicular or pedestrian access to a property. Functionally, an alley is the minimum or lowest classification of a street.

APPLICANT - Owner(s) or lessee(s) of property, including their agent(s), who submit an application for development. This may also include person(s) who have contracted to purchase property contingent upon acquiring the necessary permits under this Development Code.

APPROVAL AUTHORITY - The Olympia City Council or the Hearing Examiner in those instances where the City Council does not assume jurisdiction.

AASHTO - American Association of State Highway and Transportation Officials.

AVERAGE DAILY TRAFFIC or ADT - The average number of vehicles passing a specified point during a 24-hour period. Annual average daily traffic (AADT) denotes that daily traffic that is averaged over one calendar year.

BEST MANAGEMENT PRACTICES (BMPs) - Physical, structural, or managerial practices that have gained general acceptance for their ability to provide erosion and sediment control, as well as prevent or reduce public safety and other environmental impacts. BMPs are adopted in the DDECM or approved by the City Engineer.

BUILDING SEWER - See SIDE SEWER.

BOND/SURETY - Any document, instrument, or individual bound with and for the acceptable performance, execution, and completion of the work and for the satisfaction of all obligations incurred.

BULB-OUT – An extension of the sidewalk into the parking lane, in order to shorten the pedestrian crossing distance and/or act as a traffic calming device. Bulb-outs make the pedestrian more visible to drivers and cars more visible to pedestrians.

CATCH BASIN - A chamber or well, usually installed at the curb line of a street, for the transport of surface water to a sewer or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

CDC - Capacity Development Charge. This charge is collected when a new sanitary sewer connection is made to the City's wastewater collection system, or upon a significant increase in wastewater discharge volume such as a change of use or redevelopment. See Chapter 13.08 of the OMC for more information.

CITY COUNCIL - The City of Olympia legislative authority.

CITY ENGINEER - The City Engineer for the City of Olympia with authority and duties as designated, or authorized designee.

CLEARING - The construction or removal of vegetation from a site by physical, mechanical, chemical, or other means. This does not mean landscape maintenance or pruning consistent with accepted horticultural practices that do not impair the health or survival of trees and vegetation.

CLEAR ZONE - The total streetside border area, starting at the edge of traveled way, available for safe use by errant vehicles. The area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and/or a clear runout area. The desired width is dependent upon the traffic volumes, speeds, and the streetside geometry.

COMPREHENSIVE PLAN - A plan adopted by the City Council to guide the physical growth and improvement of the City and urban growth management area, including any future amendments and revisions.

CONTROLLED DENSITY FILL - A mixture of Portland cement, fly ash, aggregates, water, and admixtures proportioned to provide a nonsegregating, self-consolidating, free-flowing, and excavatable material that will result in a hardened, dense, nonsettling fill.

CURB RAMP – A concrete ramp graded down from the elevation of a hard surface sidewalk to the surface elevation of the adjacent street, intended for pedestrian use and typically, but not exclusively, located at street intersections. The Americans with Disabilities Act (ADA) and Public Right-Of-Way Accessibility Guidelines (PROWAG) provide regulations and guidance for curb ramp placement and geometry.

DEDICATION - The deliberate appropriating of land by an owner(s) for any general and public uses, reserving to themselves no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property is to be devoted. The intent to dedicate will be evidenced by the owner by the presentment for filing of a final plat, short plat, or site plan that shows the dedication thereon. Acceptance by the public will be evidenced by written approval issued by the City of such document for filing with the County Auditor.

DEVELOPABLE PARCEL - Contiguous land area that can be developed to the minimum zoning classification densities identified in the current City of Olympia Municipal Code. The parcel's land area with critical wetland and steep slope buffers and lot configurations area that do not conform to building code regulations may be considered undevelopable land area. As adjacent land development occurs, new public streets and rights-of-way will connect to and remain open to developable parcels for the development of the future street network. See also UNDERVELOPED PARCEL definition.

DEVELOPMENT - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing, or land disturbance; and any use or extension of the use of land.

DEVELOPMENT PERMIT - Any land use permit that must be approved by the City of Olympia prior to the improvement and development of land or structures.

DEVIATION - A modification of these Standards approved by the City Engineer, per Section 1.050 of Chapter 1 of these Standards.

DIRECTOR - The Director of the City of Olympia Community Planning and Development Department, and/or the Director of the Public Works Department or either Director's designee.

DOWNTOWN - For purposes of determining where Commercial Collector Street standard apply, and where pedestrian bulb-outs are required, Downtown is defined as the area bounded by: Budd Inlet on the north; Budd Inlet and Capitol Lake on the west; along 11th Avenue extending between Capitol Lake and Jefferson Street; along Jefferson Street, 11th Avenue to Union Avenue; along Union Avenue, from Jefferson Street to Eastside Street; along Eastside Street on the east from Union Avenue to Olympia Avenue; and along Olympia Avenue in a westerly direction reconnecting with Budd Inlet on the north, including properties owned by the Port of Olympia. See Appendix 4 of Chapter 4.

DRAINAGE DESIGN AND EROSION CONTROL MANUAL (DDECM) - The City of Olympia Drainage Design and Erosion Control Manual, as amended and updated, (also known as the 2022 Drainage Manual or DDECM) establishes stormwater minimum requirements for new development, redevelopment and road projects of all sizes. The City, land developers and development engineers use the DDECM to help design site plans, create construction stormwater site plans, and determine stormwater infrastructure. The DDECM is used to ensure compliance with the Western Washington Phase II Municipal Stormwater Permit issued by the Washington State Department of Ecology (WDOE). The DDECM is applicable to all development projects for which Land Use applications are submitted after October 20, 2009. Definitions of LID-related terms, including best management practices, not addressed in this Chapter but applicable to standards covered in the EDDS may be found in the most recently adopted DDECM.

DRIVEWAY - A private way for vehicular access to one or more properties, lots, or developments. That portion of the driveway located within the street right of way, typically referred to as the driveway approach or entrance, is regulated by the EDDS. Additional information can be found in Section 4B.140. That portion of the driveway located on private property is regulated by Title 18 OMC.

EASEMENT - A right of one owner of land to make lawful and beneficial use of the land of another created by an express or implied agreement.

EDDS - The Engineering Design and Development Standards of the City of Olympia.

EDGE OF TRAVELED WAY - The face of curb for streets that are, or will be, constructed to urban standards or the outside edge of pavement (not including paved shoulders) for streets that are, or will be, constructed to lesser standards.

ENCROACHMENT - Occupancy of the City right-of-way by nonstreet structures or other objects.

ENGINEER - See City Engineer.

ERU - The unit used to calculate sewer consumption for the purposes of charging sewer customers monthly or bimonthly rates, an Equivalent Residential Unit (ERU) is defined in OMC 13.08.190.

FIRE LANE - Also referred to as fire apparatus access street, it is any street or driving surface, whether public or private, that is used to meet the access requirement of the currently adopted edition of the International Fire Code.

FRANCHISE - A document granted by the City authorizing the use of street rights-of-way by public or private entities, subject to specified conditions.

GEOMETRICS - The physical arrangement of the visible elements of a street, such as alignment, grade, curvature, width, and side slopes.

GFC - General Facilities Charge. This charge is collected for new sewer connections to the wastewater system, or upon significant increase in wastewater discharge volume such as a change of use or redevelopment. See Chapter 13.08 OMC for more information.

GRADE - Rate or percent of change in slope, either ascending or descending from or along the street, measured along the centerline of the street or access point.

GRADING - Any excavating or filling of earth materials or any combination thereof.

HALF STREET - A street constructed along an edge of development utilizing at least half the regular width of the right-of-way and permitted as an interim facility pending construction of the other half of the street by the adjacent owner. A minimum pavement width of 20 feet is required.

IMPERVIOUS SURFACE - Pavement (compacted gravel and concrete), roofs, revetments, or any other man-made surface that substantially impedes the infiltration of precipitation.

IMPROVEMENTS - Any act that improves the value of public real and personal property, or that is necessary as a condition of development including, but not limited to, streets and roads complying with the development standards and specifications adopted by the City, public utility and pedestrian facilities, streetlights, landscape features, sewer and water liens, bridge structures, stormwater and drainage facilities, and traffic control devices as are required to be installed as a part of subdivision, short subdivision, large lot subdivision, binding site plan or commercial development.

INTERCEPTOR - A sewer that receives flow from a number of collectors, force mains, etc.

IRONWOOD GUARDRAIL SYSTEM - FHWA approved aesthetic guardrail that utilizes a composite rail consisting of an 8-inch diameter round timber rail with a steel channel embedded into and bolted to the timber rail.

LOCAL IMPROVEMENT DISTRICT (LID) - Local Improvement Districts are created to finance development infrastructure such as roads and streets, stormwater improvements, and the installation of water and sewer lines. Within the City there is one active Local Improvement District. Not all property within the City is included in this district. The DDECM, as amended and updated, contains LID-related requirements that address the way a site can be developed. The EDDS also address LID in various ways, including pervious sidewalk requirements and bioretention swale options for certain street classifications.

LOTT - An acronym for “Lacey Olympia Tumwater Thurston,” also called the LOTT Clean Water Alliance, operating the water pollution control facilities serving the cities of Lacey, Olympia, and Tumwater and the urban portions of Thurston County.

LOW IMPACT DEVELOPMENT (LID) – In the context of stormwater flow control and treatment, LID refers to an approach to land development (or re-development) that works with nature to manage stormwater as close to where it falls as possible. LID employs principles such as preserving and re-creating natural landscape features, and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

MAINTENANCE HOLE - The use of the term “manhole” in these standards, and as an industry standard, shall be interchangeable with the term “maintenance hole” as used herein and in the Olympia Municipal Code.

MUTCD - The *Manual on Uniform Traffic Control Devices* published by the US Department of Transportation.

OMC - *Olympia Municipal Code.*

PAVEMENT - The combination of sub-base, base course, and surfacing materials placed on a subgrade to support the traffic load and distribute it to the subgrade.

PEDESTRIAN - Person traveling on foot or in a wheelchair or similar device.

PEDESTRIAN FACILITIES - Infrastructure and equipment to accommodate or encourage walking, including sidewalks, curb ramps, traffic control devices, trails, walkways, crosswalks, paved shoulders, and other design features intended to provide for pedestrian travel.

PERFORMANCE GUARANTEE - A financial guarantee in a form acceptable to the City Attorney to ensure all improvements, facilities, or work required by this ordinance will be completed in compliance with this ordinance, regulations, and approved plans and specifications.

PERMIT - A document or franchise authorized by the City.

PERVIOUS MATERIALS - Materials which permit water to enter the ground by virtue of their pervious nature or by large spaces in the material.

PERVIOUS PAVING - This term describes a system comprised of a load-bearing, durable surface together with an underlying layer that temporarily stores water prior to infiltration or drainage to a controlled outlet.

PLAN REVIEWER - The engineering plan reviewer of the City of Olympia Community Planning and Development Department.

PLANS - The plans, profiles, cross sections, elevations, details, and supplementary specifications signed by a licensed professional engineer and approved by the Director of Community Planning and Development that shows the location, character, dimensions, and details of the work to be performed.

PLANTING STRIP - That portion of right-of-way between the curb line and the sidewalk, between the sidewalk and the right-of-way line, or that portion of the sidewalk, 4-ft x 4-ft, adjacent to a curb used for the planting of trees, shrubs, groundcover, or grass.

PRIVATE SEWER - That portion of the sewer system located on private property where no easements are granted to the City including pressurized systems and gravity sewer collection systems internal to developments such as apartment complexes, condominiums, townhouses, shopping centers, commercial office parks, mobile home parks, etc. (see Chapter 7 for more specifics). Private sewer systems shall be constructed to City Standards. Maintenance of a private sewer shall be the responsibility of the property owner(s).

PRIVATE STREET - Privately owned and maintained access provided for by a tract, easement, or other legal means, typically serving three or more dwelling units.

PROJECT - General term encompassing all phases of the work to be performed and is synonymous to the term “improvement” or “work.”

PUBLIC SEWER - That portion of the wastewater collection system located within rights-of-way or easements, and operated and maintained by the City.

PUBLIC STREET - Publicly owned and maintained right-of way.

RECLAIMED WATER - Reclaimed water that meets Washington State Class A criteria established in the State Standards, as amended, and the definition set forth in RCW 90.46.010. Reclaimed water derived in any part from wastewater with a domestic wastewater component that has been adequately and reliably treated, so that it can be used for beneficial purposes. Reclaimed water is not considered wastewater. Reclaimed water is intended to be used for non-potable uses consistent with an End User Service Agreement. See also EDDS Chapter 10 Reclaimed Water and OMC 13.24 Reclaimed Water.

RECORD DRAWINGS - An approved final revision of design drawings or plans, updated to include information showing the true condition or configuration of what has been built. Each record drawing or plan is designated “Record Drawing” by stamp or lettering on the drawing and sealed by a licensed Professional Engineer. The primary function of Record Drawings is to document what was designed and what was actually built, including dimensions, elevations, location, and calculations. Formerly known as as-built or as-constructed drawings, see section 3.065 of these Standards for additional requirements.

RESTORATION - All work necessary to replace, repair, or otherwise restore the right-of-way and all features contained within the right-of-way to the same or equivalent condition as before.

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

RIGHT-OF-WAY - All property in which the City has any form of ownership or title and which is held for public street purposes regardless of whether or not any street exists thereon or whether or not it is used, improved, or maintained for public travel.

A. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary sewer, stormwater facilities, street trees, and other similar public accesses or public uses; and

B. Generally, the right of one to pass over the property of another.

ROAD - Used interchangeably with street.

SERVICE LATERAL – See **SIDE SEWER**.

SEWER MAIN - A sewer line that conveys wastewater from side sewers, STEP connections, grinder pump connections, lift stations or other sewer mains towards a LOTT-owned sewer main or treatment facility.

SIDE SEWER – That portion of the sewer beginning 2 feet outside of the outer foundation wall of a structure and extending to and including the connection to the public sewer main, STEP tank or grinder service connection. A Side Sewer can also be referred to interchangeably as a Building Sewer or Service Lateral.

SIDEWALKS - A facility constructed between the curb line, in the lateral line of a street, and adjacent property set aside and intended for pedestrian use, or such portion of private property that parallels and is in proximity to a public street and dedicated for use by pedestrians. Sidewalks are constructed of commercial concrete but may be pervious concrete.

SITE PLAN - The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, and walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the reviewing authority.

STANDARD DRAWING - A standard detail, drawing or plan showing specific dimensions, notes and/or other information reflecting the standards and requirements pertinent to the installation of the feature, appurtenance, system, etc. being shown. Standard Drawings are listed at the end of each Chapter they are associated with, and are available from the City in several electronic formats, to be included or referenced in all work associated with what is shown or described on the Standard Drawing.

STREET - An open public way for the passage of vehicles that, where appropriate, may include pedestrian, equestrian, and bicycle facilities. Limits include the outside edge of sidewalks or curbs and gutters, planter strips, paths, walkways, or side ditches, including the appertaining shoulder and all slopes, ditches, channels, waterways, stormwater piping and appurtenances, and other features necessary for proper drainage and structural stability within the right-of-way. The term “street” is used interchangeably with “road.”

STREET, ARTERIAL - The largest local streets intended to move the most traffic, an arterial street provides an efficient, direct route for long-distance travel within the region and different parts of the City. Street-connecting freeway interchanges to commercial concentrations are classified as arterials. Traffic on arterials is given preference at intersections, and some access control may be considered in order to maintain capacity to carry high volumes of traffic.

STREET, COMMERCIAL COLLECTOR - The Commercial Collector Street standard in Chapter 4 apply to (1) all streets in the Downtown area (see above definition and Appendix 4 of Chapter 4), and (2) in commercially-zoned areas of the City that are not Arterials.

STREET, CUL-DE-SAC - A street with a single common ingress and egress and with a circular turnaround at the end.

STREET END - The physical termination of the traveled way.

STREET FRONTAGE - The area between any lot lines that intersect or area of a lot that directly abuts the boundary of a public or private street right-of-way.

STREET, LOCAL ACCESS - Local access streets carry local traffic within a neighborhood and may provide connections to collectors or arterials, they provide access to abutting land uses.

STREET, MAJOR COLLECTOR – Major collectors provide connections between arterials and concentration of residential and commercial activities. The amount of through traffic on a major collector is less than an arterial, and there is more service to abutting land uses. Traffic flow is given preference to lesser streets.

STREET, NEIGHBORHOOD COLLECTOR – Neighborhood collectors collect and distribute traffic between a residential neighborhood and an arterial or major collector. Neighborhood collectors serve local traffic, provide access to abutting land uses, and do not carry through traffic. Their design is compatible with residential and commercial neighborhood centers.

STREET, PRIVATE - A street that has not been accepted for maintenance and public ownership by the City of Olympia or other governmental entity. This does not include private driveways or access easements.

STREET TREES - Street trees will mean any tree located within any portion of the public right-of-way.

STREET STANDARDS – Design standards that guide the uniform development of public streets to support present and future multimodal transportation. Street standard define the specific features and dimensions of different classes of streets and can be found in Chapter 4 of these Standards.

STREETSCAPE – The elements that make up a street and that define its character, including building frontage, street furniture, landscaping, awnings, signs and lighting.

STREETSIDE IMPROVEMENTS - All of the street pavement, curb, gutter, sidewalk, transit bus shelters, bus pullouts, stormwater, water and sewer utilities, power and communications cable undergrounding, street trees, and street lighting as specified by these Standards, located within any public right-of-way abutting the property boundary of the development. Street section will conform to Street Classification and Number of Lanes, Table 1, Chapter 4.

SURVEYOR - Any Washington State licensed professional land surveyor who represents the owner.

SWALE - A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than 1 foot.

TEMPORARY STREET END - The physical termination of a street with potential for further extension typically ending in a temporary cul-de-sac or hammerhead turnaround.

TRAFFIC - Movement of motorized and nonmotorized vehicles, persons, cargo, and equestrians through the transportation network comprised of streets, sidewalks, walkways, and shared use paths.

TRAFFIC CONTROL - Those activities necessary to safeguard the general public, as well as all workers, during the construction and maintenance of street and other facilities within the right-of-way.

TRAFFIC IMPACT ANALYSIS - A report analyzing anticipated roadway conditions with and without proposed development including an analysis of mitigation measures and a calculation of fair share financial contributions.

TRAIL - Public ways constructed primarily for and open to pedestrians, bicyclists, and equestrians.

TRAVELED WAY - That portion of the street intended for the movement of vehicles, including bicycles in bicycle lanes, but exclusive of shoulders and parking areas.

UNDERDEVELOPED PARCEL - Contiguous land area, two acres or more in size, not developed to the maximum zoning classification densities identified in the current City of Olympia Municipal Code. As adjacent land development occurs, new public streets and rights-of-way will connect and remain open to the underdeveloped parcel for future street network construction.

UNMAINTAINED STREET - Street without the city right-of-way that is accessible to public travel but is not maintained by the City.

UNOPENED RIGHT-OF-WAY - A city right-of-way that exists by dedication or deed but for which no vehicular street meeting these Standards has been constructed by the City or other parties.

UTILITY - Any public or private entity whose principal purpose is to provide electricity, water, sewer, stormwater, gas, radio, television, telephone, and/or other forms of communication utilizing the electromagnetic spectrum to the public.

WSDOT - Washington State Department of Transportation.

2.030 Plans and Specifications

A. Specifications. The standard specifications of public works for the City will be the most recent edition of the *Standard Specifications for Municipal Road, Bridge and Municipal Construction* including all supplements, appendices, and all subsequent additions and editions prepared by the Washington State Department of Transportation; and the standards herein, titled *Engineering Design and Development Standards*.

B. Improvement Plans. Prior to the commencement of construction within public rights-of-way or the installation of any public street or utility improvements within a development, the developer will submit a complete set of design drawings to the Community Planning and Development Department for review and approval and permits will be paid for and issued.

C. Design Drawings. Design drawings for the construction of streets, utilities, and other public works will be prepared in accordance with these *Engineering Design and Development Standards* as set forth in Chapter 3.

D. Inspection and Fees. The Director of Community Planning and Development will be responsible for the supervision and inspection of all development improvements and will establish and collect a fee as set forth in the fee schedule as adopted by the City Council. The charge will be pursuant to the currently adopted fee schedule. All fees will be paid prior to issuance of any development permit.

E. Acceptance of Dedication for Public Improvements. The Public Works Director will be responsible for any acceptance and dedication of public improvements created by publicly funded construction, and the Director of Community Planning and Development will be responsible for any acceptance and dedication of public improvements created by private funding. Deferral of public improvements in subdivisions is governed by Chapter 17.44 of the OMC.

F. Bonding. Bonds or other allowable securities will be required by the City to guarantee the performance of work within existing public rights-of-way or maintenance of required public infrastructure intended to be offered for dedication as a public improvement.

Bonds or other allowable securities to guarantee work in an existing public right-of-way is required to be in place and submitted to the City prior to release of any approvals or permits for such work.

The type and amount of security will be pursuant to code, or if not specified, be at a minimum of \$10,000 or 125 percent of the value of the work performed, whichever is greater, at the discretion of the City. Types of securities include, but are not limited to, a bond with a surety qualified to do a bonding business in this state, a cash deposit, an assigned savings account, or a set-aside letter as acceptable by the City Attorney.

Performance Bond. No building permit will be issued until all public improvements are completed and final acceptance granted, or with the approval of the Director; appropriate surety for minor elements may be accepted and performance bond as outlined above posted with the City in an amount equal to the cost of the public works improvements is posted with the City. No Certificate of Occupancy will be issued until all public works improvements are completed and approved, unless otherwise allowed by the Director of Community Planning and Development and the Public Works Director.

Prior to issuance of any permits to work within the public right-of-way, a performance of work surety, of a value of no less than 125 percent of the work proposed, will be submitted and approved by the Director of Community Planning and Development. This surety is in addition to any contractor licenses, contractor bonds, or insurance requirements.

Prior to issuance of a certificate of occupancy in occupancies other than those located in subdivisions, improvements will be completed and only minor elements remaining may be guaranteed by the appropriate surety approved by the Director of Community Planning and Development.

The faithful performance of the operation and maintenance of such improvements being offered to the public as a dedication will be guaranteed for a period of two years. Being guaranteed through an appropriate surety of no less than 25 percent of the value of the work and approved by the City prior to final approval.

2.040 Street and Transportation Requirements

A. Streetside Improvements in General. Unless deferred or exempt as provided for in these Standards, any development requiring a State Environmental Policy Act (SEPA) checklist, or any development (including conversion, change in use, remodel, addition, or new development) creating an additional impact of more than 20 average daily vehicle trips, will require that the developer construct or install streetside (frontage) improvements in accordance with these Standards. If, in the opinion of the City Engineer, streetside improvements are properly installed in accordance with previous City standards and permits, in good repair, operational, and not hazardous to public health, safety, or welfare, and curb ramps meet ADA and PROWAG requirements, the Director of Community Planning and Development will exempt the development from these streetside improvement standards.

Street improvements that are a continuation of existing street widths, sidewalks, curb lines, and street light improvements on the same block face that were properly installed in accordance with previous City standards and permits may be developed to the existing improvement standard, if approved by the Director of Community Planning and Development.

Streetside improvements shall be located consistent with Chapter 4, Table 1 Street Classification and Number of Lanes and corresponding Street Section Standard Drawing. Right-of-way dedication will be required if application of the appropriate Standard Drawing dictates that the streetside improvements be located on private property due to existing site constraints.

The following developments will be exempt from this streetside improvement requirement if abutting an opened right-of-way:

1. Any addition to and/or remodeling of a single family residence (SFR), ~~or duplex~~, or accessory dwelling unit (ADU).
2. Construction of a new individual ~~single family residence-SFR, or duplex, or ADU~~ on Local Access streets, provided that a sidewalk shall still be constructed along the frontage of the site if any segment of sidewalk exists on the block face of the proposed site. If there is not sidewalk in place along the block face, the applicant has the option to either construct a sidewalk or pay a fee-in-lieu of construction. A block face is defined as the length of the block between two intersections, on one side of the street. Funds collected will be applied to sidewalk construction as defined in the City's Capital Facilities Plan.
3. Any commercial or multifamily remodel, renovation or tenant improvement project with a valuation less than 25 percent of the assessed value of the property prior to the proposed development, provided that the City Engineer may require sidewalk repairs needed to address trip hazards or other safety concerns.

4. Any commercial or multifamily remodel, renovation or tenant improvement project with a valuation between 25 and 50 percent of the assessed value of the property prior to the proposed development will qualify for a partial exemption from the following streetside improvements normally required herein or in Chapter 4: (a) half-street pavement reconstruction or half-street asphalt overlay requirements, and (b) the requirement to construct a bulbout at street corners.

35. On Neighborhood Collector, Major Collector and Arterial streets, when an individual single family home or duplex is constructed, a sidewalk shall be designed and installed.

46. Any cumulative addition of between 1,000 square feet and 10,000 square feet of gross floor area or impervious surface to the development if the additional area does not exceed 25% of the total gross floor area of the building or development as it existed on May 1, 1995.

B. Streets and Alleys

1. General. Streets and alleys will be designed and constructed in conformance with the provisions of the *Engineering Design and Development Standards* Chapter 4, the Washington State Department of Transportation (WSDOT) design manual and standard plans, the minimum requirements established by the current editions of the American Association of State Highway and Transportation Officials (AASHTO) and the Institute of Transportation Engineers (ITE) standards, ~~and as identified in Chapter 4.~~

2. Access to Developments. A development will abut an improved public street and have public right-of-way frontage with site access to one or more streets improved to comply with the standards as set forth in Chapter 4 of the *Engineering Design and Development Standards*.

Where it is determined that pursuant to OMC 18.40.060(I)(1) such improved street frontage is not available or feasible and the proposed development will generate more than 20 average daily vehicle trips (ADT), alternative access will be provided by a private access lane. Any development accessed by such alternative will not generate more than 150 ADTs nor exceed 15 dwelling units. An access lane is not a private street and will be owned and maintained by the property owner served by the lane. An alley, a form of vehicle access for lots fronting on streets, will not substitute for a street or private access lane.

3. Alignment and Location. Proposed streets and other primary accesses will be aligned with existing streets or accesses as identified in the Transportation Element of the Olympia Comprehensive Plan. Street alignments will relate where practical, to natural topography and will be selected so as to minimize grading and avoid excessive runoff. Alignment and connections of newly constructed public streets will be provided in accordance with the following conditions in Chapter 4, unless otherwise prohibited:

a. Street connection will be provided to any existing public street or right-of-way “stub” abutting the proposed development.

b. Pedestrian and emergency access will be provided to any abutting public school, public building, urban trail, or transit stops.

c. Streets will be located for the development of adjoining land.

d. Provisions, such as stub roads, will be made for connection to any adjacent undeveloped, contiguous land area of one acre or more and to any site officially designated for a public facility. Such stubs will be located to provide for future block sizes consistent with these guidelines and connections to other stub roads on adjacent and nearby property. Signs indicating intent to extend in the future are required to be posted at the end of these stub streets.

e. Blocks in residential zoning districts (listed in OMC 18.04 and 18.05) shall not exceed a perimeter of 1800 feet, measured at the edge of the right-of-way except one (1) block in a co-housing development (see OMC Section 18.04.060(F)), and all blocks in the R-4 District may have a perimeter of up to 2000 feet, provided street connections are made to adjoining streets and property as required by Section 2.040 B3 (a,

c, d, and f). Such residential blocks with a perimeter greater than 1800 feet shall contain a public pathway near mid-block conforming to the *Engineering Design and Development Standards*.

Blocks in commercial districts (listed in OMC Chapter 18.06) shall not exceed a perimeter of 2000 feet. Commercial blocks will not exceed a walking perimeter of 2000 feet.

Where larger blocks are necessary due to topography, existing development, or other constraints, intervening public cross-block pedestrian, bicycle, and emergency access will be provided.

The City Engineer may consider a deviation to this section (e) to allow development of schools, parks, and other large facilities, which ~~must~~ would otherwise have a large site uninterrupted by a street. Applicants for such uses must submit a deviation request per Section 1.050 of these Standards, as well as demonstrate to the City that the required street(s) would make the site unviable for the proposed use. If a deviation is granted, then public pathways must be built to provide bicycle and pedestrian access from adjacent streets to the parcel (consistent with h below).

f. Where physically possible, more than one connection to the existing public street system will be provided for any development, or part thereof, of four acres or more (excluding critical areas and associated buffers). If not otherwise prohibited, each connection will be to a different collector or arterial street. Where the site includes only a single frontage of less than 400 feet, this requirement may be met by provision of one or more stub roads.

g. In the Chambers Basin R-4CB zone, new blocks in residential subdivisions shall not exceed a perimeter of 5300 feet as measured at the edge of the right-of-way provided street connections are made to adjoining streets and property as required by a, c, d and f above. New residential blocks with a perimeter greater than 2700 feet shall contain a public pathway near mid-block conforming to adopted standards.

h. If, by other authority, Hearing Examiner or City Council, a proposed street connection, and/or stub street is not required to connect to an existing adjacent land use, street or trail, then a neighborhood connector trail (Standard Drawing 4-2L) will be constructed to provide a paved connection to the existing adjacent street or trail if right-of-way is available.

4. Rights-of-Way, Easements, and Improvements. The developer will dedicate or rededicate right-of-way, grant easements, and clear and grade the area required to comply with Chapter 4 of the *Engineering Design and Development Standards* and install all necessary improvements in conformance with the standards prescribed.

5. Horizontal or Vertical Curves, Sight Distance, Grades, and Tangents. Horizontal or vertical street curves, sight distance, grades, and tangents will be based on the current edition of AASHTO standards. A design proposal that differs from the AASHTO standard may be approved by the City Engineer, if the deviation request, submitted per Section 1.050, is justified to minimize grading, avoid excessive run-off or topographic conditions attending the development site, or to implement traffic calming techniques when warranted.

6. Street Intersections

a. Primary points of access or street intersections with centerline offsets of less than 150 feet will not be allowed unless the City finds special conditions requiring a reduction.

b. Unless required by street spacing standards, intersections on curves will be avoided.

c. Right-of-way and curb radii will be provided at all intersections in accordance with Chapter 4 of the *Engineering Design and Development Standards*.

d. Turning lanes and acceleration/deceleration lanes will be identified for installation as required by the City.

7. Cul-de-sacs and Dead-end Streets. A turning area with a curb line radius, as specified in Chapter 4 of the *Engineering Design and Development Standards*, will be provided at the end of all dead-end streets and cul-de-sacs. Alternative designs for turning areas will be permitted in accordance with the Standard Drawings.

Where a street dead-ends, a barricade constructed in accordance with the specifications of the City will be installed. When cul-de-sacs are constructed, maximum length will be limited to 300 feet.

7A. Unopened Rights-of-Way. Where one or more existing lots are adjacent to an unimproved right-of-way or are to be accessed by such right-of-way, the right-of-way shall be improved to current standards prior to development of such lots. Such improvement will include temporary turn-arounds and dedication of additional right-of-way if necessary to conform with applicable standards. If a right-of-way has been vacated by statute, such as “the 1890 Act,” (Laws of 1889-90, Ch. 19, Section 32) and not by action of the City, then rededication of the associated right-of-way will be required. Within fourteen days of receipt of a complete application to improve unopened right-of-way, the Department will provide notice by mail to property owners of record within 300 feet and recognized neighborhood associations with 1000 feet and provide for posting of notice at the site.

8. New Streets. Where a street is designated by the City’s officially adopted Comprehensive Plan and shown to be within the boundaries of a development, after completion of a TIA (Traffic Impact Analysis) by the applicant, the developer is required to dedicate the entire right-of-way and construct improvements as described in Chapter 4 of the *Engineering Design and Development Standards*. Where said street is adjacent to a boundary of a development, the developer is required to dedicate the necessary right-of-way and construct improvements as described for one-half of the street.

Provided frontage improvements are not required. Right-of-way dedication will be required for future street sections described in the most current Capital Facilities Plan and/or Chapter 4, Table 1 - Street Classification and Number of Lanes.

9. Half Streets. The construction of half streets will be permitted only along the boundaries of or outside of a development. Pavement, at least 20 feet in width or as required for that street classification (measured from gutter line), will be provided and an adequate right-of-way width will be dedicated. As required by the Olympia Fire Department, “No Parking” signs will be installed as required to ensure fire access. Signs are to be spaced on 50-foot staggered spacing or 100 feet for one side spacing.

10. Limited Access to Streets. Vehicular access rights to an arterial or major collector will be restricted. A frontage road or other type(s) of limited access design may be required where land adjoins or fronts on an arterial street. Refer to the driveway and intersection criteria to determine sufficient distance between the frontage road and intersection or other access point locations.

11. Alleys. Alleys may be permitted at the rear of single family residential, multifamily residential, commercial, or industrial property. Dead-end alleys are prohibited.

Alleys not required for fire suppression access, solid waste collection, or other public purposes may be privately owned. Unless City Council approves an exemption, private alleys will conform to all improvement standards for public alleys, will be posted, and will meet all other provisions applicable to private streets.

12. Private Streets. Only if directly approved by the City Council, any street that is intended for private use and posted as a private street at all times may be established as a private street. The design and improvement of any private street will be subject to all of the requirements prescribed by this document for public streets. Private street easements will meet the standards for dedicated right-of-way.

Final site plans that depict private streets will include an unconditional and irrevocable offer of dedication that may be accepted by the City Council at such time as the street is needed for development of contiguous property or for the protection of public health, safety, and welfare. Final site plans will further contain statements that grant the City of Olympia the right to fully use the private street for emergency access and utilities maintenance and provide for the ownership and maintenance of the private street by the owners with the development.

13. Private Streets in Manufactured Home Parks. For any local access street that is limited to providing internal circulation to manufactured homes within a new manufactured home park, the City Engineer

shall have the authority to establish the street as a private street. Refer to Table 2 in Chapter 4 for minimum street design standards. Gated private streets are not permitted, nor are private access lanes.

~~4314.~~ Street Names. All street names will be approved by the Public Works Director in accordance with the requirements of Chapter 12, *Olympia Municipal Code*.

~~4415.~~ Street Lights. The developer will provide for the installation of street lights in accordance with the standards prescribed in Chapter 4 of the *Engineering Design and Development Standards*.

~~4516.~~ Street Barricades. The developer will construct and install approved barricades where required by the City Engineer.

~~4617.~~ Turning and Acceleration/Deceleration Lanes. When required by City staff, the developer will construct turning and acceleration/deceleration lanes and traffic channelization devices along all development frontages and/or off-site as indicated in a traffic impact analysis.

~~4718.~~ Relocation of Utilities. The developer will provide for the relocation of any utilities that must be relocated to accommodate street or other required improvements.

~~4819.~~ Safe Walking Routes to School. In association with any improvement or development that includes ten or more housing units, including multi-family units, the Director may require additional off-site improvements to ensure safe walking conditions comparable to those required by RCW Chapter 58.17 for students walking to and from school. These improvements can be required to nearby schools even when students in the proposed housing are expected to use school buses to access another assigned school.

C. Street Signs. The developer will submit a signing plan and install all street signs (including street name signs, warning signs, and regulatory signs).

D. Bikeways and Walkways

1. Easements. Where needed for purposes of traffic safety or access to schools, playgrounds, urban trails, shopping facilities, or other community facilities, public easements for bikeways or walkways not less than 10 feet in width will be provided and installed.

2. Improvement Standards. Bikeways and walkways will be surfaced with asphalt concrete and designed to the standards in Chapter 4 of these Standards ~~and in the Urban Trails Plan~~. Bikeways and walkways will be illuminated in accordance with the specifications set forth in this standard. Posts or other facilities designed to prohibit the passage of motor vehicles through pedestrian easements will be installed to the specifications of the *Engineering Design and Development Standards*.

E. Sidewalks, Planting Strips, and Medians

1. Sidewalks, curb ramps, planting strips, and/or medians shall be constructed within all new developments and on the development sides of any streets abutting the exterior of all developments. See Section 2.040.A for exceptions to this requirement. Said construction shall be subject to the conditions and regulations set forth in Chapter 4 of the *Engineering Design and Development Standards* and the following:

a. Where a pathway plan is incorporated in a development plan, the City Engineer may consider a written deviation request that proposes to eliminate the requirement for sidewalks across the frontage of certain individual lot(s). See Section 1.050 for requirements of a deviation request.

b. New developments that are a continuation of a previous development may be developed to reflect the overall street characteristics of the area, including the same curb and sidewalk standards, unless the Director of Community Planning and Development or City Engineer determines application of existing roadside features currently in place are detrimental and cause safety concerns to the public interest.

c. Maintenance of the aboveground improvements including, but not limited to, sidewalks located between the curb and the abutting private property line is the responsibility of adjacent property owners.

d. Pedestrian access will be provided to all new transit stops.

F. Public Notice. Prior to construction of any improvements within public right-of-way, the permittee shall provide notice to the public in a manner equal or better than that provided by City of Olympia Public Works Department for comparable projects.

G. Traffic Impact Analysis Guidelines. See OMC Chapter 15.20 and Chapter 4 of the EDDS for guidance on when a Traffic Impact Analysis (TIA) may be required for a proposed project, and what additional improvements may be required as a result of completing a TIA.

2.050 Streetside Improvement Deferrals

A. Purpose. In certain circumstances it may not be appropriate to require installation of streetside improvements at the time a development occurs. In such situations, the Public Works Director is authorized to permit deferral of installation of such improvements to a later date under the provisions of this section.

B. Criteria for Deferral. The Public Works Director may authorize a deferral of any or all required streetside improvements as defined by these Standards, provided one or more of the following criteria are met:

1. The design grade and alignment of the abutting street cannot be determined at the time of construction of the development.
2. The installation of streetside improvements required for the development would create or intensify a hazard to public safety.
3. The installation of required streetside improvements would be inconsistent with the City's long-range street, stormwater, sewer, or water master plans.
4. The installation of streetside improvements required for the development could be more safely, efficiently, and effectively implemented if done concurrently with the installation of improvements required for other developments along the same street.
5. The scope of the development being authorized by the permit does not constitute a significant change in the existing demands of the use of property upon the City's transportation and utility transmission systems.

C. Security for Deferral. Any deferred streetside improvement will be secured for installation at a later date by one of the following methods selected by the Public Works Director.

1. Commitment to Participate in a Local Improvement District. The property owner will execute and record a covenant document that ensures the participation of the subject property owner(s) in any Local Improvement District formed for the construction of such streetside improvements. Said document will be in a form acceptable to the City Attorney and will be effective for a period of 15 years from the date of recording.
2. Payment in Lieu of Installation. The property owner will pay to the City an amount equal to the estimated value of the required streetside improvements as determined by the Public Works Director. Such amount will be deposited into a municipal fund account reserved for the financing of such improvement. Such payment will be refunded in full, plus interest, to the successor in interest in the property should the City not commence the project to install the required streetside improvements or if the funds are not otherwise encumbered within six (6) years from the date such payment is made.

2.060 Sewer, Water, Stormwater Facilities, and Private Utilities

A. Sewer. The developer will install sewer facilities in accordance with the provisions of Chapter 7 of the *Engineering Design and Development Standards*.

B. Water. The developer will install water facilities in accordance with the provisions of Chapter 6 of the *Engineering Design and Development Standards*.

- C. Stormwater. The developer will provide for the treatment, storage, and disposal of surface drainage through a stormwater system designed to the current *Drainage Design and Erosion Control Manual for Olympia* and Chapter 5 of the *Engineering Design and Development Standards*.
- D. Private Utilities. The private utility shall provide design and plans in accordance with the provisions of Chapter 3 of the *EDDS* and section 2.070 below.
- E. Easements. See Section 3.100.
- F. Capacity and Routing. The capacities and dimensions of water mains, sewerage, and stormwater facilities will be adequate to provide for the future needs of other properties in the general vicinity. Said facilities will be extended in public rights-of-way or easements along each frontage of a development or along alternative routes to the boundaries of adjoining properties as approved by the City Engineer. Exceptions to the requirements for facility extension on all frontages are as noted in section 3.110. Oversizing of facilities may be required of the developer. The City may participate in the cost of oversizing if sufficient funds are available.
- G. Telecommunications Equipment at Drinking Water Utility Sites. Before any telecommunications equipment is installed or altered at a Drinking Water Utility site, regardless of whether or not it is under a franchise agreement or Master Use Permit, the eventual owner of such equipment shall follow the process described in Section 6.400 and Appendix 2 in Chapter 6 of the *EDDS*. No permit for the installation or modification of such equipment will be issued until written approval is issued under the aforementioned process.

2.070 Franchise Utilities

Undergrounding of Overhead Utilities. Improvements required by this subsection will be installed in accordance with the standards and specifications of the City and the serving utility, in this case, Puget Sound Energy.

A. Existing overhead power (less than 55 KV) and communications utilities located on the property or along the abutting street or alley frontages will be converted and relocated underground.

1. Exemption: Where the length of the affected utility system is less than 250 feet, undergrounding conduit will be installed in lieu of full undergrounding. A deviation from completion of the undergrounding will be authorized pursuant to these Standards.
2. Exemption: Where the length of the affected utility system is less than 250 feet and where there are streetside improvements conforming to City standards presently in place along the frontage where the overhead utility is located, a deviation from undergrounding will be authorized pursuant to these Standards.
3. Exemption: Where the length of the affected utility system is less than 250 feet and where the serving utility has determined that installation of conduit would not be consistent with long-range utility undergrounding plans, a deviation from undergrounding will be authorized pursuant to these Standards.
4. Exemption: The remodeling and expansion of existing buildings will be exempt from utility undergrounding requirements unless other street and sidewalk improvements are required to be installed along the frontage where the overhead utility is located. For these exemptions, a deviation from undergrounding will be authorized pursuant to these Development Standards.

For purposes of this subsection, affected length will mean a utility system or combination of systems that traverses the subject property and/or runs along all street or alley frontage of such property.

B. Location of facilities. All facilities shall be constructed, installed, and located in accordance with the following terms and conditions, unless otherwise specified in an authorization, franchise, or lease agreement:

1. Subject to the provisions below, all franchisees, lessees, or applicants for right-of-way permits must locate its new cable or telecommunications facilities on existing poles, if the poles have capacity, including that provided by additional cross bars or extenders.

New overhead poles may not be installed. This subsection shall apply only to lines and other facilities located or capable of being located under this ordinance within corridors established in the plan described below. All other new lines must be undergrounded at time of installation.

With input from franchisees, lessees, or other utility providers, the City shall develop a utility undergrounding plan. The plan shall provide for the undergrounding of all or a portion of aerial utility facilities located in or required under this ordinance to be placed in identified corridors within the City on an established schedule.

Each franchisee, lessee, or applicant shall agree to participate in undergrounding its facilities along with other facilities according to the schedule identified in the plan and shall pay its fair share of the cost of undergrounding all such utility facilities in accordance with the plan. If at the time of undergrounding an insufficient number of users exist for undergrounding, as determined in the plan, each franchisee, lessee, or applicant shall at the time underground its own facilities at its own expense pursuant to the plan. At the time the plan is adopted by the City, the franchisee, lessee, or applicant shall execute a bond acceptable to the City Attorney in an amount sufficient to ensure its financial participation in the undergrounding.

In situations within corridors where overhead facilities are at capacity, including that possibly provided by cross bars or extenders, all franchisees, lessees, or applicants for right-of-way use permits shall underground its telecommunications facilities and provide excess underground capacity for future franchisees, lessees, or applicants. The amount of such excess capacity shall be determined by the franchisee, lessee, or applicant consistent with City policy and consistent with federal or state law, and access thereto shall be on a nondiscriminatory basis to future franchisees, lessees, or applicants at a reasonable expense provided franchisees, lessees, and applicants may reserve the right to set aside a portion of such excess capacity for its sole use so long as a sufficient amount of capacity remains for future franchisees, lessees, or applicants.

Insofar as the law allows, all new main, trunk, or backbone telecommunication lines proposed to run in a parallel direction to any identified corridor shall be located by franchisees, lessees, or applicants within that corridor. If locating any parallel main lines in a corridor is impractical or contrary to law, franchisee, lessee, or applicant shall underground the line and execute an agreement with the City that commits the franchisee, lessee, or applicant to participate financially equal to its fair share of the cost of undergrounding within the parallel corridor. If such an agreement shall be found unlawful, the franchisee, lessee, or applicant still must underground the parallel line. Until those corridors are identified, the entrance corridors to the City identified in the Comprehensive Plan shall constitute interim corridors.

2. Except as provided in Subsection 'A' above, whenever any new or existing electric utilities, cable facilities, or telecommunications facilities are located or relocated underground within a public way of the City, a franchisee, lessee, or applicant that currently occupies the same public way shall relocate its facilities underground at no expense to the City. Absent extraordinary circumstances or undue hardship as determined by the City Community Planning and Development Director, such relocation shall be made concurrently to minimize the disruption of the public ways. No extension granted by the Director of Community Planning and Development under this subsection shall exceed a period of 12 months.

3. Whenever new telecommunications facilities will exhaust the capacity of a public street or utility easement to reasonably accommodate future cable or telecommunications carriers or facilities, the franchisee, lessee, or applicant and all other occupants of the public way shall provide additional ducts, conduits, manholes, and other facilities for nondiscriminatory access to future operators and carriers at their own expense.

4. At the option of the City, and within 60 days' notice from a franchisee, lessee, or applicant whenever new conduit is laid, the City shall be provided an opportunity to install one additional 4-inch conduit for City use. The cost to the City shall be limited to the direct incremental costs for materials and labor necessary to add the 4-inch conduit to the trench. The City's activities shall not unreasonably delay or increase the costs of the franchisee's, lessee's, or applicant's construction activities.

5. Each July, at the request of the City, a representative of the franchisee, lessee, or applicant shall meet with a representative of the City and provide the City construction and installation plans for facilities preliminarily planned for the ensuing year. The City understands that such plans are highly confidential and

proprietary documents, the possession of which by the franchisee's, lessee's, or applicant's competitors could irreparably harm the franchisee, lessee, or applicant. Accordingly, the City shall treat such plans as confidential documents and shall maintain and assert at all times all protections available to avoid the disclosure of such documents under local, state, and federal law.

6. No service leads will be installed overhead.
- C. All new primary line extensions will be placed underground.
- D. All services will be placed underground from the primary system to the building and/or meter unless undergrounding is determined by the Building Official to be impractical due to the layout and proximity of the primary system.
- E. The following facilities are exempt from these undergrounding requirements:
1. Utility substations, pedestals, pad-mounted transformers and switching stations, and similar appurtenances.
 2. Electric transmission systems with a voltage of 55 KV or more.
 3. Temporary services for construction.
 4. Police and fire sirens or similar municipal equipment, including traffic control equipment.

2.080 Reimbursement Areas-Latecomer Agreements

Reimbursement for Installation of Public Improvements. Whenever any party, including the City, a developer, and/or a local improvement district, funds the installation of street, sidewalk, curb, gutter, stormwater, water, reclaimed water, sewer, street lighting, traffic signs and signals, and/or street trees, that benefit non-participating properties, the City may require owners of those benefited properties to reimburse such party for their pro rata share of the cost of the installation consistent with applicable law. See Chapter 18.41 OMC for more information.

2.090 Enforcement of the Requirements of Engineering Design and Development Standards

- A. General
1. Administration. The City Engineer is hereby authorized to enforce the provisions of this code.
 2. Inspection. The City Engineer and designee are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.
 3. Right of Inspection. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the City Engineer or authorized representative has reasonable cause to believe that there exists any condition or code violation that does not comply with these standards or causes unsafe, dangerous conditions or hazards, the City Engineer or authorized representative may at all reasonable times inspect the same or perform any duty imposed upon the project as required by this code.
- B. Abatement. All streetside improvements and/or infrastructures thereof that are determined after inspection by the City Engineer as defined in this code to not comply or meet minimum standards shall be abated by repair, rehabilitation, or removal in accordance with the procedure specified in this code. To ensure the work is completed in a timely manner, a stop work order may be placed on the project while corrections are being completed.
- C. Violations. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, equip, use, or maintain any streetside improvements/public utilities or cause or permit the same to be done in violation of this code.
- D. Inspection of Work. All construction or work within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the City Engineer in accordance with and in the manner provided by this code.

E. Appeals. In order to provide for reasonable interpretation of the provisions of this code and to hear appeals provided for hereunder, formal appeals shall be directed to the Hearing Examiner, per OMC 18.75.

2.100 Notices and Orders of the City Engineer

A. General

1. Commencement of Proceedings. Whenever the City Engineer has inspected or caused to be inspected any work and has found and determined that such work is not in compliance with the code, he/she shall commence proceedings to cause the repair of the work.
2. Notice and Order. The City Engineer shall issue a notice and order directed to the contractor/applicant/owner. The notice and order shall contain:
 - a. The street address and a legal description sufficient for identification of the site and area where the work is located.
 - b. A statement that the City Engineer has found the work to be not in compliance, with a brief and concise description of the conditions found to render the work in violation under the provisions of this code.
 - c. A statement of the action required to be taken as determined by the City Engineer.
 - d. Statements advising that if any required repair work is not commenced within the time specified, the City Engineer (1) will order the site to be posted to prevent further work, and (2) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
 - e. Statements advising (1) that any person having any record title or legal interest in the project may appeal from the notice and order or any action of the City Engineer to the Public Works Director, provided the appeal is made in writing as provided in this code and filed with the City Engineer within three days from the date of service of such notice and order; and (2) that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

2.110 Enforcement of the Order of the City Engineer or the Decision of Appeal

Compliance

1. General. After any order of the City Engineer or the decision of the appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.
2. Failure to Obey Order. If, after any order of the City Engineer or decision of the appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect, or refuse to obey such order, the City Engineer may (1) cause such person to be prosecuted under Subsection A.1 of this section, or (2) institute any appropriate action to cause to repair with all costs assessed against the contractor/applicant/owner.
3. Failure to Commence Work. Whenever the required repair is not commenced within three days, or the time specified by the Engineer, any final notice and order issued under this code becomes effective.

The City Engineer shall cause the work/project described in such notice and order to be stopped by posting a notice.

2.120 Performance of Work of Repair

A. General

1. Procedure. When any work or repair is to be done pursuant to this code, the City Engineer shall issue an order therefore to the Public Works Director and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said Director. Plans and specifications therefore may be prepared by said Director, or he/she may employ such engineering assistance on a contract basis as he/she

may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard Public Works contractual procedures shall be followed.

2. Costs. The cost of such work shall be paid from the repair and demolition fund and may be made a special assessment against the property involved or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

B. Repair and Demolition Fund

1. General. The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the Public Works Director to defray the costs and expenses that may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair.

2. Maintenance of Fund. The legislative body may at any time transfer to the repair fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair fund.

2.130 Recovery of Cost of Repair

A. Account of Expense; Filing of Report: Contents. The Public Works Director shall keep an itemized account of the expense incurred by this jurisdiction in the repair of any work done pursuant to the provisions of this code. Upon the completion of the work of repair, said Director shall prepare and file with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the work/project is located, and the names and addresses of the persons entitled to notice.

B. Report Transmitted to Council to be Set for Hearing. Upon receipt of said report, the clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date, and place for hearing of said report and any protests or objections thereto. The clerk of this jurisdiction shall cause notice of said hearing to be posted upon the property involved and served by certified mail, postage prepaid, addressed to the owner of the property as its name and address appear on the last equalized assessment roll of the county, if such so appear, or as known to the clerk. Such notice shall be given at least 10 days prior to the date set for hearing and shall specify the day, hour, and place when the legislative body will hear and pass upon the Director's report, together with any objections or protests that may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

C. Protests and Objections. Any person interested in or affected by the proposed charge may file written protests or objections with the clerk of this jurisdiction at any time prior to the time set for the hearing on the report of the Director. Each such protest or objection must contain a description of the property in which the signer thereof is interested in the grounds of such protest or objection. The clerk of this jurisdiction shall endorse on every such protest or objection the date it was received. Any person filing such a protest or objection shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.

D. Hearing of Protests. Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the Director together with any such objections or protests. The legislative body may make such revision, correction, or modification in the report or the charge as it may deem just, and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected, or modified), together with the charge, shall be confirmed or rejected. The decision of the legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

E. Personal Obligation or Special Assessment

1. General. The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

2. Personal Obligation. If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.

3. Special Assessment. If the legislative body of this jurisdiction orders that the charges shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

F. Contest. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

G. Authority for Installment Payment of Assessments with Interest. The legislative body of this jurisdiction, in its discretion, may determine that assessments in amounts of \$500 or more shall be payable in not to exceed five equal annual installments. The legislative body's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment.

H. Lien of Assessment

1. Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens against previously imposed upon the same property and shall be paramount to all other liens except for state, county, and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

2. Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

I. Report to Assessor and Tax Collector: Addition of Assessments to Tax Bill. After confirmation of the report, certified copies of the assessment shall be given to the assessor and the tax collector for this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

J. Filing Copy of Report with County Auditor. If the county assessor and the county tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the county auditor. The description of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

K. Collection of Assessment: Penalties for Foreclosure. The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount hereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.

L. Repayment of Repair Fund. All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair fund.