

ORDINANCE NO. _____

AN ORDINANCE CONSOLIDATING LAND USE PERMIT PROCESSES, AND AMENDING TITLE 18 OF THE OLYMPIA MUNICIPAL CODE, ADDING A NEW CHAPTER 18.70, AND REPEALING CHAPTERS 18.48, 18.52, 18.58, 18.60, 18.72, 18.75, 18.77, AND 18.78

WHEREAS, in January 2022, the City of Olympia was awarded a Housing Action Plan Implementation grant from the Washington State Department of Commerce to consider amendments to address housing affordability through implementation of selected policies from the Housing Action Plan, including the consideration of consolidating land use permit processes; and

WHEREAS, the City of Olympia issued E-Newsletter to the Planning and Development listserv regarding the permit processing aspects of the grant work on June 29, 2022, and e-mail notice to all Registered Neighborhood Associations June 20, 2022; and

WHEREAS, on September 19, 2022, and March 6, 2023, the City of Olympia Community Planning and Development Department provided briefings to the Olympia Planning Commission regarding land use permit processes; and

WHEREAS, on March 21, 2023, the Proposed Amendments were sent to the Washington State Department of Commerce Growth Management Services with the Notice of Intent to Adopt Development Regulation amendments as required by RCW 36.70A.106, and expedited review was granted by the Department of Commerce on April 4, 2023, fulfilling the requirements of notice to state agencies in RCW 36.70A.106; and

WHEREAS, on March 22, 2023, notice of the proposal and a public hearing on the Proposed Amendments was provided to all Parties of Record, the Council of Neighborhood Associations, and all Recognized Neighborhood Associations, pursuant to Chapter 18.78 OMC, Public Notification; and

WHEREAS, on March 24, 2023, a legal notice was published in *The Olympian* newspaper regarding the date of the Olympia Planning Commission's public hearing on the Proposed Amendments; and

WHEREAS, the City of Olympia determined this proposal is exempt from review under the State Environmental Policy Act (SEPA) pursuant to Washington Administrative Code 197-11-800(19), Procedural Actions; and

WHEREAS, on April 3, 2023, the Olympia Planning Commission held a public hearing on the Proposed Amendments and extended the public comment period through 12:00 p.m. on April 7, 2023; and

WHEREAS, on April 17, 2023, the Olympia Planning Commission deliberated on the Proposed Amendments; and

WHEREAS, following the public hearing and deliberations, on April 17, 2023, the Planning Commission provided to the City Council its recommendation to approve the amendments to Title 18 OMC, Unified Development Code, that are included in this ordinance; and

WHEREAS, the Land Use and Environment Committee considered the Planning Commission recommendation at its April 27, 2023, meeting and unanimously recommended approval; and

WHEREAS, the proposed amendments are consistent with the Olympia Comprehensive Plan and other chapters of Title 18 OMC; and

WHEREAS, the proposed amendments have been reviewed for conformance with the State of Washington Attorney General’s Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property; 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.

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

Section 1. Amendment of OMC 18.00.000 Olympia Municipal Code Section 18.00.000 is hereby amended to read as follows:

18.00.000 Title Contents

Title 18 UNIFIED DEVELOPMENT CODE

Chapters:

Article I. GENERAL PROVISIONS

18.02 Basic Provisions

Article II. LAND USE DISTRICTS

18.04 Residential Districts

18.05 Villages and Centers

18.05A Urban Village, Neighborhood Village, Neighborhood Center and Community Oriented Shopping Center Design Guidelines

18.06 Commercial Districts

18.08 Industrial Districts

Article III. OVERLAY DISTRICTS

18.10 Height Overlay Districts

18.12 Historic Preservation

18.16 Pedestrian Street Overlay District

18.20 Shoreline Master Program Regulations

Article IV. GENERAL REGULATIONS

- [18.32](#) Critical Areas
- [18.36](#) Landscaping and Screening
- [18.37](#) Nonconforming and Conforming Buildings and Uses
- [18.38](#) Parking and Loading
- [18.40](#) Property Development and Protection Standards
- [18.41](#) Latecomer Agreements
- [18.43](#) Signs
- [18.44](#) Antennas and Wireless Communications Facilities
- [18.46](#) Eligible Wireless Communication Facilities Modifications

Article V. DISCRETIONARY APPROVALS

- ~~[18.48](#)~~ Conditional Uses
- [18.50](#) Emergency Housing Facilities
- [18.51](#) State-Licensed Marijuana Producers, Processors, and Retailers
- ~~[18.52](#)~~ Limited Zones
- [18.53](#) Development Agreements
- [18.54](#) Planned Unit Development (PUD)
- [18.56](#) Planned Residential Development (PRD)
- [18.57](#) Master Planned Development (MPD)
- ~~[18.58](#)~~ Rezones and Text Amendments
- [18.59](#) Olympia Comprehensive Plan Amendment Process
- ~~[18.60](#)~~ Land Use Review and Approval
- [18.64](#) Townhouses
- [18.66](#) Variances and Unusual Uses

Article VI. ADMINISTRATION

- [18.70](#) Administration – Procedures for Land Use Permits and Decisions
- ~~[18.72](#)~~ Administration
- [18.73](#) Civil and Criminal Penalty
- ~~[18.75](#)~~ Appeals/Reconsideration
- [18.76](#) Design Review Board
- ~~[18.77](#)~~ Permit Application Contents
- ~~[18.78](#)~~ Public Notification
- [18.82](#) Hearing Examiner
- [18.86](#) Neighborhood Association Recognition and Notification
- [18.90](#) Transfer of Development Rights
- [18.100](#) Design Review
- [18.105](#) Historic Structures and Buildings Within Historic Districts
- [18.110](#) Basic Commercial Design
- [18.120](#) Downtown Design Criteria
- [18.130](#) Commercial Design Criteria High Density Corridor (HDC)
- [18.135](#) Commercial Design Criteria Residential Scale District
- [18.140](#) Commercial Design Review Auto Oriented District

- [18.145](#) **Commercial Design Review Freeway Corridor District**
- [18.155](#) **West Bay Drive District**
- [18.170](#) **Multi-Family Residential**
- [18.175](#) **Infill and Other Residential**
- [18.180](#) **Manufactured Home Parks**

Section 2. The following NEW CHAPTER 18.70, Administration – Procedures for Land Use Permits and Decision, is hereby added to Title 18 of the Olympia Municipal Code:

**NEW CHAPTER 18.70
ADMINISTRATION – PROCEDURES FOR LAND USE PERMITS AND DECISIONS**

Sections:

- 18.70.010 Purpose and Intent
- 18.70.020 Applicability
- 18.70.030 General Provisions
- 18.70.040 Permit Application Procedures and Types
- 18.70.050 Decision and Appeal Authorities
- 18.70.060 Permit Review Time Periods
- 18.70.070 Expiration of Approvals
- 18.70.100 Vesting
- 18.70.110 Optional Consolidated Permitting Process
- 18.70.120 Determination of Completeness
- 18.70.130 Notice of Application
- 18.70.140 Notice of Hearing
- 18.70.150 Joint Public Hearing
- 18.70.160 Notice of Decision
- 18.70.170 Appeals
- 18.70.180 Conditional Uses
- 18.70.190 Rezones and Text Amendments

18.70.010 Purpose and intent

A. Fundamental land use planning choices made in adopted Comprehensive Plans and implemented through development regulations serve as the foundation for review of land use applications. This chapter establishes procedures for how the City of Olympia reviews land use permit applications.

B. These procedures provide for an effective processing and review of land use permit applications consistent with chapter 36.70B RCW. This chapter is applied in conjunction with chapter 18.82 OMC (Hearing Examiner); Title 16 OMC (Buildings and Construction); chapter 14.04 OMC (Environmental Policy); Title 17 OMC (Subdivisions); chapter 18.20 (Shoreline Master Program Regulations); chapter 18.32 OMC (Critical Areas); and other applicable codes and standards.

18.70.020 Applicability

A. When required by this section, approval of a land use permit application must be completed and all appeal periods terminated prior to issuance of a building or any other construction permit. A permit

holder shall construct and develop projects that have been reviewed as land use permit applications in compliance with the approved site plan and conditions attached thereto.

B. Land use approval is required for the following types of projects:

1. A change of use of land or addition that results in a substantial revision to the approved site plan;
2. Any new nonresidential and nonagricultural use of land; and
3. The location or construction of any nonresidential or nonagricultural building, or any project in which more than four dwelling units are contained.

C. Upon finding that any land use permit application meets the criteria for land use review, but the scope/scale of the project does not warrant the land use review process, the Director may waive the land use review process and appropriate land use application fees. Application of this exemption does not result in waiver of code requirements or construction permit processes.

18.70.030 General provisions

A. Time Period Calculations. Regardless of whether any period is a minimum or maximum, when any permit review, notice, or decision time limit of this Title terminates on a weekend or City holiday, such time limit automatically extends to the first following non-holiday weekday.

B. General Notice Requirements. When providing required notice, City staff shall use the available records of the Thurston County Assessor's Office to determine the property owner of record. All notices are deemed to have been provided or received on the date the notice is deposited in the mail, sent electronically, or personally delivered, whichever occurs first. Failure to provide the public notice as described in this chapter is not grounds for invalidation of a decision on a permit.

D. Optional Public Notice. In addition to required public notice, the City may provide notice to other individuals or organizations interested or possibly affected by the proposal. Failure to provide optional public notice is not grounds for invalidation of a decision on a permit.

E. Dedication, improvements, and performance bond. As a condition of land use approval, the City may require an applicant to dedicate property, construct public improvements, or furnish a performance bond to the City to secure an obligation to complete the provisions and conditions of the project as approved.

F. Licenses and building permits. The City shall not issue business and occupational licenses unless the applicant has a valid certificate of occupancy as defined in OMC 18.02.180(C). The City shall not issue any building permit for the construction, alteration, or relocation of any building, structure, or part thereof unless the plans, specifications, and intended use of such building or structure conforms in all respects with the provisions of this Title.

G. The Director may waive appropriate land use application fees.

18.70.040 Permit application procedures & types

An applicant seeking land use approval shall apply on forms provided by the Director. Application fee(s) as established by the City are due upon presentation of an application for land use approval. Land use permit applications are categorized as Type I, Type II, Type III, or Type IV. Applicable procedures for the review and decision on land use permit applications are pursuant to the following provisions:

A. Application Types. The Director shall determine the proper application type for the processing of each permit application pursuant to the provisions of this chapter. Table 18.70-1 identifies examples of the types of applications included in each Application Type.

1. Type I. Administrative decisions by the Director who may approve, conditionally approve, or deny the application.
2. Type II. Administrative decisions by the Director with specified public notice. The Director may approve, conditionally approve, or deny the application.
3. Type III. Hearing Examiner decisions following a public hearing. The Hearing Examiner may approve, conditionally approve, or deny the application.
4. Type IV. Legislative decisions by the City Council after a public hearing. The City Council may approve, conditionally approve, modify and approve, or deny the application. Type IV applications are not subject to review timeline limitations unless specified elsewhere in this Title.

B. Permit applications proposed in areas having adopted design guidelines are subject to design review. Refer to OMC 18.100 for applicability and procedures for design review. Notice requirements are as follows (see also OMC 18.100.110):

1. Notice of Design Review Board meeting for conceptual design review may be combined with a Notice of Application and must be sent electronically, or by first class or higher mail, to property owners within 300 feet of the site, parties of record, and the recognized neighborhood association in which the site is located.
2. Notice of Design Review Board meeting for detailed design review must be sent electronically, or by first class or higher mail, to parties of record, and the recognized neighborhood association in which the site is located.

C. An applicant seeking approval of a townhouse development shall submit an application for preliminary plat or short plat approval and any design review and land use approval simultaneously.

Table 18.70-1 Application Types¹	
Application Type	Examples
Type I	Administrative Design Review, Administrative Parking Modification, Boundary Line Adjustments, Critical Area Review Letter, Development Regulation Interpretation, Fence Variance, Fence/Wall Height Modification, Final Plat, Shoreline Exemption, Short-Term Rental, Sign Permit, Temporary Use Permit, Tree Removal, Zoning Letter
Type II	Administrative Conditional Use, Administrative Variance/Reasonable Use Exception, Binding Site Plan, Land Use Review, Preliminary Short Plat, Shoreline Substantial Development Permit
Type III	Preliminary Subdivision/Plat, Conditional Use Permit (including essential public facilities), Master Plan Amendment, Preliminary Planned Residential Development, Rezone not requiring Comprehensive Plan Amendment, Shoreline Conditional Use Permit or Shoreline Variance, Variance/Reasonable Use Exception
Type IV	Code Amendment to Titles 17 and 18 OMC, Comprehensive Plan Amendment, Development Agreement, Rezone requiring Comprehensive Plan Amendment, Shoreline Master Plan Amendment, Plat Vacation

18.70.050 Decision and appeal authorities

A. Table 18.70-2 describes the final decision and appeal authorities for each land use application type. Table 18.70-3 provides public notice requirements for each land use application type. When separate applications are consolidated at the applicant's request, the final decision must be rendered by the highest authority designated for any part of the consolidated application. A land use approval may be amended at the applicant's request by the same procedures provided under this Chapter for original application approval.

B. The Site Plan Review Committee consists of the Building Official, Planner, City Engineer, SEPA Official, and the Fire Chief or their designees. The Community Planning and Development Director, or designee, shall chair the Committee. The Committee serves in an advisory capacity to the Director, who is responsible for all land use related decisions. The Committee shall adopt rules of procedure for the purpose of ensuring fair, lawful, and timely recommendations.

C. Referral to Hearing Examiner. If in the Director's opinion a project is extraordinarily complex or presents significant environmental, design, or compatibility issues, the Director may refer the project for a public hearing before the Hearing Examiner. The Director may decide at any time to refer a project to the Examiner.

D. Design Review Board. The Design Review Board shall review and provide recommendations regarding Design Review applications decisions pursuant to chapter [18.100 OMC](#), Design Review. With respect to design review criteria, the decision-maker shall accord substantial weight to the Board's recommendation.

¹ This table is not an exhaustive list of all application types. For any application not listed in the table, the application type will be determined by the Director.

Table 18.70-2 Decision and Appeal Authority				
Application Type	Recommendation	Hearing Body	Decision Authority	Appeal To (open or closed record appeal)
Type I	N/A	N/A	Director (Shoreline Administrator for shoreline permits)	HEX (open record)
Type II	SPRC	N/A	Director ² (Shoreline Administrator for shoreline permits)	HEX
Type III	Director (Shoreline Administrator for shoreline permits; HEX for Rezones, Master Plan Amendments and Preliminary Planned Residential Developments) ³	HEX	HEX (City Council for Rezones, Master Plan Amendments and Preliminary Planned Residential Developments)	Superior Court, or WA State ELUHO for shoreline permits (closed record)
Type IV	Director (HEX for Development Agreements) ⁴	OPC (HEX for Development Agreements)	City Council	Superior Court or WA State ELUHO (closed record)

HEX = Hearing Examiner; SPRC = Site Plan Review Committee; OPC = Olympia Planning Commission; ELUHO = Environmental and Land Use Hearings Office

Table 18.70-3 Public Notice Requirements				
Application Type	Determination of Completeness	Notice of Application	Notice of Hearing	Notice of Decision
Type I	No	No	N/A	No
Type II	Yes	Yes	N/A	Yes
Type III	Yes	Yes	Yes	Yes
Type IV	Yes	Yes	Yes	Yes

18.70.060 Permit review time periods

² As described in OMC 18.70.050(C), the Director may refer to Hearing Examiner for decision.

³ See OMC 18.56 and 18.82

⁴ See OMC 18.82

A. **Review Period.** The decision-maker (Director or Hearing Examiner, depending on land use Application Type) shall render a final decision on a land use application within time limits set forth below, except as provided in OMC 18.70.060(D). The City shall review and process a land use application to allow for a final decision by the decisionmaker within these time limits.

Application Type	Time in Review
Type I	90 days <ul style="list-style-type: none">• Final Plat: 30 days
Type II	120 days <ul style="list-style-type: none">• Preliminary Short Plat: 90 days
Type III	120 days <ul style="list-style-type: none">• Preliminary Subdivision: 90 days
Type IV	N/A

B. **Notice of Delayed Decision.** If the City is unable to issue its final decision within the time limits listed below, the City shall provide written notice of this fact to the applicant. The notice must include a statement of reasons why the time limits have not been met and an estimated date for issuance of a final decision.

C. **Liability.** The City is not liable for damages due to the City's failure to make a final decision within the time limits established in this chapter.

D. **Request for Timeline.** Where no time limit is specified, upon written request, the City will provide an estimated time of review. (Also see Olympia City Council Resolution No. M-1419 regarding exceptions.)

E. **Time Limit Exceptions.** The time limits set forth above do not include:

1. Up to the first 28 days after receipt of an application during which the City determines whether the application is complete.
2. Any period during which the applicant has been requested by the City to correct plans, perform studies, or provide additional information requested by the City. If the City determines that the additional information submitted to the City by the applicant is insufficient, the City shall notify the applicant of the deficiencies and this subsection (2) applies as if a new request for information has been made. If the applicant does not provide the requested corrections, studies, or information within six months, the application will be null and void.
3. Any appeal period. See OMC 18.70.170 for appeal procedures.
4. Any extension of time mutually agreed upon by the applicant and the City.
5. The time required to prepare and issue a final Environmental Impact Statement in accordance with the State Environmental Policy Act.

18.70.070 Expiration of approvals

An applicant is responsible for knowing the expiration date of any approval. The City is not responsible for notifying an applicant of expirations.

A. Land Use Approval. Unless exercised by complete application for necessary construction permits, any land use approval expires and is null and void two years from the date the final approval was issued. Land use approval may be extended two additional years if a complete building or other construction permit application for the project is submitted prior to expiration of the land use approval. Even absent such application, upon finding that there has been no substantial change in relevant circumstances and standards, land use approval may be extended up to two additional years by the Director pursuant to a written request submitted prior to expiration of land use approval. The Director may grant, limit, or deny the extension and may impose such conditions of extension to ensure compliance with any subsequently revised standards. If such written request for extension is not received by the Department prior to expiration, the Director shall deny such extension.

B. Conditional Use Permit. Unless exercised or otherwise specified, a conditional use permit approval is void two years from the date a notice of final decision was issued and can be granted an extension for an additional two years as provided in OMC 18.70.070(A). If exercised, a conditional use permit is valid for the amount of time specified by the approval authority. If the use allowed by the permit is inactive, discontinued, or abandoned for 12 consecutive months, the permit is void and a new permit must be obtained in accordance with the provisions of this title prior to resuming operations.

C. Design Review approval expires simultaneously with expiration of any associated land use, building, or other construction permit or approval.

D. Variance/Reasonable Use Exception. Unless exercised, a variance or reasonable use exception expires one year from the date a final decision is issued. If timely exercised, a variance or reasonable use exception is valid indefinitely.

18.70.100 Vesting

Land use permit applications vest according to OMC 18.02.130 and other applicable state and federal laws.

18.70.110 Optional consolidated permitting process

Pursuant to RCW [36.70B.060](#) (3) and [36.70B.120](#) and OMC 18.70.100, except as prohibited by Resolution No. M-1419 or its successor, an applicant may elect to submit a consolidated project permit application. The applicant shall make such election in writing upon and simultaneously with submission of all applications to be consolidated. Upon the applicant's payment of the appropriate consolidation fee, the City shall process all consolidated applications as one application under the highest project permit classification and procedures.

A. If a project involving two or more permits has the permits processed individually, the highest project permit classification and procedures must be finalized before subsequent permits can be issued. The

Director may waive this requirement for permits not dependent on the higher classification of permit for their justification or implementation.

B. If applicable, the City shall conduct a single open-record hearing and no more than one closed-record appeal on a consolidated review process. The consolidated process may combine an open-record hearing on one or more permits with an open-record appeal hearing on the other permits.

C. Upon electing a consolidated review, the applicant shall pay such consolidation fee as has been established in the fee schedule adopted by the City Council. Simultaneous applications for permit approval within one category of approvals, such as solely land use, building, or engineering approval, are not consolidated reviews subject to a consolidated review fee, but nonetheless are entitled to consolidated review if so elected by the applicant.

18.70.120 Determination of completeness

When review procedures require a determination of completeness, the following apply:

A. Determination. Within 28 days of application, the Department shall provide the applicant a determination stating whether:

1. The application is complete; or
2. The application is incomplete and what is necessary to make the application complete.

B. To the extent known, the City shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

C. Failure to Notify. If the City fails to provide the applicant a determination within the required time, then the application is automatically deemed complete.

D. Processing. The City shall deem an application complete when it is sufficient for continued processing and when it meets the submission requirements set forth in OMC 18.70.040, and any submittal requirements identified at an optional presubmission conference. The determination of completeness does not preclude the City from requesting additional information or studies either at the time of the notice or subsequently if new information is required or substantial changes in the proposed action occur.

E. Incomplete Application. An applicant whose application has been deemed incomplete has 90 days from the date of determination in subsection (A)(2) of this section for the necessary information to be submitted. If the applicant either refuses in writing or does not submit the required information within the time limits, the application lapses, unless an alternate timeline is agreed to in writing by the City and the applicant prior to the end of the 90 days.

F. Review of Additional Information. When the applicant submits additional information for an incomplete application to the City, the City shall notify the applicant within 14 days of receipt of the additional information whether the application is complete or what additional information is necessary.

G. Review Timeline. When the City determines that an application is complete, the City shall note the date of such determination and the official review period to render a decision, as identified in OMC 18.70.060, begins.

H. Effect of Project Permit Application Revisions.

1. When the City has notified the applicant that a land use application is deficient and requires revisions, the time periods in OMC 18.70.060(E) (2) apply.

2. If, in the judgment of the Director, the content of an application is so substantially revised by an applicant, either voluntarily or to conform with applicable standards and requirements, that such revised proposal constitutes a substantially different proposal than that originally submitted, the Director shall determine the revised proposal to be a new application.

In reaching a determination whether a revision is so substantial as to constitute a new application, the Director shall consider the relative and absolute magnitude of the revision, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relation to public facilities, surrounding lands and land uses and the stage of review of the proposal. Lesser revisions that would not constitute substantial revisions during early stages of review may be substantial during later stages due to the reduced time and opportunity remaining for interested parties to review and comment upon such changes. The Director shall provide written notice of the determination that the revision is so substantial as to constitute a new application to the applicant and all parties of record.

3. The Director's determination that a revision is so substantial as to constitute a new application result in the time periods mandated by the Regulatory Reform Act, RCW Chapter 36.70B, set forth in this Title starting from the date at which the revised project application is determined to be complete. The revised project application is subject to all laws, regulations, and standards in effect on the date of receipt of such revised project application.

18.70.130 Notice of application

When review procedures require a notice of application, the following apply:

A. Timeline. The Director shall notify the applicant within 14 days after making the determination of completeness.

B. Content. The notice of application must include the following:

1. The file number assigned;

2. The date of application, date of the notice of completeness, and the date of the notice of application;

3. A description of the proposed project action and a list of permits required with the application, including other government agencies having decision-making authority or providing funds for the application or action;
4. Identification of known permits not required with the application;
5. Identification of existing environmental documents that evaluate the proposal;
6. The location where the application and any requested studies can be reviewed;
7. For projects subject to the State Environmental Policy Act, notice may include the optional Determination of Nonsignificance process in WAC 197-11-355.
8. A statement of the public comment period on the notice of application, where applicable, which may not be less than 14 nor more than 30 days;
9. A statement of the rights of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision, and any appeal rights;
10. Name and phone number of the City staff contact person;
11. Any other information the City deems appropriate.

C. Notice of Application. The Director shall provide notice of application as follows:

	Mail	Post Site	Publish
Type I	No	No	No
Type II	Yes	Yes	No
Type III	Yes	Yes	Yes
Type IV	Yes	Yes, for site-specific applications only	Yes

1. Notice by Mail. The Director shall send a notice of application electronically, or by first class or higher mail, to the following:
 - a. The applicant;
 - b. Affected City departments;
 - c. State, federal, and local agencies with jurisdiction;
 - d. For Type II, III, or site-specific Type IV applications, all property owners of real property (as shown by the records of the Thurston County Assessor's Office) within 300 feet of the subject property. Where any portion of a property abutting the subject property is owned, controlled, or under the option of purchase by the applicant, the Director shall provide notice to all owners of real property within a 300-foot radius of the total ownership interest;

- e. Parties of Record for the project; and
 - f. For Type II, III, and site-specific Type IV applications, Recognized Neighborhood Associations (RNAs) within 1,000 feet of the subject property. For Type IV applications that are not site-specific, the Director shall provide notice to all RNAs.
2. Posting Notice on the subject property. The applicant shall post notice at least at one location on or adjacent to the subject property where the notice is clearly visible and legible from an adjacent street or public area.
- a. The applicant shall maintain the notice sign until final decision and appeals periods have ended.
 - b. The Director shall determine the specifications for notice boards and their installation.
 - c. The applicant shall provide a record of the site posting to the department.
3. Publishing Notice. When a published notice in the City's official newspaper of general circulation within the City limits is required, the content must include the following:
- a. Project location;
 - b. Project description;
 - c. Type of permit(s) required;
 - d. Comment period and dates;
 - e. Location where the complete application may be viewed.
- D. Preliminary Plat Notice. When an applicant seeks preliminary plat approval for property adjacent to the right-of-way of a state highway, or within two miles of the boundary of a state or municipal airport, the Director shall notify (by electronic or regular mail) the Secretary of Transportation, who has 14 days from the date of notice to respond.
- E. Integration of Notices. The City shall combine a notice of application with notification of a SEPA threshold determination, or a scoping notice for a SEPA determination of significance, whenever possible. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.
- F. Issuance of Decisions. The City will not issue a decision or a recommendation on a land use application until the expiration of the public comment period, except as provided in subsection D above.
- G. Comments. Comments from members of the public, City departments, or state or federal agencies should be as specific as possible. Comments must be received by the last day of the comment period specified in the notice of application; comments received after such date will not be considered. If no comments are received by the date specified in the notice from a member of the public, a City

department, or a state or federal agency with jurisdiction, which was sent notification, then it is presumed that no member of the public, department, or agency has comments.

18.70.140 Notice of hearing

When review procedures require a notice of hearing, the following apply:

A. Notice Integration. The Director shall issue a written notice of hearing in advance of a public hearing. A notice of hearing may be integrated with the notice of application or a SEPA threshold determination.

B. Notice Content. A written notice of hearing must contain the following information:

1. The name of the applicant or designated contact;
2. A description of the subject property;
3. Project summary/description of each project permit application;
4. The application/project file number;
5. The date, time, and place of the hearing;
6. A statement that all interested persons may appear and provide testimony;
7. A description of where information may be examined or obtained and the staff contact and phone number; and
8. A description of how written testimony or comments may be submitted.

If the notice of hearing is combined with SEPA threshold determination, the following information must also be included:

9. The SEPA threshold determination along with any appropriate statement regarding any shared or divided lead agency status and phased review, and stating the end of any final comment period;
10. The deadline (date, time, and place) for submitting a SEPA appeal;
11. A statement regarding any administrative appeal process including SEPA appeal.

C. Notification Procedures. The Director shall provide notice of hearing for a project permit application hearing in the following manner, as applicable:

1. Electronic/mail. The Director shall send notice electronically or by first class mail or higher to the following:
 - a. The applicant;

b. All owners of real property (as shown by the records of the Thurston County Assessor's Office) within 300 feet of the subject property. Where any portion of a property abutting the subject property is owned, controlled, or under the option of purchase by the applicant, the Director shall provide notice to all owners of real property within a 300-foot radius of the total ownership interest;

c. All parties of record and all persons providing a written request to the Director.

2. Posting of the Property. The applicant shall post notice at the subject property in the same manner and locations as the notice of application set forth in OMC 18.70.130.C(2).

3. Publishing Notice. The Director shall publish the hearing notice in the City's official newspaper of general circulation within the City limits. The content of the published notice must be the same as the notice of application set forth in OMC 18.70.130.C(2).

4. Website. The Director shall publish the hearing notice on the City's website.

D. Notice Deadlines. The Director shall provide notice of hearing at least 10 days before the hearing date except:

1. For a shoreline permit application pursuant to WAC 173-27-110(3) at least 15 days before the hearing date.

2. For an integrated notice of hearing and notice of application, the Director shall provide such notice at least 15 days before the hearing date.

3. For an integrated notice of hearing and notice of a SEPA threshold determination, the Director shall provide such notice at least 21 days before the hearing date.

E. Continuation of Hearing. No additional notice of hearing is required for a continued hearings.

F. Appeal Notification. The Director shall provide notice for a hearing on appeal in the following manner:

1. Electronic/mail. The Director shall provide notice electronically, or by first class mail or higher to the following:

a. The applicant

b. The appellant (if other than the applicant);

c. Parties of record;

d. Affected state or federal agencies with jurisdiction; and

e. Other persons whom the Director believes may be affected by the action.

G. Additional Procedures. In addition to the procedures contained in this chapter, the Director may develop procedures for notification.

18.70.150 Joint public hearing

A hearing on a project permit application may be combined with any other hearing on the project held by another local, state, regional, federal, or other agency pursuant to RCW 36.70B.110.

18.70.160 Notice of decision

A. The Director shall provide a notice of decision on a Type II, III, and IV permit application. A notice of decision may be combined with another decision or permit.

B. Notification. The Director shall provide a notice of decision in the following manner as applicable:

1. Electronic/mail. The Director shall send a notice of decisions electronically or by first class mail or higher to the following:

- a. The applicant;
- b. Parties of record; and
- c. For Type IV decisions, the Thurston County Assessor's Office.

C. Notice Contents. The notice may include a copy of the report of decision on the project permit application; and must include, when available, the SEPA threshold determination, the permit decision, the conditions of approval or where such conditions may be viewed by the public, and the general procedures and time limits to file an appeal.

D. Change of Valuation. The notice must state that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

18.70.170 Appeals

A. General.

1. Those land use permit decisions that are subject to appeal become final unless an appeal is filed to the appeal authority shown in Table 18.70-2 in OMC 18.70.050, and in OMC 18.82.120. An appellant must file an appeal and must pay all appeal fees within the designated time to file an appeal; an appeal must be filed by 4:00 p.m. on the final day of the appeal period.

2. The appellant bears the burden of proving the decision was not supported by substantial evidence or was contrary to law.

3. An appeal of a decision on a Type I or Type II application must be filed within 14 days following the issuance of the notice of decision. For a land use permit decision issued concurrently with a SEPA determination of nonsignificance that required a public comment period, the land use permit

decision appeal period is extended an additional seven days to coincide with the SEPA appeal period. The Department shall promptly forward a copy of such appeal to the Hearing Examiner.

4. An appeal of a SEPA threshold determination is to the Hearing Examiner pursuant to Chapter 14.04 OMC and this section. Any allowed appeals of procedural or substantive determinations under SEPA must be consolidated with any appeal on the underlying governmental action in a single, simultaneous hearing before the Hearing Examiner consistent with chapter 36.70B RCW, WAC 197-11-680, this chapter and chapter 14.04 OMC. The following threshold decisions or actions are subject to timely appeal:

a. Determination of Nonsignificance or Mitigated Determination of Nonsignificance. Conditions of approval and the lack of specific conditions may be appealed to the Hearing Examiner within seven calendar days after the SEPA comment period expires. Except: When the Determination is combined with a project decision where the appeal would be heard in conjunction with any appeal or hearing on the associated project;

b. Environmental Impact Statement. A challenge to a determination of adequacy of a Final EIS may be heard by the Hearing Examiner in conjunction with any appeal or hearing regarding the associated project permit. Where no hearing is associated with the proposed action, an appeal of the determination of adequacy must be filed within 14 days after the 30 day comment period has expired.

5. An appeal of a Type III or Type IV project permit final decision to Thurston County Superior Court must be filed pursuant to chapter 36.70C RCW. Appeals must be filed within 21 days following the issuance of the notice of decision.

6. An appeal of a Type IV decision to the Environmental and Land Use Hearings Office must be filed in accordance with administrative rules adopted by the applicable hearings board within that Office.

7. A final decision relating to the Olympia Shoreline Master Program may be appealed as follows:

a. A decision on a Type II shoreline permit may be appealed to the Hearing Examiner pursuant to subsection (A)(3) of this section or may be appealed directly to the Shoreline Hearings Board pursuant to RCW 90.58.180.

b. A decision on a Type III and IV permit may be appealed to the Shoreline Hearings Board by filing a petition for review within 21 days of the date of filing pursuant to RCW 90.58.140(6).

8. Takings and Substantive Due Process Review and Modifications.

a. The Hearing Examiner is hereby authorized to hear, by way of appeal or upon review of a project permit application, all assertions of project-specific taking of property for public use without just compensation or the denial of substantive due process of law (or both), and all challenges to imposition of conditions on a project of a similar nature such as any assertion that an open space dedication is not reasonably necessary as a direct result of a proposed development whether based on constitutional, statutory, or common law. Failure to raise a

specific challenge to such condition or exaction constitutes a waiver of such issue and a failure to exhaust an administrative remedy.

b. In deciding and resolving any such issue, the Examiner may consider all law applicable to the City. Should the Examiner determine that, but for a taking without just compensation or a violation of substantive due process, imposition of any such condition would be required by standard, regulation, or ordinance, the Hearing Examiner shall so state in the decision and so report to the Olympia City Council. In lieu of failing to impose such condition, the Hearing Examiner shall first provide the City with due opportunity to provide just compensation. The Hearing Examiner shall specify a time period in which the Council may elect to or not to provide just compensation. Upon notice of the election of the City Council not to provide such compensation, the Hearing Examiner shall, in accordance with OMC 18.82.220, issue a decision modifying to whatever degree necessary such condition to eliminate the taking or violation of substantive due process.

B. Appellant. Only a party of record aggrieved by the decision, or a City Department, may appeal a Type I or II decision to the Hearing Examiner. Appeals of Type III and IV decisions may be filed according to the applicable governing statutes.

C. Filing an Appeal. Administrative appeals are filed by submitting a form or electronic submittal as provided by the Director.

D. Computation of Time. For purposes of computing the time for filing an appeal, the day the decision is issued is not included. The last day of the appeal period is included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050, or by the City's ordinances as a legal holiday; then it also is excluded, and the filing must be completed on the next business day. An appeal must be filed by 4:00 p.m. on the final day of the appeal period.

E. Content of Appeal. An administrative appeal must be in writing and accompanied by the required appeal fee, and must contain at least the following information:

1. Appellant's name, address, and phone number, and email address;
2. Appellant's statement describing the Appellant's standing, as a party of record, to appeal;
3. Identification of the application that is the subject of the appeal;
4. How the appellant is or is likely to be harmed or prejudiced by the decision appealed from;
5. How or in what particular respect the administrative official erred;
6. What relief or ruling is sought and how such ruling would eliminate or reduce harm to the appellant; and
7. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

F. Dismissal. Failure to state specific grounds of the appeal and relief sought may result in dismissal of such appeal. For appeals to the Hearing Examiner, City staff or any party may request dismissal of an appeal at any time with notice to all parties. Upon finding that the appeal fails to state cause to reverse or modify the decision or that the Hearing Examiner lacks jurisdiction to grant relief, the Examiner may dismiss such appeal without hearing. The Hearing Examiner shall state in writing whether such dismissal is with or without prejudice.

G. Effect. The timely filing of an administrative appeal stays the effective date of the decision until the appeal is either decided or withdrawn, unless otherwise provided in this code or in state or federal law.

H. Notice of Appeal. The Director shall provide public notice of the appeal as provided in OMC 18.70.140(F), unless otherwise provided in this code or in state or federal law.

18.70.180 Conditional uses

A. Conditional use approval. Certain uses, because of their unusual size, infrequent occurrence, special requirements, possible safety hazards, or detrimental effects on surrounding properties and other similar reasons, are classified as conditional uses. These uses may be allowed in certain districts by a Conditional Use Permit, as follows:

1. Any conditional use permit application that is exempt from the State Environmental Policy Act is a Type II application pursuant to OMC 18.70.040. (See OMC 14.04.065 and WAC [197-11](#). Part Nine).
2. Any conditional use permit application that is subject to the State Environmental Policy Act is a Type III application, except as granted in subsection 3 below
3. Expansion of Approved Conditional Uses. The Director may authorize, as a Type II application, requests for up to a 25 percent expansion, in any five-year period, of any approved conditional use's gross floor area, height, parking, or occupancy (e.g., number of seats, classrooms, and students). The Director may also authorize alterations to the site design, including landscaping, fences, lighting, signs, and similar site features. The Director may authorize any such modifications only if the use remains consistent with the original conditions of approval and applicable regulations.

B. Permit content and enforcement. Conditional Use Permits must state the location, nature, and extent of the conditional use, together with all conditions that were imposed, and any other information deemed necessary for the issuance of the permit. If, at any time, the Director finds that the conditional use no longer complies with the conditions specified in the permit, the owner is in violation of this Title and is subject to its penalties.

C. Additional conditions. The Hearing Examiner or Director, as applicable, may impose additional conditions on a particular use if it is deemed necessary for the protection of the surrounding properties, the neighborhood, or the general welfare of the public. The conditions may:

1. Increase requirements in the standards, criteria, or policies established by this Title;
2. Stipulate an exact location as a means of minimizing hazards to life, limb, property, traffic, or of erosion and landslides;

3. Require structural features or equipment essential to serve the same purpose set forth in item 2 above;
4. Impose conditions similar to those set forth in items 2 and 3 above to assure that a proposed use will be equivalent to permitted uses in the same zone with respect to avoiding nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters;
5. Ensure that the proposed use is compatible with respect to the particular use on the particular site and with other existing and potential uses in the neighborhood.
6. Assure compliance with the Citywide Design Guidelines, Unified Development Code, chapter [18.20 OMC](#), as recommended by the Design Review Board.

D. Compliance. Noncompliance with the conditions of the permit is grounds for rehearing before the Hearing Examiner. The Hearing Examiner may suspend or revoke a conditional use permit pursuant to this section or impose penalties (or both), for violation of any of the provisions of this title or original conditions of approval.

E. Appeals. The action by the Hearing Examiner on an application for a Conditional Use Permit is final and conclusive unless appealed in the manner and within the time limits set forth in OMC 18.70.170.

F. Transferability. A Conditional Use Permit is transferable, provided that the transferee complies with the conditions. If at any time the conditional use no longer complies with the conditions of the permit, the owner is in violation of this Title and is subject to its penalties, and the Hearing Examiner may suspend or revoke the permit.

18.70.190 Rezones and text amendments

A. Authority. The City Council may, upon its own motion, amend, supplement, or change by ordinance any of the provisions, use district boundaries, or use district classifications established in this Title; provided that:

1. In the case of site-specific rezones which do not require a Comprehensive Plan Amendment, the Council shall first review the recommendation of the Hearing Examiner. Such cases are Type III applications pursuant to OMC 18.70.040.
2. In the case of all other non-ministerial changes, including text amendments and privately initiated rezones which require a Comprehensive Plan Amendment, the Council shall first review the recommendation of the Planning Commission. Such cases are considered Type IV applications pursuant to OMC 18.70.040.

B. Collection of rezone applications. Site-specific rezone applications may be submitted at any time. However, for review purposes, such proposals will be collected into two sets in each calendar year. Unless otherwise specifically authorized by the City Council:

1. Proposals submitted between April 1st and September 30th are considered collectively and voted upon by the City Council by March 31st of the following year.
2. Proposals submitted between October 1st and March 31st are considered collectively and voted upon by the City Council by September 30th of the same year.
3. Proposals will be considered no more than twice each year.

C. Decision criteria for rezone requests. The following criteria are used to evaluate each rezone request. A zoning map amendment may only be approved if the Council concludes that at minimum the proposal complies with subsections (A) through (C) of this section. To be considered are whether:

1. The rezone is consistent with either the Comprehensive Plan, including the Plan's Future Land Use map as described in OMC [18.59.055](#), or with a concurrently approved amendment to the Plan.
2. The rezone maintains the public health, safety, or welfare.
3. The rezone is consistent with other development regulations that implement the comprehensive plan.
4. The rezone results in a district that is compatible with adjoining zoning districts; this may include providing a transition zone between potentially incompatible designations.
5. Public facilities and services existing and planned for the area are adequate and likely to be available to serve potential development allowed by the proposed zone.

Section 3. Repeal of OMC 18.48. Olympia Municipal Code Chapter 18.48, Conditional Uses, is hereby repealed in its entirety.

Section 4. Repeal of OMC 18.52. Olympia Municipal Code Chapter 18.52, Limited Zones, is hereby repealed in its entirety.

Section 5. Repeal of OMC 18.58. Olympia Municipal Code Chapter 18.58, Rezones and Text Amendments, is hereby repealed in its entirety.

Section 6. Repeal of OMC 18.60. Olympia Municipal Code Chapter 18.60, Land Use Review and Approval, is hereby repealed in its entirety.

Section 7. Repeal of OMC 18.72. Olympia Municipal Code Chapter 18.72, Administration, is hereby repealed in its entirety.

Section 8. Repeal of OMC 18.75. Olympia Municipal Code Chapter 18.75, Appeals/Reconsideration is hereby repealed in its entirety.

Section 9. Repeal of OMC 18.77. Olympia Municipal Code Chapter 18.77, Permit Application Contents, is hereby repealed in its entirety.

Section 10. Repeal of OMC 18.78. Olympia Municipal Code Chapter 18.78, Public Notification, is hereby repealed in its entirety.

Section 11. Repeal of OMC 18.02.110. Olympia Municipal Code Section 18.02.110, Comprehensive Plan Amendments, is hereby repealed in its entirety.

Section 12. Amendment of OMC 18.02.000. Olympia Municipal Code Section 18.02.000 is hereby amended to read as follows:

18.02.000 Chapter Contents

Sections:

18.02.020	Title.
18.02.040	Purpose.
18.02.060	Scope.
18.02.080	Interpretations.
18.02.100	Authority and comprehensive plan consistency.
18.02.110	Comprehensive plan amendments.
18.02.120	General requirements.
18.02.130	Vesting of applications.
18.02.140	Severability.
18.02.160	Establishment of zoning districts.
18.02.170	Interpretations of terms.
18.02.180	Definitions.

Section 13. Amendment of OMC 18.02.130. Olympia Municipal Code Section 18.02.130 is hereby amended to read as follows:

18.02.130 Vesting of applications

- A. General Vesting Rule. Except as stated below, or otherwise provided in state or federal law, any project permit application ~~shall be~~ is considered under the laws, ordinances, regulations, standards, and fees in effect at the time that the particular complete application is received by the City of Olympia.
- B. Consolidated Applications. An applicant may submit complete construction permit applications (building and/or engineering) ~~simultaneously with or during the period of review of a required land use approval application. See OMC 18.70.110 for procedures for consolidated applications. When an applicant elects to submit a land use approval application together with construction applications, such applications shall be reviewed and processed as one application and subject to all notices, review and appeals as if one consolidated and integrated application. Upon electing a consolidated review, the applicant shall pay such consolidation fee as has been established in the fee schedule adopted by the City Council.~~

- C. Separate Applications. When a complete building permit application is not consolidated with a land use approval application, each application for land use approval and for subsequent construction permits ~~shall be~~is reviewed subject to the relevant laws, ordinances, regulations, standards, and fees in effect on the date of receipt of each separate and specific complete application.
- D. Full Vesting. Only when a complete building permit application for a structure to be used in a manner permitted under the land use regulations in effect on the date of such application is submitted will the applicant be entitled to improve and use land under the ordinances of the City in effect on the date of the complete building application. Where a change in occupancy is proposed, such building permit application ~~shall~~may not be deemed complete unless preceded or accompanied by a complete land use approval application.
- E. Exceptions. Where a necessary preliminary approval is a final subdivision plat, change in zoning, or comprehensive plan amendment, any previously submitted building permit application ~~shall be~~is considered under the laws, ordinances, standards, and fees in effect on the date that such plat, zoning, or plan amendment is final. Any environmental impact mitigation measures imposed under the authority of the State Environmental Policy Act ~~shall be~~are based upon policies, plans, rules, or regulations in effect on the date that the applicable determination of nonsignificance, mitigated determinations of nonsignificance or draft environmental impact statement is issued. Any development application is also subject to any special vesting exceptions of the Western Washington Municipal Stormwater Permit. Any application for a change in zoning, comprehensive plan amendment, or adoption or amendment of development regulations ~~shall be~~is reviewed subject to the comprehensive plan and other laws and policies in effect on the date that a final decision is rendered by the Olympia City Council. Any application for utility service extension or connection to serve property outside the limits of the City of Olympia ~~shall be~~is reviewed and subject to regulations and standards as set forth in the applicable utility service or annexation agreement.

Section 14. Amendment of OMC 18.02.180(C). Olympia Municipal Code Subsection 18.02.180(C) of the Olympia Municipal Code is hereby amended to read as follows:

18.02.180 Definitions

C. DEFINITIONS — SPECIFIC.

Caliper. The American Association of Nurserymen standard trunk measurement of nursery stock. Caliper of the trunk ~~shall be~~is the trunk diameter measured six inches above the ground for up to and including four inch caliper size, and twelve inches above the ground for larger sizes.

Canopy. A permanent flat roof-like structure attached to and supported by a building, used principally as protection from sun and rain. The structure may or may not incorporate a sign.

Carport. A roofed structure providing space for the parking of motor vehicles, boats, recreational vehicles, or other equipment, and enclosed on no more than three sides.

Cemetery. Property used for the interment of the dead.

Certificate of Appropriateness. A letter or other document stating that proposed changes will not adversely affect the historic characteristics of the property that contribute to its designation.

Certificate of Occupancy. A permit issued by the Community Planning and Development Department prior to occupancy of a structure when the structure is ready for occupancy.

Change of Occupancy. A change in the existing occupancy classification of a building, structure, or land, or portion thereof, as established and defined by the Uniform Building Code then in effect. Land use approval by appropriate authority and a certificate of occupancy issued by the building official may be required for any such change.

Change of Use. ~~Any use that substantially differs from the previous~~ A change in the use of a building or land that results in a different classification of use under this Development Code. If a particular land use is undefined by this Development Code, the most similar use listed in the Standard Industrial Classification (SIC) Manual ~~shall~~ must be used. A change of ownership ~~shall~~ may not be considered a change of use. (See also Thurston County Assessor SIC land use classifications.)

Child Day Care. The provision of supplemental parental care and supervision:

- a. For an unrelated child or children,
- b. On a regular basis,
- c. For less than 24 hours a day, and
- d. Under license by the Washington State Department of Social and Health Services.

As used in this Development Code, the term is not intended to include babysitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child care by a group of parents in their respective domiciles.

Child Care Home, Family. A facility in the residence of the licensee providing regular scheduled care for twelve or fewer children, within a birth through eleven-years-of-age range exclusively, for periods of less than 24 hours.

Child Day Care Center. A facility providing regularly scheduled care for a group of children one month of age through 12 years of age for periods less than 24 hours.

Church. A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, ~~not to include~~ including bingo or games of chance, nor schools which exceed normal religious service hours.

City. The City of Olympia.

City Council. The duly elected Mayor and Council Members of the City of Olympia.

Clear Sight Triangle. A triangular-shaped portion of land at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the vision of vehicle operators entering or exiting the intersection. (See also [Chapter 18.40 OMC](#).)

Clearing. The destruction or removal of vegetation from a site by physical, mechanical, chemical, or other means, not including landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of trees and vegetation.

Clinic. A place for outpatient medical services to human patients.

Closed Record Appeal. An administrative appeal following an open record hearing on a project permit application when the appeal is on the record with no new evidence or information allowed to be submitted and only appeal argument allowed. [See RCW [36.70B.020\(1\)](#)].

Club. An association of persons (whether or not incorporated) organized for some common purpose, not including a group organized primarily to render a service customarily carried on as a business. Retail warehouse buying clubs are not included in this definition. (See also Health Club and Country Club.)

Clustered Subdivision. A subdivision development in which building lots are sized to conform to the "footprint" of the structures and placed closer together than conventional development (usually in groups or clusters). The remaining undeveloped land is generally preserved as open space and/or recreation land. Private development easements around the structures are permitted for private landscaping, pools, spas, yards, and similar uses.

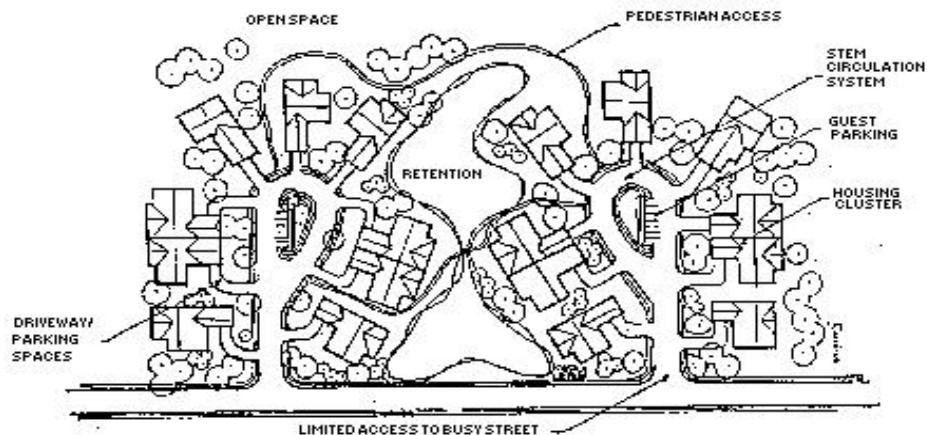


FIGURE 2-2

Cocktail Lounge. See Drinking Establishments.

Co-Housing. See Dwelling, Conventional.

Collegiate Greek System Residence. A building which is occupied by unrelated members of a private educational organization, and which contains sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room. (See Dormitory.)

Collocation. The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio frequency generating equipment.

Combined Antenna. An antenna or an antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Commercial Vehicle. A vehicle customarily used as part of a business for the transportation of goods or people.

Commission. The Planning Commission of the City of Olympia.

Common Structure. A commonly owned structure intended for the common use of all residents of the development which meets the requirements of ~~Section OMC~~ [18.04.060\(F\)\(1\)](#).

Community Clubhouse. A privately owned structure in which inhabitants of a neighborhood or subdivision, or members of a neighborhood association, gather for meetings and other activities.

Community Park. An area intended for use by the community for active and/or passive recreation activities. Such parks may contain large areas such as lake fronts, parkways, forest areas, picnic areas, arts facilities, and regulation size athletic fields designed for organized competitive sports such as softball, baseball, or soccer.

Compensation. Types of compensation include, but are not limited to the following:

In-Kind. Replacement of a habitat type with substitute habitat whose characteristics closely approximate those destroyed or degraded by an allowable use or activity.

Off-Site. Replacement of a specific habitat type away from the site on which a habitat type has been impacted by an allowable use or activity.

On-Site. Replacement of a habitat type at or within 500 feet of the site on which the habitat type has been impacted by an allowable use or activity.

Out-of-Kind. Replacement of a habitat type with a substitute habitat type whose characteristics do not closely approximate those destroyed or degraded by an allowable use or activity.

Compensation Project. Actions necessary to replace project-induced losses to the functional values of a critical area, including land acquisition, planning, construction plans, monitoring and contingency actions.

~~Complete Application. A written application for a project permit which meets the procedural submission requirements of the City and is sufficient for continued processing even though additional information may be required or project modifications may subsequently occur. To be complete, an application must include all required information, elements, attachments and supplemental studies or reports as set forth in the applicable section of the Olympia Municipal Code and as described on the approved application form, including any environmental checklist required by OMC Chapter 14.04; all in sufficient detail for the reviewing authority to determine whether or not such application conforms with applicable regulations and standards. An application including such information which does not conform or is inconsistent with such regulations and standards shall nonetheless be deemed complete. See RCW 36.70A.440.~~

~~Complete Application, Date of. The date upon which the City has received all necessary information, forms, and fees required for the City to issue a determination of completeness. The date of complete application may precede the date upon which such determination is issued.~~

Comprehensive Plan. The plan adopted by the City Council to guide the physical growth and improvement of the city, including any future amendments and revisions.

Conditional Use Permit. A discretionary permit granted under the provisions of this Development Code and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the permit.

Condominium. See Dwelling, Conventional.

Conference Center. A facility used for seminars, conventions, symposiums and similar uses, with meeting rooms and possibly food preparation and eating facilities.

Confidential Shelter. See Dwelling, Assisted Living.

Conforming Use. A land use consistent with the list of permitted uses for the district in which it is located, or otherwise designated as a conforming use in that district.

Congregate Care Senior Housing. See Dwelling, Assisted Living.

Consistency with Comprehensive Plan. Performance in accordance with and complying and conforming with state law and the Olympia Comprehensive Plan as determined by consideration of the type of land use, the level of development, infrastructure, and the character of the development. [See RCW [36.70B.040](#)].

~~Construction Permit. A building permit or engineering permit issued by the City of Olympia or other public agency authorizing specific physical alteration of land or alteration, installation, placement or creation of structures attached to land, including land covered by water.~~

Construction Permit, SEPA-exempt. A construction permit or license exempt from the threshold determination and environmental impact statement requirements of the State Environmental Policy Act, such as an electrical, mechanical, plumbing or single-family building permit, and installation permits for lateral utility lines.

Contiguous Land. Parcels adjoining and touching other land and having the same owner regardless of whether or not portions of the parcels have separate tax lot numbers, were purchased at different times, lie in different sections, are different government lots or are separated from each other by private roads or private rights-of-way.

Contributing Historic Property. A property within a designated historic district listed as having enough historic significance to have been listed as a "contributing" property during the historic district approval process.

Convalescent Home. See Dwelling, Assisted Living.

Cornice. Any ornamental molding which protrudes along the top of a building.

Cottage Housing. See Dwelling, Conventional.

Country Club. A private or public membership facility designed for tennis, swim and other recreational activities except riding stables. Such uses and activities may be grouped around a clubhouse containing a restaurant, banquet and meeting room facilities. (See also Golf Course.)

County. Thurston County.

Courtyard. An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by the walls of a building.

Covenant. See Restrictive Covenant.

Coverage, Building. The portion of a lot covered by the principal and accessory building floor area including all areas covered by a weather-tight roof, excluding two feet of eaves.

Coverage, Impervious. The area which is occupied or covered by all impervious surfaces including the total horizontal surface of all buildings, except two feet of eaves. (See Net Site Area and Impervious Surface definitions.)

Crematorium. A facility that uses heat or fire to reduce human or animal remains to ashes.

Creek. See Stream.

Crisis Intervention Service. A mental health agency that offers 24 hour counseling, instruction and referral to persons in critical situations. This service is provided by telephone only and not in-person. Crisis intervention services are defined and regulated in Chapter [275-56-350](#) of the Washington Administrative Code. Such

facilities may be characterized by a need for location confidentiality. This is not defined as a Business Office nor a Government Office.

Critical Area. Any of the following areas and ecosystems:

- a. Wellhead Protection Areas,
- b. Important Habitats and Species,
- c. Streams and Priority Riparian Areas,
- d. Wetlands, and
- e. Geological Hazard Areas.

Critical Area Tract. An area containing a critical area and/or buffer and that is subject to a recorded critical area protection restriction. (See Tract)

Culvert. A conveyance device (e.g., concrete box, pipe) which conveys water under (usually across) a roadway or embankment.

Section 15. Amendment of OMC 18.02.180(D). Olympia Municipal Code Subsection 18.02.180(D) is hereby amended to read as follows:

18.02.180 Definitions

D. DEFINITIONS - SPECIFIC.

Dangerous Waste. Any discarded, useless, unwanted or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

- a. Have short-lived, toxic properties that may cause death, injury or illness or have mutagenic, teratogenic or carcinogenic properties; or
- b. Are corrosive, explosive, flammable or may generate pressure through decomposition or other means. (See also Hazardous Waste, Extremely.)

Date of Filing. The date that a complete and accurate application is submitted and appropriate fees paid.

Days. Consecutive calendar days unless otherwise stated.

Decorative Grille Work. Grille work which through the use of material, geometric pattern, configuration, embellishment, or artisanship exceeds the normal functional requirements. Parallel vertical bars - resembling a jail cell pattern - are not considered decorative grille work.

Dedication. The deliberate appropriation 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 ~~shall~~must be evidenced by the owner by the presentment for filing of a final plat, short plat, or binding site plan which shows the dedication thereon. Acceptance by the public ~~shall~~must be evidenced by written approval issued by the City of such document for filing with the County Auditor.

Deficiency, Application. ~~The lack of an element or information which results in an application being deemed not complete, or which otherwise prevents meaningful review and rendering of a decision regarding the application.~~ A deficiency includes an element or information which is absent, is inaccurate or in some other aspect does not conform with applicable regulations and standards, and supplemental information or studies required to review an application. Erroneous or misleading information intentionally included in an application ~~shall~~constitutes a deficiency.

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

Design. The planning and engineering of street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; vehicle access; grading; land to be dedicated for park or recreational purposes; building and other accessory physical requirements.

Design Review. The evaluation of a site, building, landscape design plan or sign program submitted to the Design Review Board or staff, which may approve or deny the plan in part, or make further design recommendations based upon adopted guidelines.

Design Review Board. A committee with a balance of design professionals (architecture, planning, engineering, landscape architecture) and citizens who are appointed by the City Council.

Detached. Any building or structure that does not have a wall and roof in common with any other building or structure and where exterior walls are separated by six ~~(6)~~ feet or more. (See Attached Structures; note that structures conforming with neither definition must conform with the requirements of this title for both types of structures).

~~Determination of Completeness. A written determination by the Director or Fire Chief or their respective designees that all required elements of an application have been received by the City. This determination initiates the statutory review period for the application, if any, and subject to certain exceptions, entitles the applicant to have the application considered and reviewed pursuant to the laws, regulations and standards in effect on the date the application was complete.~~

Development. The division of a parcel of land into two ~~(2)~~ or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; or any change of use or extension of the use of land. (See also Improvement.)

Development Area, WCF. The area occupied by a wireless communications facility including areas inside or under the following: an antenna support structure's framework, equipment cabinets, ancillary structures and access ways.

Development Code. A text incorporating areas of regulation more typically presented in separate zoning and subdivision ordinances and related chapters of the Municipal Code.

Development Coverage. Except where the context indicates otherwise, "development coverage" has the same meaning as impervious coverage.

Development Permit. Any land use permit which must be approved prior to the improvement and development of land or structures.

Director. The Director of the City of Olympia Community Planning and Development Department, and the Director's designees.

District or Zone. A specific area designated on the official zoning map of the City as one ~~(4)~~ of the use districts as provided for in this title; such area is subject to all the requirements and regulations applicable to such district.

Dormitory. A residential structure intended principally for sleeping accommodations, where no individual kitchen facilities are provided, and which is related to an educational or public institution or is maintained and operated by a non-profit welfare organization.

Drinking Establishment. A business primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, including night clubs, bars, and taverns. A lounge operated as part of a restaurant is considered to be accessory to the restaurant.

Drinking Water Protection Area. See OMC 18.32.205.

Drip Line. An imaginary ground line around a tree or building that defines the outermost limits of the tree canopy or building roof eave.

Drive-in Theater. An open lot devoted primarily to the showing of motion pictures.

Drive-Through Restaurant. See Restaurant, Drive-Through.

Dwelling Unit. See definition for single-family. Various types of housing or human shelter, which are listed below and categorized by use.

a. Dwelling, Conventional.

i. Accessory Dwelling Unit. A dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling for use as a complete independent living unit with provisions for cooking, sanitation and sleeping.

- ii. Apartment. A dwelling within a structure designed and used for occupancy by three (3) or more individual persons or families living independently of each other. These structures include triplexes, fourplexes, and other multi-unit configurations.
- iii. Boarding Home. Any home or institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three ~~(3)~~ or more aged persons not related by blood or marriage to the operator, under the provisions of Chapter 18.20 RCW. It ~~shall~~ may not include any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. (See also Dwelling, Assisted Living.)
- iv. Co-Housing. Co-housing developments consist of two (2) or more dwelling units, one ~~(1)~~ or more shared community structures (e.g., containing a meeting hall, dining hall/kitchen, community center, or day care) and perhaps a community garden, recreation area, or similar community oriented use.
- v. Condominium. A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.
- vi. Cottage Housing Development. Four ~~(4)~~ or more small, detached dwelling units sharing a commonly owned courtyard/common area and parking area.
- vii. Courtyard Apartment. A dwelling within a structure or small detached structures on one ~~(1)~~ parcel designed and used for occupancy by four (4) or more individual persons or families living independently of each other. The units are oriented around a shared open space courtyard from which all ground floor units have primary entrances facing.
- viii. Duplex. One (1) building containing two ~~(2)~~ single-family dwelling units totally separated from each other by a one-hour fire wall or floor.
- ix. Guest House. Living quarters without kitchen facilities located on the same lot with a principal building and occupied for the sole use of members of the family, temporary guests, or persons permanently employed on the premises. (See also Accessory Dwelling Unit.)
- x. Manufactured Home. A single-family residence constructed after June 15, 1976, and installed in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.
- xi. Manufactured Home, Designated. A manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, and which meets the requirements of OMC 18.04.060-~~(O)~~.
- xii. Manufactured Home, New. Any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

xiii. Mobile Home. A single-family residence transportable in one ~~(1)~~ or more sections, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

xiv. Modular Home. A structure constructed in a factory and installed in accordance with the applicable Building Code and bearing the appropriate insignia indicating such compliance. This definition includes "pre-fabricated," "panelized" and "factory built" units.

xv. Single-Family Dwelling. A single unit providing complete, independent living facilities for a family, including permanent provisions for living, sleeping, cooking and sanitation.

xvi. Single-Room Occupancy. A housing type consisting of one ~~(1)~~ room with cooking facilities and with shared bathroom facilities. (See also Boarding Home, Lodging House and Bed and Breakfast.)

xvii. Townhouse. A single-family dwelling unit which is part of a group of two ~~(2)~~ or more such units separated by a completely independent structural wall (including utilities in separate walls), extending from the ground to the roof in accordance with the applicable Building Code and which has no doors, windows or other provisions for human passage or visibility through the wall. In certain zoning districts, such dwelling units are platted with common side and/or rear property lines between the structural walls. See Chapter 18.64.

xviii. Triplex. One ~~(1)~~ building containing three ~~(3)~~ single-family dwelling units totally separated from each other by a one-hour fire wall or floor.

xix. Fourplex. One ~~(1)~~ building containing four ~~(4)~~ single-family dwelling units totally separated from each other by a one-hour fire wall or floor.

xx. Sixplex. One ~~(1)~~ building containing six ~~(6)~~ single-family dwelling units totally separated from each other by a one-hour fire wall or floor.

b. Dwelling, Transient.

i. Bed and Breakfast. A dwelling for the purpose of providing lodging for travelers and guests for a period of less than two ~~(2)~~ weeks for compensation and having at least one ~~(1)~~ kitchen used to provide breakfast but no other meals. Such dwelling ~~shall~~ may have no more than five ~~(5)~~ such guest rooms for persons other than the immediate family of the operator occupying such dwelling. Any such dwelling having over five ~~(5)~~ such guest rooms is a hotel.

ii. Hotel. Any building containing six ~~(6)~~ or more guest rooms where lodging, with or without meals, is provided for compensation, and where no provisions are made for cooking in any individual room or suite.

iii. Lodging House. A dwelling having only one ~~(1)~~ kitchen and used for the purpose of providing lodging, or lodging and meals, for compensation for no more than five ~~(5)~~ persons other than the members of the immediate family of the operator occupying such dwelling. Any such dwelling

having over five ~~(5)~~ such guests is considered a hotel. (See also Boarding Home.) [NOTE: A lodging house allows for an unlimited stay, unlike a Bed and Breakfast which is limited to two ~~(2)~~ weeks.]

iv. Motel. Guest rooms or suites occupied on a transient basis often with most rooms gaining access from an exterior walkway. (See also Recreational Vehicle.)

v. Short-Term Rental. A lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or a portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty ~~(30)~~ consecutive nights. (This definition has the same meaning as RCW 64.37.010(9)). (See also Short-Term Rental Operator).

vi. Short-Term Rental – Homestay. A type of short-term rental wherein rooms are rented within a dwelling unit that is occupied by a property owner or long-term rental tenant residing in that dwelling unit.

vii. Short-Term Rental – Vacation Rental. A type of short-term rental wherein an entire dwelling unit or portion thereof is rented and there is no property owner or long-term tenant residing in that dwelling unit.

viii. Trailer House. See Recreational Vehicle.

c. Dwelling, Assisted Living.

i. Adult Day Care Home. A residence in which adults (at least 18 years in age) and who are not related to the caregiver stay for no more than 12 hours per day. Emergency medical care may be provided in such facilities, but not convalescent care. (See also Convalescent Home and Elder Care Home.)

ii. Convalescent Home. Any home, place, institution or facility which provides convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for three ~~(3)~~ or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Such establishment ~~shall~~ must be duly licensed by the State of Washington as a "nursing home" in accordance with the provisions of ~~Chapter~~ 18.51 RCW.

iii. Congregate Care Facilities. A building or complex of dwellings specifically designed for occupancy by senior citizens which provides for shared use of facilities, such as kitchens, dining areas, and recreation areas. Such complexes may also provide kitchens and dining space in individual dwelling units. Practical nursing care may be provided, but not nursing care as described in ~~Section OMC~~ 18.04.060(S).

iv. Elder Care Home. An elder care home or adult family home in the primary residence of a person licensed pursuant to ~~Chapter~~ 70.128 RCW to provide personal care, room, and board. Home health care and limited nursing care (dispensing of medicine and emergency medical aid) may be provided, but not convalescent care. (See also Convalescent Home, and Boarding Home.)

v. Group Homes. A place of residence for the handicapped, physically or mentally disabled, developmentally disabled, homeless, or otherwise dependent persons. Group Homes are intended

to provide residential facilities in a home-like environment. Such homes range from licensed establishments operated with 24 hour supervision to non-licensed facilities offering only shelter. They ~~shall~~ may not include correctional facilities (except as authorized by ~~€~~chapters 137-56 and 137-57 WAC for work/training release programs), nursing homes, Type III group care facilities, foster family homes, or adult family homes as defined by the Washington State Department of Social and Health Services or its successor agency. Group homes include, but are not limited to the following:

(a) Confidential Shelters. Shelters for victims of domestic violence as defined and regulated in ~~€~~chapter 70.123 RCW and ~~€~~chapter 388-61A WAC. Such facilities are characterized by a need for confidentiality.

(b) Home for the Disabled. A home or other facility which provides board and domiciliary care to individuals who, by reason of infirmity, require such care. An infirmity may be based on conditions including, but not limited to, physical handicap, mental illness, and other developmental disabilities. These group homes are a type of boarding home, as defined and regulated in ~~€~~chapter 18.20 RCW. However, boarding homes serving the aged infirm are not included in this definition.

(c) Homeless Shelter. A facility offering lodging and/or emergency shelter to homeless individuals for an indefinite period of time and meeting the standards of ~~€~~chapter 248-144 WAC.

(i) Emergency Housing. Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that are intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(ii) Emergency Shelter. A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(d) Group Home for Youth. Any home maintained and operated for the care of children on a 24 hour basis as defined and regulated in ~~€~~chapter 388-73 WAC and ~~€~~chapter 74.15 RCW.

(e) Group Home for Offenders. A home or other facility operated for housing and supervision of work/training release residents during their stay in a work/training release program as defined and regulated in ~~€~~chapters 137-56 and 137-57 WAC.

vi. Hospice Care Center. Facilities licensed under ~~€~~chapter 70.41 RCW which provide for the emotional and physical care of terminally ill patients. Such centers provide food, lodging, and palliative care on a full-time (24 hour) basis for two ~~(2)~~ or more people, unrelated to the Center's operator, who are in the latter stages of a disease expected to cause death.

vii. Nursing Homes. See Convalescent Home.

viii. Rest Home. See Congregate Care.

ix. Permanent Supportive Housing. Subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.

x. Transitional Housing. This housing provides stability for residents for a limited time period, usually two weeks to 24 months, to allow them to recover from a crisis such as homelessness or domestic violence before transitioning into permanent housing. Transitional housing often offers supportive services, which enable a person to transition to an independent living situation.

Section 16. Amendment of OMC 18.02.180(L) Olympia Municipal Code Subsection 18.02.180(L) is hereby amended to read as follows:

18.02.180 Definitions

L. DEFINITIONS – SPECIFIC.

Lake. A naturally existing or artificially created body of standing water greater than twenty ~~(20)~~ acres in size. Lakes include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A lake is bounded by the ordinary high water mark or the extension of the elevation of the lake's ordinary high water mark within the stream, where the stream enters the lake. All lakes meet the criteria of RCW Chapter [90.58](#) (Shoreline Management Act) and have been inventoried as "Shorelines of the State" found in the Shoreline Master Program, ~~OMC chapter 18.20~~ [OMC](#).

Land Use Approval. A written approval or permit issued by the Director or Hearing Examiner, or designee thereof, finding that a proposed project is consistent with applicable plans, regulations and standards and authorizing the recipient to make use of property in a certain manner. The land use approval consolidates various non-construction permit reviews of a project such as design review, environmental review, zoning conformance, and site plan review. Land Use Approval is a permit which does not directly authorize construction or improvements to real estate, but which is a necessary and required precursor to authorization of such construction or improvement. ~~Land Use Approval includes, but is not limited to, applications for review and approval of a preliminary or final subdivision, short plat, binding site plan, conceptual or detailed master planned development, planned residential development, conceptual design review, site plan review, conditional use permit, variance, shoreline development permit, or other such reviews pertaining to land use. Types of land use applications requiring land use approval are shown in OMC 18.70.040.~~

Land Use Approval, Administrative. A Land Use Approval which may be issued by an authorized official or body, usually the Director, without an open record predecision hearing.

Land Use Approval, Quasi-Judicial. A Land Use Approval issued by an authorized official or body, usually the Hearing Examiner, following an open record predecision hearing.

Landscape Plan. A component of a site development plan on which is shown: proposed landscape species (number, spacing, size at time of planting, and plant details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

Landscape Structure. A fence, wall, trellis, statue or other landscape and ornamental object.

Landscaping. An area devoted to or developed and maintained predominantly with native or non-native plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as ornamental pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

Landslide. Episodic down-slope movement of a mass of soil or rock that includes but is not limited to rockfalls, slumps, mudflows, earthflows and snow avalanches.

Large Lot Subdivision. The division of land into lots or tracts, each of which is 1/128 of a section of land or larger, or five (5) acres or larger if the land is not capable of description as a fraction of a section of land.

Laundry and Laundry Pick-up Agency. An enterprise where articles of clothing, linen, etc. are washed, including self-service laundries as well as those where customers drop off articles to be laundered either on or off the premises, or dry-cleaned off the premises only. This includes diaper services, but not the following, which are classified as Light Industrial uses: dry-cleaning plants, linen supply services, carpet and upholstery cleaning plants, and industrial launderers.

Legal Lot of Record. A lot of a subdivision plat or binding site plan or a parcel of land described in a deed either of which is officially recorded to create a separate unit of property, provided that such plat, site plan, or deed ~~shall~~must accord with applicable local, state, or federal law on the date created. Separate descriptions of adjoining parcels within a single deed ~~shall~~do not necessarily constitute separate legal lots of record.

Local Improvement. A public improvement for the benefit of property owners provided to a specific area that benefits that area and that is usually paid for, at least in part, by a special assessment.

Lodging House. See Dwelling, Transient.

Long-Term Rental. A residential use, wherein a dwelling unit, or portion thereof, that is not a hotel, motel, bed and breakfast, or boarding home, is offered or provided to a person as a residence for a fee for thirty consecutive nights or more.

Lot. Lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term ~~shall~~ also includes tracts and parcels. Lot classifications are as follows:

- a. Lot, Corner. A lot that abuts two (2) or more intersecting streets.
- b. Lot, Flag or Panhandle. A lot with less than thirty (30) feet of street frontage which is typically connected to a public or private street by a narrow driveway. A lot where access is only provided by a private easement is not a flag lot.
- c. Lot, Interior. A lot that has frontage on one (1) public or private street only, or is provided access by a private easement.
- d. Lot, Through. A lot that fronts on two (2) parallel or nearly parallel streets that do not intersect at the boundaries of the lot.
- e. Lot, Wedge-shaped. A lot with a street frontage which is no more than half as wide as the lot's width at the rear property line, as depicted in Figure 2-5b.

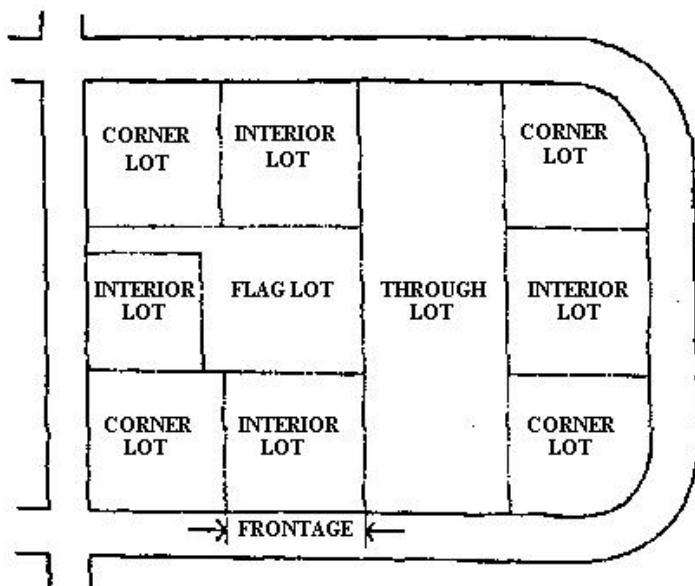
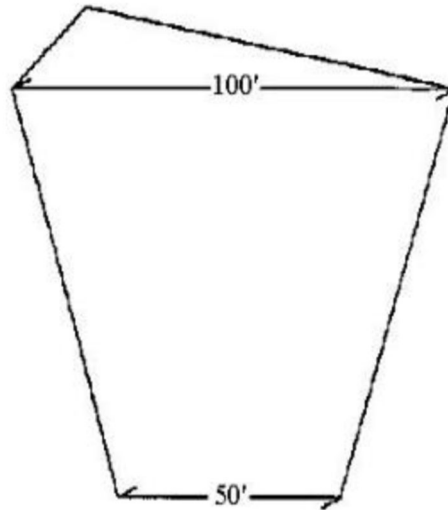


FIGURE 2-5



Example of a Wedge-Shaped Lot

FIGURE 2-5b

Lot Frontage. See Frontage.

Lot Line. A line dividing one (1) lot from another lot or from a street right-of-way or alley. (See also Property Line.)

Lot of Record. A lot, the plat, or deed to which is officially recorded as a unit of property and is described by metes and bounds.

Lot, Substandard. A parcel of land that is less than the minimum area or minimum dimensions required in the zone in which the lot is located. (See also Minimum Lot Size, Undersized Lots in development standards.)

Lot Width. The straight line distance measured between side lot lines parallel to the front setback line. (See also ~~Section OMC 18.04.080~~ [OMC 18.04.080](#)(G)(1) and Table 4.04.)

Low Income Housing. See Affordable Housing.

Section 17. Amendment of OMC 18.02.180(N). Olympia Municipal Code Subsection 18.02.180(N) is hereby amended to read as follows:

18.02.180 Definitions

N. DEFINITIONS – SPECIFIC.

National Register of Historic Places. The national listing of properties deemed significant because of their documented importance to our history and architectural, engineering or cultural heritage, as administered by the Department of the Interior under the National Historic Preservation Act of 1966.

Native Vegetation. Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.

Neighborhood Association. A group of people organized for the purpose of considering and acting upon any of a broad range of issues affecting the livability and quality of their neighborhood. A neighborhood association may be "recognized" by the City if it meets the minimum standards and applicable guidelines adopted by the City in Chapter 18.86 OMC.

Net Site Area. The total area within the lot lines of a lot or parcel of land after public street rights-of-way or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Nonconforming Building or Structure. A building or structure or portion thereof which was lawfully erected or altered and maintained, but because of the application of this title no longer conforms to the yard, height or area requirements of the use district in which it is located.

Nonconforming Lot. A lot which does not conform with the provisions of this Title or Subdivision Code.

Nonconforming Use. An activity in a structure or on a tract of land that was legally established, but because of the application of this title no longer conforms to the use regulations of the district in which it is located.

Nonprofit Institutions. A charitable organization formed and devoted to performing public service or to further private benevolent endeavors.

Non-Profit Physical Facilities. Facilities for physical education activities such as sports or health fitness, which are owned and operated by a non-profit organization.

Normal Maintenance. Those usual acts to prevent a decline, lapse or cessation from a lawfully established condition.

Normal Repair. To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves a near or total replacement which is not common practice or causes substantial adverse effects to the environment.

Notice of Application. A ~~written~~ notice that a complete project permit application has been received by the City, as required by RCW 36.70B.110. Procedures for a notice of application are provided in OMC 18.70.130. ~~including, at minimum, the date of application, the date of the notice of completeness of the application, the date of the notice of application, a description of the proposed project, a list of permits requested by the applicant, a list of any studies requested by the City, identification of other permits known to be required for the project but not requested by the applicant, identification of existing environmental documents evaluating the proposal, the location where the application and any studies can be reviewed, a statement of the public comment period, a statement of the right of any person to comment on the application, receive notice of and participate in any hearing, request a copy of the decision once made, and of any appeal rights, the date, time, place, and type of any hearing scheduled at the date of the notice, a statement of the preliminary determination of those development regulations that will be used for project impact mitigation, a statement of whether an environmental impact statement will be required and a statement of any preliminary determination of consistency with plans and regulations of the City. [See RCW 36.70B.110].~~

Notice of Decision. A ~~written~~ notice of the City's decision on a project permit application, as required by RCW 36.70B.130. Procedures for a notice of application are provided in OMC 18.XX.160. ~~including a statement of any SEPA threshold determination and any administrative appeals procedures~~

Noxious Weed Control. Those activities subject to review or action by the Thurston County Noxious Weed Board under RCW 17.10.

Number. See ~~Section~~ OMC 18.02.080(H).

Nursery. Land or greenhouses used to raise flowers, shrubs, and plants for retail or wholesale. (See also Greenhouse.)

Nursing Home. See Convalescent Home, under Dwelling, Assisted Living.

Section 18. Amendment of OMC 18.02.180(P). Olympia Municipal Code Subsection 18.02.180(P) is hereby amended to read as follows:

18.02.180 Definitions

P. DEFINITIONS – SPECIFIC.

Parcel. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the most recent equalized assessment roll.

Park, Neighborhood. An area suited for passive and/or active family activities and play which may include facilities such as picnic table and shelters, barbecue pits, playground equipment, basketball backboards, small sized playfields, volleyball courts and tennis courts. Neighborhood parks can serve an urban design as well as recreational function and are a core feature of neighborhood centers.

Park, Public. A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field which is under the control, operation or management of the City, county, state, or federal government.

Parking, Combined. Two or more land uses or a multi-tenant building which merge parking needs to gain a higher efficiency in vehicular and pedestrian circulation.

Parking Facility or Lot. A land area, building or structure that is for the temporary parking or storage of vehicles for which a fee may or may not be charged, and where no service or repairs of any kind are furnished.

Parking Facility, Commercial. A parking facility available to the general public, for which a fee is charged on an hourly, daily, weekly, monthly, or other similar basis.

Parking, Shared. Two or more land uses or a multi-tenant building which merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and provide a superior grouping of building(s).

Parking Space. An area which is primarily intended for the temporary storage of vehicles and which meets the design requirements of this code.

Party of Record. The applicant and any person who prior to a decision has requested notice of the decision or submitted substantive comments on an application.

Passive Recreation. See Recreation, Passive.

Pedestrian-Oriented Business. A commercial enterprise whose customers commonly arrive at a business on foot, or whose signage, advertising, window display and entry ways are oriented toward pedestrian traffic. Pedestrian-oriented business may include restaurants, retail shops, personal service businesses, travel services, banks, (except drive-through windows), and similar establishments.

Pedestrian Plaza. An area between a building and a public street which promotes visual and pedestrian access onto the site and which provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space for activities such as resting, gathering, reading and picnicking.

Pedestrian Street. Street devoted to uses and amenities which stimulate and reinforce pedestrian activities and visually interesting features at the pedestrian level. Uses are typically sidewalk oriented and physically and visually accessed by pedestrians from the sidewalks, are open during established shopping hours, generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity. Such uses include, but are not limited to, retail shops, restaurants, personal services, day care facilities, banks, travel agencies, cinemas, theaters, amusement establishments, galleries, museums, public display spaces, drug stores, shoe repair shops, floral shops, hair shops, department stores, small hardware stores, and apparel shops. Visually interesting features include, but are not limited to, sculptures, display cases, landscaping, vendor stalls and carts, and architectural detailing.

Percolation. The downward flow or infiltration of water through the pores or spaces of rock or soil. (See also Impervious Surface.)

Performance Guarantee. A financial guarantee 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.

Perimeter. The boundaries or borders of a lot, tract, or parcel of land.

Permeable pavement. Pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

Permitted Use. A use allowed by law in a use district and subject to the provisions applicable in that district.

Person. Any individual, firm, co-partnership, joint venture, association, social club, social organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, state or its political subdivisions or instrumentalities, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

Personal Services. A business primarily engaged in providing services generally involving the maintenance of the human body, or other services to one's person or household pets. Such businesses include, but are not limited to, barber and beauty shops, photographic studios, tanning parlors, massage practitioners, pet grooming, and obedience training. This does not include Medical Offices, Kennels or Veterinary Clinics. (See also Health Fitness Centers and Dance Studios.)

Personal Wireless Service. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996 and [47 U.S.C. 332](#) and future amendments thereof.

Pervious Surface. A surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

Pesticide. Any chemical that is used to kill pests, especially insects and rodents.

Pet, Traditional. Animals which can be house-broken, walked on a leash, are frequently, but not necessarily, housed within the residence, or as a class judged neither obnoxious nor to pose a public safety or health threat. Traditional pet birds include song birds and parrots.

Pharmacies and Medical Supply Stores. Businesses primarily engaged in the sale of prescription and over-the-counter drugs, plus perhaps vitamins, first-aid supplies, and other health-related products. It also includes firms primarily engaged in the sale of medical equipment such as orthopedic or prosthetic devices, or equipment for home health testing. Pharmacies which also sell a wide variety of other types

of merchandise, such as beauty products, camera equipment, small consumer electronics, giftware, food items, greeting cards, toys, housewares, and/or cleaning supplies are commonly known as "drug stores," and are classified as General Merchandise Stores.

Pigeons, Performing and Racing. Pigeons which are raised and used in the sport, hobby or competition of performing or racing; which require being released for freedom of flight for purposes of training, maintaining physical conditioning or competitive performance; and which are identified by a leg band containing the name or initials of the owner, or with an identification or registration number stamped on said band. Specifically included in this category are flying tipplers, tumblers, rollers and homing or racing pigeons.

Plat. A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions or dedications.

Plat, Final. The final drawing or map of a subdivision and dedication, prepared for recordation with the County Auditor and containing all elements and requirements set forth in RCW Chapter [58.17](#) and in the City of Olympia Subdivision Ordinance.

Plat, Preliminary. A drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this code. The preliminary plat furnishes a basis for approval or disapproval of a general layout for a subdivision.

Plat, Preliminary Approval. The official action approving a proposed division of land, normally subject to the installation of improvements or fulfillment of conditions prior to final approval.

Plat, Short. The map or representation of a short subdivision containing all pertinent information required by ~~OMC~~ Titles [17](#) and [18](#) ~~OMC~~, and other applicable ordinances.

Portable Classroom. An accessory building/structure used for public, private or parochial education, and located on the same site as the principal building of instruction.

Principal Use. The primary or predominant use of any lot, building or structure.

Printing, Commercial. This includes shops specializing in printing small jobs for business clients or the general public, such as photocopying, offset printing, or screen printing of documents, announcements, business cards, or the like. This also may include blueprinting, computer plotting, and similar business services. These shops may engage in typesetting, photoengraving, plate-making, and other printing functions incidental to their primary activity; however, if they are primarily engaged in these functions as a service to other printing businesses, they are classified under Industrial Printing. Businesses which print books, magazines, newspapers, or other periodicals for others are classified under Industrial Printing.

Printing, Industrial. Businesses which print books, magazines, newspapers, or other periodicals for others. It also includes printers of maps, posters, and the like; makers of business forms, looseleaf

binders, and the like; and service industries for the printing trade, such as engraving, typesetting, photoengraving, electrotyping and stereotyping, lithographic platemaking, and related services.

Private School. See School, Private.

Private Utility. A privately owned enterprise that provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage and garbage collection or other similar public services.

Prohibited Use. A use that is not permitted in a zoning or land use district.

Project. A change in occupancy or modification or improvement of real estate, whether done by clearing, grading, or structure creation or modification in any manner requiring approval, licensing, or permitting by the City of Olympia.

Project Permit. Any land use or environmental permit or ~~license approval~~ required from the City for a project action, such as a building permit, preliminary or final plat approval, binding site plan approval, conditional use approval, shoreline substantial development permit, land use approval or a site specific rezone authorized by the Olympia Comprehensive Plan. Adoption or amendment of a comprehensive or other municipal plan, subarea plan, or development regulation or imposition of impact or other fee is not a project permit. [See also RCW [36.70B.020\(4\)](#)].

Project Permit Application. A formal written request to the City for a project permit or approval on forms ~~approved by the City Council~~ provided by the City.

Property Line. Any line bounding the ownership of a parcel of land.

a. Front property line. Any property line separating any parcel of land from the street rights-of-way. In case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice, in the opinion of the Building Official, will not be detrimental to the existing or future development of adjacent properties. In case of a through lot, both property lines abutting on a street are front property lines. In the case of a lot not abutting a street, the front property line is that line nearest to and roughly parallel with a street, provided that the Building Official may approve an alternative front line if it will not be detrimental to existing and future development. However, for historic properties or in historic districts, for properties with more than one street frontage the front property line ~~shall be~~ is the one the front door of the house is historically oriented toward, unless otherwise approved by the Director.

b. Rear property line. Any property line that does not qualify as a front or side property line.

c. Side property line. Any property lines that intersect the front property line. These lines may intersect at any angle and be of any length. (See also Yards.)

Public Access (Shoreline). The physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water from upland locations. There are a variety of types of

public access including picnic areas, pathways and trails (including handicapped accessible), floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking, and others.

Public Art. Expressionistic forms, either human-made or natural, which are located for community view on private or public property.

Public Building. Any building, structure, facility, or complex used by the general public, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, public eating places, schools, and theaters; business buildings, such as offices; and factories and industrial buildings.

Public Facility. Land, buildings or structures operated by a municipal or other governmental agency to provide local protective, social, recreational, cultural, or mass transportation services directly to the general public. This includes police and fire stations, libraries, recreation facilities, bus transfer stations and park-and-ride lots. It also includes public land or buildings devoted solely to the storage of equipment and materials. It does not include facilities whose primary purpose is to provide administrative or judicial services, except as they may be incidental to the defined use, nor parking lots that are accessory to uses that would otherwise not be allowed in the underlying zone.

Public Hearing. A meeting announced and advertised in advance and ~~open to the public, with~~ for the express purpose of providing the public given an opportunity to talk and participate comment on a specific proposed action for adoption or approval by the City.

Public Meeting. An informal meeting, hearing, workshop or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision on the permit application. A public meeting may include a design review board meeting, a neighborhood association meeting, or a scoping meeting on a draft environmental impact statement. A public meeting is distinct from and does not include an open record hearing. [See RCW 36.70B.020(5)].

~~Public Notice. The advertisement of a public hearing or meeting in a newspaper of general circulation, or through other media such as site posting and direct mailing, indicating the time, place, and nature of the public hearing.~~

Public Project of Significant Importance. See OMC 18.66.090.

Public Safety Communications Equipment. All communications equipment utilized by a public entity for the purpose of ensuring the safety of the residents of the City and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

Public Services. Fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services.

Public Use Area. An outdoor portion of a property that is dedicated to public use and which contains one or more of the following elements: benches, tables, lawns, public art, gardens, exercise or play equipment, or similar improvements or features. These elements are to provide the public with recreational activities in addition to the right to traverse or stand in this area.

Public Utility. An organization or government agency which provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage or garbage collection or other essential public services.

Publishing. Businesses which publish and print on their premises books, magazines, newspapers, or other periodicals. If such establishments do not perform printing on their premises, they are classified as Business Offices.

Section 19. Amendment of OMC 18.02.180(R). Olympia Municipal Code Subsection 18.02.180(R) is hereby amended to read as follows:

18.02.180 Definitions

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 in any one-year period.

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.

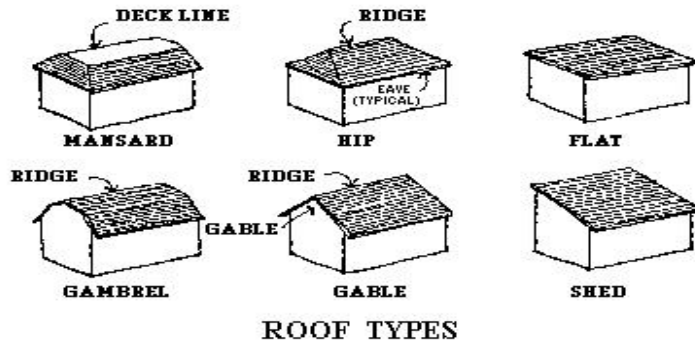


FIGURE 2-6

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 20. Amendment of OMC 18.04.060(I). Olympia Municipal Code Subsection 18.04.060(I) is hereby amended to read as follows:

I. CRISIS INTERVENTION SERVICES.

Crisis intervention services ~~shall~~ do not require a public hearing by the Hearing Examiner due to the need for location confidentiality. Applications for such facilities will be reviewed administratively and ~~shall be~~ allowed subject to the provisions of ~~Chapter 18.48~~ OMC 18.70.180, Conditional Uses, upon licensing of the proposed facility by the State.

Section 21. Amendment of OMC 18.04.060(K). Olympia Municipal Code Subsection 18.04.060(K) is hereby amended to read as follows:

K. GROUP HOMES. Group homes are subject to the following requirements.

1. License. Authorization for group homes ~~shall be~~ is subject to the issuance of a license and/or certification by all appropriate local, state, and/or federal agencies. Use ~~shall must~~ be discontinued and vacated when local, state, or federal certification is withdrawn or expires. Uses not subject to such licensing and/or certification requirements ~~shall may~~ be operated only by government agencies or by

organizations with a demonstrated capability to operate such programs (such as by having a record of successful operation of a similar program, or by maintaining a staff or board of directors with appropriate experience).

2. An application for a group home housing seven or more unrelated persons is a Type II application pursuant to OMC 18.70.040. The City shall process an application for a group home housing more than 20 unrelated persons as an essential public facility.

23. Separation. Group homes, housing six (6) or more unrelated adults, shall must be separated from other group homes as shown on Table 4.02 and Table 4.03, except as otherwise precluded by state or federal law. When one group home is in an R-4, R 4-8 or R 6-12 district and another is not, the more restrictive separation standard shall apply applies.

34. Lot Size. Group homes subject to conditional use approval with up to nine (9) residents, exclusive of on-site staff, shall must have a minimum lot size of seven thousand two hundred (7,200) square feet. An additional five hundred (500) square feet of lot area is required for each resident above nine (9) residents.

45. Site Plan. The applicant shall submit A-a detailed site plan shall be submitted with the application. The Hearing Examiner may increase the Development Standards specified in Table 4.04 as necessary to ensure compatibility of the group home with surrounding uses.

56. Occupancy. Not more than twenty (20) residents shall may be accommodated at one time, exclusive of required staff, in the R 4-8, R 6-12, MR 7-13, Neighborhood Center (NC), Urban Village (UV), Neighborhood Village (NV), and Community Oriented Shopping Center (COSC) districts.

67. Maintenance. The operator of a group home shall be maintained maintain the group home in reasonable repair and keep the grounds shall be trimmed and trash free.

TABLE 4.02			
GROUP HOME			
SEPARATION REQUIREMENTS — R-4, R 4-8, R 6-12 DISTRICTS			
	Offenders	Youth	Homeless
Offenders	2 miles	1 mile	1/2 mile
Youth	1 mile	1 mile	1/4 mile
Homeless	1/2 mile	1/4 mile	1/4 mile

TABLE 4.03			
GROUP HOME			
SEPARATION REQUIREMENTS — ALL DISTRICTS EXCEPT R-4, R 4-8, AND R 6-12			
	Offenders	Youth	Homeless
Offenders	2 miles	1 mile	None
Youth	1 mile	1 mile	None
Homeless	None	None	None

~~78.~~ Confidential Shelters. ~~Applications~~ An application for a confidential shelters shall be processed administratively by the Department housing seven or more unrelated persons is a Type II application pursuant to OMC 18.70.040. Neither Public Notice Requirements nor a public hearing ~~shall be is~~ required.

[NOTE: Also see Section [18.04.060\(W\)](#), Essential Public Facilities.]

Section 22. Amendment of OMC 18.04.060(T). Olympia Municipal Cod Subsection 18.04.060(T) is hereby amended to read as follows:

T. PARKS AND PLAYGROUNDS.

1. Neighborhood Parks. Neighborhood parks are allowed as permitted uses in the districts specified in Table 4.01, provided they comply with the following provisions. Proposed parks which do not comply with these provisions ~~shall~~ must be processed as conditional uses.

- a. The proposed park will not contain athletic fields which are lighted or designed for organized, competitive team sports (e.g., regulation size softball or soccer fields).
- b. The proposed park site does not abut a convalescent/nursing home or hospital, except where the facility's administrator indicates in writing that such a park would be compatible with the use.
- c. The park will close by 10:00 p.m.
- d. The park will contain no more than ~~ten~~ (10) parking spaces.
- e. The park will be no larger than ~~ten~~ (10) acres.

2. Public Trails. Public trails are allowed as permitted uses in all residential districts provided that the parking area at the trail head(s) contains space for no more than ~~ten (10)~~ motor vehicles. Trails served by parking lots with capacity for more than ~~ten (10)~~ motor vehicles ~~shall be~~are conditional uses.

3. Public Open Space. Public open space is allowed as a permitted use in all residential districts provided that any associated parking area contains space for no more than ~~ten (10)~~ motor vehicles. Public open spaces served by parking lots with capacity for more than ~~ten (10)~~ motor vehicles ~~shall be~~are conditional uses.

4. Conditional Use Requirements. The following requirements apply to all public parks, playgrounds, and recreation facilities subject to conditional use approval. [NOTE: Tennis, basketball, and similar recreational courts and facilities built in conjunction with a residential development ~~shall be~~are considered as an accessory use and do not require conditional use approval, provided the use of the facilities is limited to residents of that development and their guests. Athletic facilities ~~shall be deemed~~are accessory to a place of worship if the use is limited to members and guests.]

a. Outdoor play areas ~~shall~~must be sited and screened to protect the neighborhood from noise and other disturbances which would pose a nuisance for occupants of adjoining residences.

b. If food service facilities are proposed as part of the park, they ~~shall~~must be noted separately in the plans and given specific consideration by the ~~Hearing Examiner~~Decision Authority.

c. If the facility will contain food service facilities or is intended to be used for tournaments, the owner or operator shall provide additional parking ~~shall be provided~~ as required by the ~~Hearing Examiner~~Decision Authority.

d. The ~~Hearing Examiner~~Decision Authority shall approve recreational facilities only if the proposed facility will not have a significant adverse effect on the immediate neighborhood.

Section 23. Amendment of OMC 18.04.060(U). Olympia Municipal Code Subsection 18.04.060(U) is hereby amended to read as follows:

U. PLACES OF WORSHIP.

The following requirements apply to all places of worship subject to conditional use approval.

1. Location. Before a place of worship may be located in an R-4, R 4-8, R 6-12, MR 7-13 or MR 10-18 district, at least one ~~(1)~~ of the following locational criteria ~~shall~~must be met:

a. The proposed place of worship ~~shall~~must be located within ~~three hundred (300)~~ feet of an arterial street, major collector street, or an access point on a highway; or

b. The site is within ~~three hundred (300)~~ feet of a school and/or park; or

- c. The place of worship was the legal owner of the property prior to June 20, 1961.
2. Plan Review. The applicant shall submit for approval Plans-plans showing the site layout and design of proposed buildings ~~shall be submitted for approval to the Hearing Examiner and the Director.~~
3. Size. The minimum lot size ~~shall~~ must be twenty thousand (20,000) square feet.
4. Dwelling Units. Any dwelling in conjunction with a place of worship ~~shall~~ must comply with the provisions governing residential uses in the district where it is located.
5. Conversion. No existing building or structure ~~shall~~ may be converted to a place of worship unless such building or structure complies or is brought into compliance with the provisions of this code and any other applicable City regulations.
6. Screening. There ~~shall~~ must be sight-obscuring screening along the perimeter of parking lots adjunct to a place of worship which are located across the street from or abutting a residential use. (See Chapter [18.36 OMC](#), Landscaping and Screening.)
7. Associated Uses. Uses sponsored by a place of worship such as day-schools, auditoriums used for social and sports activities, health centers, convents, preschool facilities, convalescent homes, and others of similar nature ~~shall~~ must be considered separate uses subject to the provisions of the district in which they are located. (See ~~Section~~ [OMC 18.04.060\(D\)](#) which provides for child care centers as accessory uses.)

Section 24. Amendment of OMC 18.04.060(W). Olympia Municipal Code Subsection 18.04.060(W) is hereby amended to read as follows:

W. PUBLIC FACILITIES, ESSENTIAL.

The following essential public facilities are allowed subject to the conditions below and any other applicable provisions of this code: Colleges; group homes (not including secure community transition facilities); sewage treatment facilities; communication towers and antennas; state highways; and railroad lines. An application for an Essential Public Facility is a Type III application pursuant to OMC 18.70.040.

1. Classification of Essential Public Facilities. Essential public facilities ~~shall be~~ are classified as follows:
 - a. Type ~~one~~ A: These are major facilities serving or potentially affecting more than one (1) county. They include, but are not limited to, regional transportation facilities; state correction facilities; and colleges.
 - b. Type ~~two~~ B: These are local or interlocal facilities serving or potentially affecting residents or property in more than one (1) jurisdiction. They include, but are not limited to, county jails, county landfills, community colleges, sewage treatment facilities, communication towers, and group

homes. [NOTE: Such facilities which would not have impacts beyond the jurisdiction's boundary would be Type ~~Three-C~~ facilities.]

c. Type ~~three-C~~: These are facilities serving or potentially affecting only Olympia. In order to enable the City to determine the project's classification, the applicant shall identify the approximate area within which the proposed project could potentially have adverse impacts, such as increased traffic, public safety risks, noise, glare, or emissions.

2. Notification. Prospective applicants for Type ~~One-A~~ or Type ~~Two-B~~ essential public facilities shall provide early notification and involvement of affected citizens and jurisdictions as follows:

a. At least ~~ninety (90)~~ days before submitting an application for a Type ~~One-A~~ or Type ~~Two-B~~ essential public facility, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposed project. This ~~shall-must~~ include identification of sites under consideration for accommodating the proposed facility, and the opportunities to comment on the proposal. Applications for specific projects ~~shall-may~~ not be considered complete without proof of a published notice regarding the proposed project in a local newspaper of general circulation. This notice ~~shall-must~~ include the information described above and ~~shall-must be~~ published at least ~~ninety (90)~~ days prior to submission of the application. [NOTE: The purpose of this provision is to enable potentially affected jurisdictions and the public to collectively review and comment on alternative sites for major facilities before the project sponsor has made a siting decision. The Thurston Regional Planning Council may provide the project sponsor and affected jurisdiction(s) with their comments or recommendations regarding alternative project locations during this ~~ninety (90)~~ day period.]

3. Critical Areas. Essential public facilities ~~shall-may~~ not have any probable, unmitigatable, significant adverse impact on Critical Areas.

4. Proximity to Arterials. Essential public facilities which are expected to generate more than ~~five hundred (500)~~ motor vehicle trips during the hour of peak traffic generation ~~shall-must~~ be sited within one-fourth (1/4) mile of a highway or arterial street served, or planned to be served, by mass transit.

5. Analysis of Alternative Sites. Applicants for Type ~~One-A~~ essential public facilities shall provide an analysis of the alternative sites considered for the proposed facility. This analysis ~~shall-must~~ include the following:

a. An evaluation of the sites' capability to meet basic siting criteria for the proposed facility, such as size, physical characteristics, access, and availability of necessary utilities and support services;

b. An explanation of the need for the proposed facility in the proposed location;

c. The sites' relationship to the service area and the distribution of other similar public facilities within the service area or jurisdiction, whichever is larger;

d. A general description of the relative environmental, traffic, and social impacts associated with locating the proposed facility at the alternative sites which meet the applicant's basic siting criteria. The applicant shall also generally describe proposed mitigation measures to alleviate or minimize significant potential impacts; and

e. A description of the process used to identify and evaluate the alternative sites.

Section 25. Amendment of OMC 18.04.060(CC). Olympia Municipal Code Subsection 18.04.060(CC) is hereby amended to read as follows:

CC. SCHOOLS.

The following requirements apply to all academic schools subject to conditional use approval. Colleges ~~shall also be~~ also subject to the following conditions when locating in a residential or village district (listed in this Chapter and Chapter [18.05 OMC](#)).

1. Site Size. Middle and high schools in residential and village districts (listed in Chapters [18.04](#) and [18.05 OMC](#)) and elementary schools in all districts ~~shall~~ must have a minimum site size of one ~~(1)~~ acre per ~~one hundred (100)~~ students (e.g., one ~~(1)~~ to ~~one hundred (100)~~ students requires a one ~~(1)~~ acre site; a two ~~(2)~~ acre site is needed for an enrollment of ~~one hundred and one (101)~~ students to ~~two hundred (200)~~ students. The ~~Hearing Examiner Decision Authority~~ may allow smaller school sites if the applicant demonstrates that:
 - a. The size of the site is sufficient to accommodate proposed facilities and activities without creating significant adverse impacts upon residents of adjoining properties; and
 - b. The proximity and typical impact (e.g., noise, glare, and emissions) of adjoining uses would not routinely disrupt students.
2. Outdoor Play Area. Sites accommodating elementary schools with ~~ten (10)~~ or more students ~~shall~~ must contain at least two ~~(2)~~ square feet of open space (consistent with ~~Section OMC 18.04.080(J)(1)~~) for every one ~~(1)~~ square foot of floor area devoted to classrooms. This open space ~~shall~~ must contain an outdoor play area (open or covered) equipped with play equipment suitable for the students' age group. No dimension of such play areas ~~shall~~ may be less than ~~twenty (20)~~ feet.
3. Building Size. The building, or the portion of the building used as a school, ~~shall~~ must contain at least ~~eighty (80)~~ square feet of gross floor area per student enrolled at the school. The ~~Hearing Examiner Decision Authority~~ may allow a smaller building size if the applicant demonstrates that less space is needed to accommodate the proposed school.
4. Screening. Any portion of the site which abuts upon a residential use ~~shall~~ must be screened. (See Chapter [18.36 OMC](#), Landscaping and Screening.)

5. Portables. Portable classrooms are permitted as accessory uses for an existing school. However, installation of more than ~~ten (10)~~ portables per school ~~shall require~~ type II conditional use approval. All portables and other accessory buildings must comply with screening requirements in 4. Above.

6. Building Expansion. Building expansion depicted in a City-approved master plan or comprising no more than ~~ten (10)~~ percent of a preapproved floor plan is permitted. ~~Greater expansion shall require conditional use approval. All incremental expansions are considered cumulative.~~

Section 26. Amendment of OMC 18.04.080(A). Olympia Municipal Code Subsection 18.04.080(A) is hereby amended to read as follows:

A. Maximum Housing Densities.

1. Calculation of Maximum Density.

a. The maximum housing densities specified in Table 4.04 are based on the total area of the entire site, including associated and/or previously dedicated right-of-way, but not including streams, wetlands, landslide hazard areas, "important habitat areas," and "important riparian areas" and land to be dedicated or sold for public parks, schools, or similar non-residential uses.

b. Convalescent homes. Convalescent homes and nursing homes containing dwelling units which rely on shared cooking/dining facilities ~~shall count as one (1)~~ dwelling unit for purposes of the maximum density calculation. Independent dwelling units (i.e., containing a bed, bathroom and a kitchen with a sink, stove, and refrigerator) in convalescent/nursing homes, however, ~~shall be~~ are counted as individual dwelling units in the density calculation. The density for a site or parcel containing a convalescent/nursing home which is part of a larger project ~~shall be~~ is calculated separately from other portions of the site under development (i.e., density ~~shall may~~ not be transferred from a site occupied by a nursing home to another portion of the development).

2. Mixed Residential and Multifamily Districts. The maximum housing densities shown in Table 4.04 refer to the maximum density of each project. Projects within multiple districts ~~shall~~ must conform with the density for the portion in each district.

3. Accessory Dwelling Units. Accessory dwelling units built on infill lots are not subject to the maximum density limits specified in Table 4.04. In addition, accessory units built on a maximum of ~~twenty (20)~~ percent of a subdivision's lots prior to the time the primary unit on the lot is initially sold are not subject to the maximum density limitations.

4. Density Bonuses. The maximum housing densities identified in Table 4.04 may be increased ~~as follows and authorized by the Director or by the hearing examiner as noted below~~, provided, however, that in the R 4-8 District, TDRs must be obtained (see ~~Section OMC~~ OMC 18.04.080(A)(5)):

a. Restoration of Critical Areas. At the request of the applicant, the Hearing Examiner may grant a density bonus of up to ~~twenty (20)~~ percent for sites on which damaged or degraded wetlands or stream corridors (e.g., streams and stream banks within the outer limits of any required buffer)

will be restored and maintained according to specifications approved by the City. ~~Sites proposed for this density bonus shall be posted with a notice describing the proposal and opportunities for the public to comment. Property owners within three hundred (300) feet of the site shall be given notice of the proposal and fifteen (15) days to comment. Such notice may be done concurrently with any other notice required by this Code.~~ A Request for this density bonus shall must accompany the land use application and is a Type III application pursuant to OMC 18.70.040, except as provided in OMC 18.04.080(A)(4)(b-d). Prior to taking action on a request for ~~a this~~ density bonus, the Hearing Examiner shall consider the public's comments, the expected public benefit that would be derived from such restoration, the probable net effect of the restoration, and the increased density on the site, the relative cost of the restoration and the value of the increased density, and the potential impact of increased density on surrounding land uses, traffic, infrastructure, schools, and parks. The City may require the applicant to provide an estimate of the cost of the proposed restoration and other information as necessary to make this determination. This bonus does not apply to site features which were damaged in the course of a current project (e.g., under an active permit) or as a result of an illegal or intentional action by the current property owner or their representative.

- b. Cottage housing. Cottage housing projects ~~shall~~ receive a ~~twenty (20)~~ percent density bonus.
- c. Townhouses. Townhouses ~~shall~~ receive a ~~fifteen (15)~~ percent density bonus in the R 4-8 and R 6-12 districts.
- d. Low income housing. A density bonus ~~shall be~~ granted for low income housing (see Section 18.02.180, Definitions) at the rate of one ~~(1)~~ additional housing unit allowed for each unit of low income housing provided, up to a maximum of a ~~twenty (20)~~ percent bonus.

The applicant shall submit to the Department a document approved by the City Attorney stating that the low income housing which is the basis for the density bonus ~~shall will~~ remain for a period of at least ~~twenty (20)~~ years from the date the final inspection is conducted by the Building Official. This document ~~shall must~~ be recorded, at the applicant's expense, at the Thurston County Auditor's Office as part of the chain of title of the affected parcels.

5. Transfer of Development Rights. Development Rights must be obtained from an eligible property owner in a Thurston County Transfer of Developments Rights (TDR) Sending Zone in order to develop above eight ~~(8)~~ units per acre in an R 4-8 District. However, this requirement does not apply to density bonuses granted in accordance with ~~Section OMC~~ 18.04.080(4). With one ~~(1)~~ TDR credit, a density of nine ~~(9)~~ units per acre can be achieved in the Residential 4-8 District.

6. City staff will review residential permitting in areas designated as Low Density Neighborhood in the adopted Comprehensive Plan Future Land Use Map on an annual basis to review the achieved density. If achieved density approaches or exceeds the density anticipated in the comprehensive plan, the ~~city~~ City will make revisions as needed to maintain consistency between the Comprehensive Plan and development regulations.

Section 27. Amendment of OMC 18.04.080(I). Olympia Municipal Code Subsection 18.04.080(I) is hereby amended to read as follows:

I. Height.

1. Roof Projections. The following structures may exceed the height limits specified for the district in Table 4.04 by ~~eighteen (18)~~ feet, provided that such structures do not contain floor space: roof structures housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls; skylights; towers; flagpoles; chimneys; smoke stacks; wireless masts; television antennas; steeples; and similar structures. Use of this provision must be kept to the minimum amount of space needed to accommodate the allowed roof projection. For the UR zoning district, see view protection provisions in ~~section 18.04.080.I.3~~ OMC 18.04.080(I)(3) below for additional parameters.

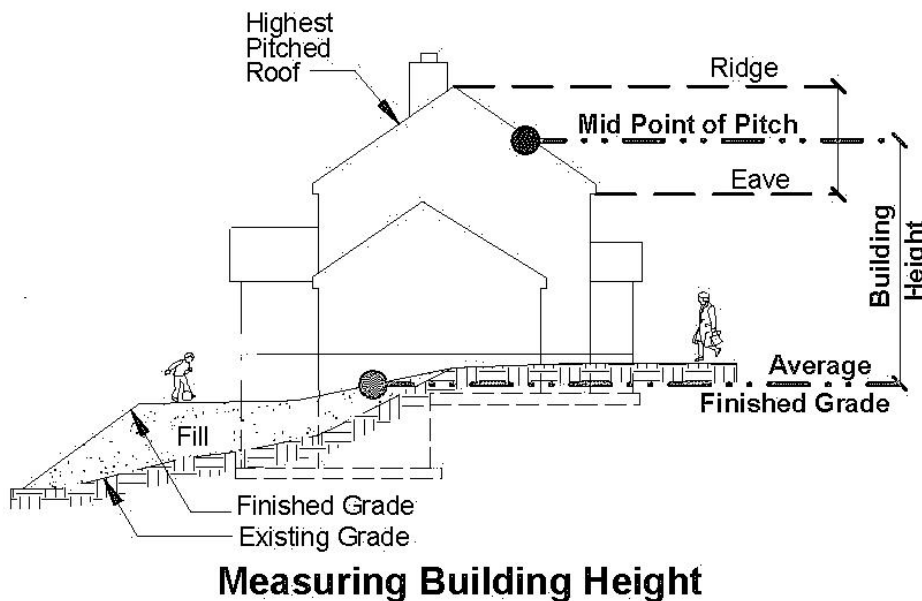


FIGURE 4

2. RMU District Height Regulations.

a. Base building heights. The base building heights allowed in the RMU District are specified in Figure 4-5.

b. Sculptured building tops. The following sculptured building top regulations apply only where the permitted building height is ~~sixty (60)~~ feet.

Buildings with sculptured tops may exceed the permitted height (60 feet) by two ~~(2)~~ building stories if they meet the following conditions:

- i. The gross floor area of all of sculptured stories is at least one-third ~~(1/3)~~ less than the gross floor area of the first floor of the building; and
- ii. The roof form is sculptured (e.g., pitched roof, hip roof, dome, chateau roof, tower, turret, pediment, dormers, or other similar form); and
- iii. The added two ~~(2)~~ stories are setback from the street wall at least eight ~~(8)~~ feet; and
- iv. The roof structure is designed to hide all mechanical and communications equipment located there.

3. UR District Height Regulations. The building heights allowed in the UR District are specified in Figure 4-5 and 45-A. Also see 18.10.060, Capitol Height District.

a. Roof Projection Allowances: If the City determines that the proposed development is located on a site in the UR zone where use of the roof projection allowance is proposed and that it may impact a protected landmark view (as listed in Appendix B of the Land Use and Urban Design chapter of the Comprehensive Plan), a view analysis must be submitted that demonstrates, as determined by the city, that the proposed roof projection will not block or substantially impact the protected view from its designated observation point in order to make use of the roof projection allowances of ~~Section 18.04.080-I~~ OMC 18.04.080(I).

4. R4-8 District Height Regulations. Existing State Community College Education Facilities. A maximum 60' building height is allowed with a 100' setback from adjacent residentially zoned property.

5. Places of Worship. Places of worship may exceed the height limits specified in Table 4.04, except in the State Capitol Group Height District, provided that the side yard width equals at least fifty (50) percent of the building's proposed height (including spires and towers).

6. Radio, Television and other Communication Towers. The height of radio, television, and other communication towers may exceed the maximum building height allowed in the district, subject to approval of the ~~Hearing Examiner Decision Authority~~ consistent with ~~Sections~~ OMC 18.04.060(W) and 18.04.060 (X) and processed as a type II application.

7. Tall Buildings in the MR Districts. Buildings between ~~thirty-five (35) and forty-five (45)~~ feet in height are permitted in the MR 7-13 and MR 10-18 districts, subject to compliance with the following requirements:

Urban Residential and Residential Mixed Use District Heights

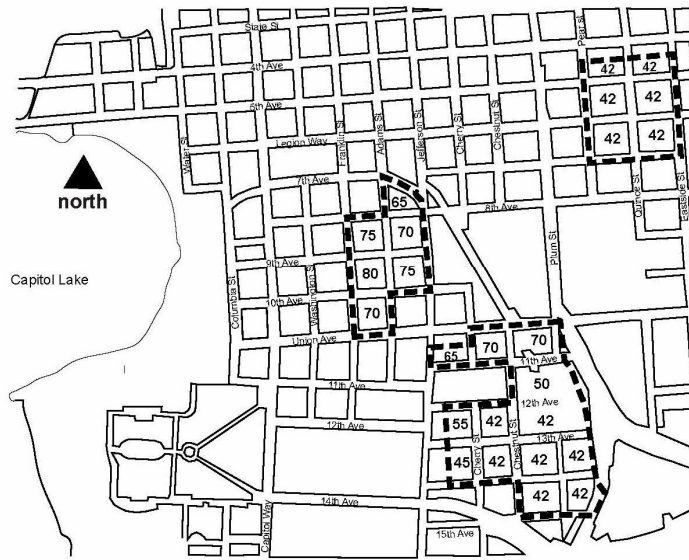


FIGURE 4-5

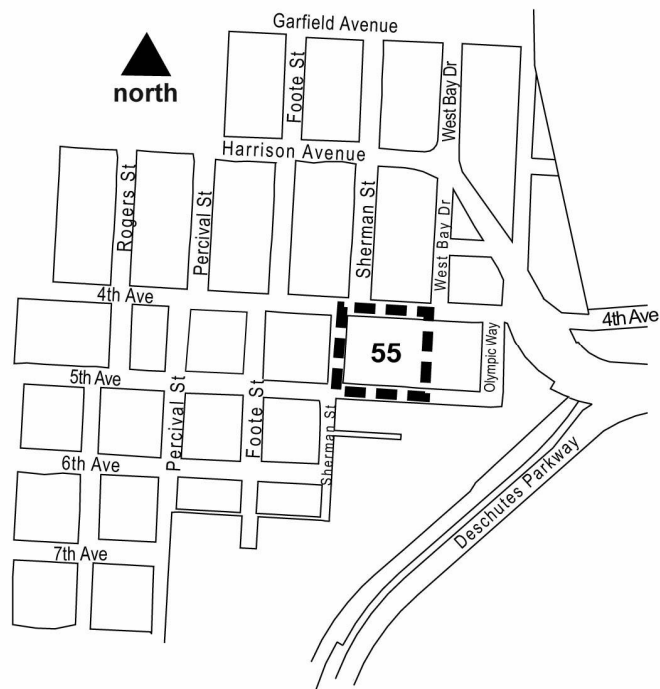


FIGURE 4-5A

- a. The proposed building will not be located within ~~one hundred (100)~~ feet of the boundary of the property under development (this may include several parcels under a single development proposal). Exceptions to this requirement ~~shall will~~ be granted where topography, stands of trees (deemed appropriate for retention by the City, consistent with ~~Chapter~~ 16.60 OMC, Tree Protection and Replacement), or other site features block the visibility of the section of the building above ~~thirty five (35)~~ feet in height from existing or potential residential areas (zoned and available for residential use) adjoining the site; and
- b. Existing evergreen trees, which the City deems are appropriate to the site (e.g., which do not pose significant risks for proposed site improvements or public safety, consistent with ~~Chapter~~ 16.60 OMC, Tree Protection and Replacement) are retained where possible to help screen the building from the view of residents of dwellings abutting the property.

8. Water Towers. Water towers may exceed the height limits specified in Table 4.04.

[NOTE: Refer to Article III, Height Overlay Districts, for additional restrictions.]

Section 28. Amendment of OMC 18.06.060(B). Olympia Municipal Code Subsection 18.06.060(B) is hereby amended to read as follows:

B. Adult Oriented Businesses.

1. Location. Adult oriented businesses may be permitted, but only if the following separation and distance conditions are met:
 - a. No adult oriented businesses ~~shall may~~ be located closer than ~~one thousand (1,000)~~ feet to another such business whether such other business is located within or outside the city limits. Said distance ~~shall be~~ is measured by following a straight line from the nearest point of public entry into the structure which will house the proposed adult facility to the nearest point of public entry into the structure housing another adult facility.
 - b. No adult oriented businesses may be located closer than ~~two hundred fifty (250)~~ feet from the nearest point of the boundary of a General Commercial (GC, or High Density Corridor-4 (HDC-4) district; PROVIDED, this restriction ~~shall does~~ not apply to a proposed business with respect to a particular zone boundary when the proposed site of the business is separated from said boundary by an arterial street of at least four ~~(4)~~ travel lanes in width.
 - c. No adult oriented businesses ~~shall may~~ be located closer than ~~three hundred thirty (330)~~ feet of any of the following uses whether such use is located within or outside the city limits:
 - i. Any residential use;
 - ii. Family child care home;

- iii. Child day care center;
 - iv. Preschool facility; and
 - v. Nursery school;
 - vi. The point of ingress to or egress from any public trail identified in the city's Comprehensive Plan, Urban Trails, except when such point is separated from the proposed business by a four-lane or wider street arterial.
- d. No adult oriented businesses ~~shall~~may be located closer than ~~one thousand three hundred twenty (1,320)~~ feet to any of the following uses whether such use is located within or outside the City limits:
- i. Public park;
 - ii. Public or private primary or secondary schools, colleges and universities; and
 - iii. Places of worship (e.g., church, temple or synagogue or other facility primarily devoted to the teaching or practice of religious beliefs);
 - iv. Public library
- e. Such distance ~~shall be~~is measured by following a straight line distance between the point of public entry into the structure housing the adult facility and:
- i. The nearest point on a property line of a public park; or
 - ii. The nearest point of public entry to any residential use, public library, child day care home, child day care center, preschool, nursery school, public or private primary or secondary school, college, university, church, temple, or synagogue, or other facility primarily devoted to the teaching or practice of religious beliefs, or the nearest point on the perimeter of the area actually used in conjunction with any such use, whichever is closer.

For purposes of this ordinance, "actually used in conjunction with" means areas used for the primary and related structures, yards, parking lots, designated play areas and other areas used to determine site coverage under this code.

- f. Waiver of Distance Requirements. The following procedures and criteria ~~shall~~must be adhered to with regard to a request for waiver of distance requirements:
- i. Distance waiver required. Any party proposing to locate an adult facility within less than the required distances from uses or zones as specified in this ordinance may do so only after

obtaining a waiver therefor from the Hearing Examiner through a conditional use permit. An application for this type of waiver is a Type III application pursuant to OMC 18.70.040.

ii. ~~Waiver notice requirements. In addition to the notice requirements for conditional use permits, first class mailing notice shall be made to all parties within either distance set forth in subsections 18.06.060(B)(1)(c) and (d), depending upon the use in question. The applicant shall provide the names and addresses of all property owners and businesses within said distances from the proposed use.~~

iii. Criteria for decision. The Hearing Examiner makes the final decision on the request for waiver of distance ~~shall be made by the Hearing Examiner~~, based on consideration of the following:

- (a) The extent to which physical features would result in an effective separation in terms of visibility and access.
- (b) Compatibility with adjacent and surrounding land uses.
- (c) The availability or lack of alternative locations for the proposed use.
- (d) Ability to avoid the adult facility by alternative vehicular and pedestrian routes.

2. Intervening Uses. Uses and zones specified in ~~Subsection OMC 18.06.060(B)(1)(c) and (d)~~ shall are not ~~be~~ allowed to locate within the specified distances of an adult oriented business. Any party proposing to locate such a use or zone within the specified distances of an adult facility is considered an intervening use and may do so only after obtaining a distance waiver pursuant to the provisions of ~~Subsection OMC 18.06.060(B)(1)(f)~~ of this code regarding waiver of distance requirements; provided, that notice requirements ~~shall must~~ conform with the provisions of ~~Section OMC 18.78.020~~ of the Olympia Municipal Code; and provided further, that the owner seeking to expand a sensitive use specified in ~~Subsections OMC 18.06.060(B)(1)(c) or (d)~~ into a separation area provided herein need not procure a waiver of distance requirement under OMC 18(B)(1)(f) herein if such expansion is to be done on the same parcel on which the sensitive use is located and no new lots are thereby created.

3. Adult Oriented Businesses - Forbidden in Other Zones. The allowance of adult oriented businesses ~~shall be~~ limited to the General Commercial (GC, or High Density Corridor-4 (HDC-4) zones and such uses are forbidden in all other zones within the City of Olympia.

Section 29. Amendment of OMC 18.38.080. Olympia Municipal Code Section 18.38.080 is hereby amended to read as follows:

18.38.080 Administrative modifications

A. Project applicants may request an administrative modification to increase or decrease the number of parking spaces for motor vehicles, bicycles and loading otherwise required by this chapter. No modification is required to increase or decrease the number of required spaces by up to ten percent. ~~Modifications greater~~

than forty percent may only be granted by the Hearing Examiner and only pursuant to the criteria of OMC Chapter 18.66.

B. Administrative Modifications. The Director shall, at the request of the applicant, consider ~~A~~ a modification to increase or decrease the number of required parking spaces within the range of 10 percent to 40 percent ~~shall be considered by the Director at the request of the project applicant. This type of request is a Type I application pursuant to OMC 18.70.040.~~ The project applicant shall present any modification request, and any evidence and reports, prior to any final, discretionary approvals, such as land use approval, environmental review, or construction permits.

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

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

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

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

a. For modification requests of up to 20 percent:

i. Describe site and use characteristics, specifically:

(A) Site accessibility and proximity to transit infrastructure and transit times;

(B) Site accessibility and proximity to bicycle and pedestrian infrastructure;

(C) Shared and combined parking opportunities; and

(D) Employee or customer density and transportation usage and patterns.

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

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

- iv. Identify possible negative effects on adjacent uses and mitigation strategies, if applicable; and
 - b. For modification requests greater than 20 percent and up to 40 percent:
 - i. Provide the contents of a 20 percent or less request;
 - ii. If increasing, provide a parking demand study prepared by a transportation engineer licensed in the state of Washington, which supports the need for more parking; or
 - iii. If decreasing, show that the site is or within six months of occupancy will be within a one-quarter-mile walk to transit service verified by Intercity Transit, and that the site is more than 300 feet from a single-family residential zone.
3. To mitigate the need for motor vehicle parking or to minimize hard surfaces, the Director may require measures, such as more efficient parking geometrics and enhanced bicycle parking and pedestrian amenities. As a condition of approval of any increase in motor vehicle parking, at minimum the Director shall require the compliance with the provisions below. Any exceptions ~~shall~~must be based on site and project constraints identified and described in the approval.
- a. Double the amount of required interior landscaping for that area of additional parking. This additional area may be dispersed throughout the parking area. Fifty percent of this requirement may be in the form of parking spaces surfaced with a driveable planted pervious surface, such as 'grasscrete' or 'turfblock.'
 - b. Without unduly compromising other objectives of this Chapter, 90 percent of the parking area ~~shall~~must be located behind a building. Any parking area along a flanking street ~~shall~~must have added landscaping and a superior design to strengthen pedestrian qualities, such as low walls, arcades, seating areas, and public art.
 - c. Any preferential parking ~~shall~~must be located near primary building entrances for employees who ride-share.
 - d. In locations where bus service is provided, the applicant shall install a transit shelter meeting Intercity Transit standards if none is available within 600 feet of the middle of the property abutting the right-of-way. Alternative improvements may be accepted if supported by Intercity Transit's Director.
- ~~4. Public Notification and Appeals. Property owners within three hundred (300) feet of a site shall be notified by mail of modification within 14 days of receipt of any request to increase or decrease parking by twenty one (21) to forty (40) percent. Written notice of the Director's decision shall be provided to the applicant and all interested parties of record. Administrative modification decisions may be appealed pursuant to OMC Chapter 18.75.~~

Section 30. Amendment of OMC 18.40.060(E). Olympia Municipal Code Subsection 18.40.060(E) is hereby amended to read as follows:

E. Outdoor Storage.

1. Except as provided in the underlying district, there ~~shall may~~ be no outdoor storage of goods or materials, and there ~~shall may~~ be no warehousing or indoor storage of goods or materials beyond that normally incidental to the uses permitted in each underlying district. Permitted outdoor storage must be screened from view of any public way.
2. Materials covered by buildings with roofs but without sides ~~shall beare~~ considered outdoor storage and ~~shall beare~~ subject to the screening provisions of this section. This provision ~~shall does~~ not apply to display of new or used motor vehicles or watercraft where such activities are an integral part of an automobile or watercraft dealership. Refuse may be stored in cans outdoors, provided that they are enclosed in a screened enclosure area.
3. Storage in residential areas ~~shall must~~ comply with the same requirements as those specified for business establishments and shall, in addition, comply with the following:
 - a. Motor vehicles, appliances, and any other mechanical equipment which is no longer operable or licensed ~~shall may~~ not be stored outside for a period exceeding ~~thirty (30)~~ days;
 - b. Operable motor vehicles, boats, trailers, recreational vehicles and the like may be stored on the premises provided that they do not obstruct the use of public right-of-way or interfere with traffic visibility, especially the visibility of and at intersections of streets. Vehicles, boats, and the like, so stored ~~shall may~~ not be used for living quarters. The storage of boats with a beam exceeding eight (8) feet ~~may be is~~ permitted only if it is determined by the Hearing Examiner that such storage will not be detrimental to surrounding property or the neighborhood. In no event shall such vehicles, boats and the like be stored within less than five (5) feet of any side or rear property line without written approval of the occupant of the adjoining property. by approval of a Type II conditional use permit application pursuant to OMC 18.70.040.
4. Storage in or on the public right-of-way is prohibited. All vehicles, boats, trailers, recreational vehicles, household, and business equipment, landscape material, and any other personal items ~~shall may~~ not be placed within a public right-of-way longer than ~~twenty four (24)~~ hours. Stored item(s) ~~shall may~~ be tagged by the police and a warning issued to remove within ~~seventy two (72)~~ hours. Failure to remove items ~~do so~~ will result in removal by the ~~e~~City at the ~~owners~~owner's expense. (Also see RCW [46.55.085](#).)

Section 31. Amendment of OMC 18.43.080(I). Olympia Municipal Code Subsection 18.43.080(I) is hereby amended to read as follows:

I. Real Estate Signs. Where permitted, the following standards ~~shall~~ apply:

1. Permits and Temporary Sign Agreements - not required (see [OMC 18.43.040](#)).

2. Materials - all exterior real estate signs must be of wood or plastic or other durable material.
3. Placement - signs may not be attached to a utility pole or traffic safety device or interfere with traffic safety.
4. Real Estate signs ~~shall~~may not be specifically illuminated, either internally or externally.
5. Residential properties:
 - a. For Sale and Sold signs
 - Maximum size ~~ten~~(10) square feet, provided that if a single faced sign, sign ~~shall~~may not exceed 5 square feet.
 - Height – seven ~~(7)~~ feet maximum.
 - Placement - signs ~~shall~~must be placed wholly on the property for sale. If sign is greater than five ~~(5)~~ square feet in sign surface area, it must be placed more than ~~thirty~~(30) feet from the abutting owner's property line.
 - b. Directional Open House Signs
 - Maximum size - ~~ten~~(10) square feet, provided that if a single faced sign, sign ~~shall~~may not exceed five ~~(5)~~ square feet.
 - Height – four ~~(4)~~ foot maximum.
 - Placement - signs may be placed no less than ~~ten~~(10) feet from the traveled portion of public rights-of-way, provided it does not interfere with traffic safety.
 - Hours - permitted only during daylight hours and when the broker, agent, or seller is in attendance at the property for sale.
 - Number of signs - one ~~(1)~~ sign per street frontage on the premises for sale and three ~~(3)~~ off-premise signs. However, if a broker/agent has more than one ~~(1)~~ house open for inspection in a single development or subdivision, the broker/agent is limited to four ~~(4)~~ off-premises open house signs in the entire development or subdivision.
6. Commercial and Industrial Properties:
 - a. For Sale, Rent, or Lease Signs

- Maximum size —~~fifty (50)~~ square feet, provided that if a single faced sign, sign ~~shall~~may not exceed ~~thirty-two (32)~~ square feet.
- Height – eight ~~(8)~~ foot maximum.
- Placement - for all commercial and industrial properties, if the sign is freestanding, it ~~shall~~must be located more than ~~fifteen (15)~~ feet from public rights-of-way and from any abutting property line if the adjacent property is developed. These signs can be single or double sided and can be angled to maximize readability to motorists (in the shape of a “v”) as long at the sign meets this setback criteria. For developed commercial and industrial properties, if the face of the building is less than ~~fifteen (15)~~ feet from the property line, the sign ~~shall~~must be placed on the building or in a window.
- Removal - signs ~~shall~~may be displayed only while the property is actually for rent or sale.
- Number of signs - one ~~(1)~~ sign per street frontage while the property or building is actually for sale, rent, or lease.

7. Additional Real Estate Signs - The ~~Hearing Examiner~~Director may grant a ~~special-use~~Type I permit to allow temporary off-premises signs in addition to those permitted above. ~~Notice of adjacent property owners shall not be required.~~ Such additional signs may be used to advertise open houses, to provide directions to new developments, or for similar purposes. Such signs may be placed no ~~less~~fewer than ~~ten (10)~~ feet from the traveled portion of the public right-of-way, provided they do not interfere with traffic safety, but they may not be attached to utility poles or traffic safety devices. The ~~Hearing Examiner~~Director shall determine the number and locations of such signs, and the period during which they may be displayed. The ~~Hearing Examiner~~Director shall take into account the number of existing signs in any proposed location, and shall limit or prohibit new ones so as to prevent a traffic hazard or a detrimental effect on neighboring property.

Section 32. Amendment of OMC 18.43.140(D). Olympia Municipal Code Subsection 18.43.140(D) is hereby amended to read as follows:

18.43.140 Master Sign Permits

D. ~~Master~~The City shall review master sign plans ~~shall be reviewed by the City~~ through a Land Use Review process ~~before the Site Plan Review Committee~~as a Type II application pursuant to OMC 18.70.040, based on the following considerations:

1. Response to the issues identified in subsection B, above.
2. Tree canopy and tree size at maturity.
3. Fire and building code requirements.

4. Location of existing above and underground utilities, including stormwater infrastructure.
5. Public health, safety, and welfare.

Section 33. Amendment of OMC 18.56.080. Olympia Municipal Code Section 18.56.080 is hereby amended to read as follows:

18.56.080 Final PRD approval

A. Application. Application for final PRD approval:

1. For any portion of the PRD which is to be platted, approval of the final plat ~~shall constitute~~ final development plan approval for the platted portion of the PRD. Application requirements ~~shall be~~ as provided for final plat approval under City Ordinance.
2. For any portion of the PRD which is not to be platted, approval of a binding site plan ~~shall constitute~~ final development plan approval. The Director may attach terms and conditions to the approval of the site plan if necessary to insure compliance with the preliminary PRD. Review of the site plan ~~shall be~~ as provided in ~~Chapter~~ [18.60 OMC](#), Site Plan Review.

B. ~~City Council Approval.~~ Within five ~~(5)~~ years of the date of the preliminary PRD approval, the applicant shall submit a final PRD for the proposed development for approval ~~by the City Council~~. After finding that the final PRD has been completed in accordance with the provisions of the approved preliminary PRD, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the City are fully protected, the ~~City Council Decision Authority~~ shall approve the final PRD, accepting the dedications and easements which are included thereon. The final PRD ~~shall consist~~ of a final plat, binding site plan, or any combination thereof. The approved final PRD ~~shall constitute~~ a limitation on the use and design of the site.

C. Phasing. If a proposed PRD is to be developed in phases, the project as a whole ~~shall must~~ be portrayed on the preliminary PRD, and each phase ~~shall must~~ individually receive final development plan review and approval according to the procedures established herein. Those portions of the PRD which have received preliminary approval but which have not yet received final approval ~~shall be~~ subject to the provisions of ~~Section OMC~~ [18.56.100](#), Expiration and Extensions.

D. Rezone. A PRD resulting from the application of the provisions of this Chapter ~~shall must~~ be referenced on the official zoning map by adoption of an ordinance amending the map to include a reference to the relevant final plat or binding site plan. Such plat or binding site plan ~~shall must~~ include on its face or by reference any continuing conditions of PRD approval. Once the development plan receives final site plan approval, all persons and parties, their successors, heirs or assigns, who own, have or will have by virtue of purchase, inheritance or assignment, any interest in the real property within the PRD, ~~shall be~~ bound by the conditions attending the approval of the development and the provisions of this Development Code.

Section 34. Amendment of OMC 18.57. Olympia Municipal Code Chapter 18.57 is hereby amended to read as follows:

Chapter 18.57 MASTER PLANNED DEVELOPMENT - MPD

18.57.000 Chapter Contents

Sections:

- [18.57.020](#) Purpose.
- [18.57.040](#) Approval process overview.
- [18.57.050](#) General procedures for application review.
- ~~[18.57.060](#) Pre-submission conference.~~
- ~~[18.57.070](#) Applications.~~
- [18.57.080](#) Master plan approval process.
- ~~[18.57.100](#) Project approval process.~~
- ~~[18.57.120](#) Plat approval process.~~

18.57.020 Purpose

The purposes of the Master Planned Development (MPD) regulations are as follows:

- A. To permit greater flexibility and, consequently, more creative and imaginative design as required for the development within the Urban Village (UV), Neighborhood Village (NV), Neighborhood Center (NC) District, and Community Oriented Shopping Center (COSC) Districts than generally is possible under conventional zoning regulations.
- B. To promote urban infill, and more economical and efficient use of the land, while providing a development which is compatible with the surrounding neighborhood; a variety of housing choices; and, a high level of urban amenities.
- C. To encourage the provision of more usable and suitably located recreation facilities and other private and common facilities than would otherwise be provided under conventional land development procedures.

18.57.040 Approval process overview

In the following zoning districts, the City shall process a Master Plan ~~shall be processed~~ as an amendment to the Official Zoning Map as follows:

- A. Districts. Development within the COSC, NC, NV and UV districts is permitted only after Master Plan approval, project approval, and construction permits are issued pursuant to this ~~Chapter~~, ~~Chapter~~ [18.05](#) ~~OMC~~, and ~~Chapter~~ [18.05A](#) ~~OMC~~ (Villages and Centers).
- B. Pre-Submission Conference. Applicants shall meet with the Director for an initial discussion of the proposed MPD prior to submittal of an application. The applicant shall present preliminary studies and conceptual sketches which contain in a rough and approximate manner the information required on the MPD application. The purpose of the preliminary site plan review is to eliminate as many potential problems as

possible in order for the MPD to be processed without delay. (~~See Section 18.57.060 Pre-Submission Conference.~~)

C. Master Plan Review Process. An approved Master Plan is an amendment to the official zoning map. ~~Applications~~ An application for Master Plan approval ~~shall be submitted concurrently to is a Type III application and must be submitted to~~ the Design Review Board and Hearing Examiner for review and recommendation to the City Council. (~~See Section 18.57.080, Master Plan Approval Process.~~)

D. Project Application Review Process. At any time during review or after Master Plan approval, the applicant may submit ~~an Project Application~~ for construction on a portion or all of the site to the Department for review by the Design Review Board, Hearing Examiner, and/or Director. The permit would not be issues until the Master Plan was approved. (~~See Section 18.57.100, Development Application Approval Process.~~)

E. Plat Approval. When any parcel of land subject to a Master Plan is intended for individual ownership or sale, the platting and procedural requirements of the Olympia Subdivision Ordinance and applicable State laws, as amended, pertaining to the subdivision and conveyance of land and the preparation of maps ~~shall must~~ be followed. See Olympia Municipal Code Title 17, Subdivisions, ~~and Section 18.57.120, Plat Approval Process.~~ Applications for project approval may be submitted simultaneously, and processed concurrently, with applications for Master Plan approval or any other Development Application.

F. Engineering, Detailed Design Review, and Building Permits. The Building Official ~~shall may~~ not approve a Building Permit unless it complies with the use limitations, standards, and design concepts and guidelines contained in the applicable Master Plan. Any conditions of Master Plan, Land Use, Preliminary or Final Plat, or Binding Site Plan approval will constitute a limitation on the use and design of the site. Engineering and Building Permits may be issued for any improvements or structures only if consistent with an approved Master Plan and project approval.

18.57.050 General procedures of application review

Except as specifically provided in this Chapter, applications for project approval within Master Plans, including but not limited to land use approval, plats, and building and engineering permits, ~~shall be are~~ reviewed and decided, and otherwise processed, in accordance with the procedures applicable to comparable projects in all other districts as set forth in this Development Code.

~~18.57.060 Pre-submission conference~~

~~Prior to submitting a Master Plan the applicant shall meet with the Director for an initial discussion of the proposal, as follows:~~

~~A. The applicant or representative shall present to the Director preliminary studies or conceptual sketches which contain in a rough and approximate manner the information required on the Master Plan application. The purpose of the pre-submission conference is to enable the applicant to obtain the advice of the Director as to the intent, standards and provisions of this chapter.~~

B.—The Director will make available pertinent information as may be on file relating to the proposal. It is the purpose of this conference to eliminate as many potential problems as possible in order for the Master Plan to be processed without delay. The conference should take place prior to detailed work by the applicant's architect, engineer or surveyor.

C.—At the pre-submission conference, the Director will furnish, to the prospective applicant, comments on how the proposed development conforms to City policies and regulations, and the requirements for development approval. The level of detail of SPRC'S comments will be directly proportional to the level of detail provided by the prospective applicant.

18.57.070 Applications

A.—Application. An application for a Master Plan may be filed only by a property owner or someone acting on behalf of the owner. The applicant shall complete a Master Plan application and environmental checklist, together with preliminary development plans and other required supplementary reports. The applicant shall submit a minimum of seventeen (17) copies of maps and supplementary reports to the Department. Within twenty-eight (28) days of the date of receipt of the application, the Department shall inform the applicant of any deficiencies found in the application. The Department shall return the application to the applicant if it is deemed incomplete or inaccurate. Re-submittal with the necessary information making the application complete must be submitted within six months of original filing. If not, the file shall be considered void and 50% of the filing fees will be refunded.

B.—Accuracy. Accuracy for all data and information submitted on or with a Master Plan and Project Applications shall be the responsibility of the applicant.

C.—Environmental Review. Applications for a proposed Master Plan shall include, at a minimum, an Environmental Checklist submitted to the Department. Pursuant to the City's adopted regulations concerning compliance with the State Environmental Policy Act, Chapter 43.21C RCW and OMC Title 14 Environmental Protection, the City shall determine whether an Environmental Impact Statement will be required.

D.—Master Plan Application. An application for Master Plan approval shall be on forms provided by the Department. Submittal requirements shall be approved by the City Council.

18.57.080 Master plan approval process

An applicant shall submit A-a Master Plan application shall be submitted to the Department for review. The Design Review Board and Hearing Examiner shall forward their recommendations to the City Council as follows:

A.—SEPA. Master Plan applications submitted to the Department shall comply with the City's adopted regulations concerning compliance with the State Environmental Policy Act, Chapter 43.21C RCW and OMC Title 14 Environmental Protection.

BA. Design Review Board. A complete application including proposed draft design vocabulary and design guidelines (OMC Chapter 18.05A OMC, Village and Center Design Guidelines), shall must be submitted to and

reviewed by the Design Review Board for review and recommendation to the City Council. The Design Review Board ~~shall~~ may not recommend approval of a Master Plan unless ~~they~~ it determines that the proposed Master Plan complies with each of the applicable design guidelines contained in ~~OMC Chapter 18.05~~ OMC Chapter 18.05A OMC, Village and Centers Design Guidelines. ~~The Design Review Board shall also review the applicant's proposed design vocabulary and provide a recommendation to the City Council.~~ The Design Review Board may schedule additional meetings to consider the proposed Master Plan, or recommend denial or approval with or without conditions of approval. ~~Public notice of meetings shall be provided pursuant to OMC Chapter 18.78, Public Notification.~~

~~CB.~~ Hearing Examiner. ~~The Hearing Examiner shall review~~ A a complete Master Plan application, including the proposed draft ordinance, ~~OMC Chapter 18.05~~ OMC Chapter 18.05 OMC and schematic maps, ~~shall be reviewed by the Hearing Examiner for recommendation to the City Council. Prior to the recommendation on a Master Plan application, the Hearing Examiner shall hold a public hearing thereon, and notices thereof shall be given as provided in OMC Chapter 18.78, Public Notification. The Hearing Examiner shall not recommend approval of a Master Plan unless the Examiner determines that the plan complies with the requirements of OMC Chapter 18.05, Villages and Centers. The Hearing Examiner may:~~

- ~~1. Recommend terms and conditions of approval; or~~
- ~~2. Require the provision, and further public review, of additional information and analyses; or~~
- ~~3. Recommend denial.~~

~~DC.~~ City Council.

1. The City Council shall consider ~~The~~ the Board's and the Examiner's recommendations, together, with any conditions, ~~shall be considered by the Council~~ at a regular public meeting within ~~thirty (30)~~ calendar days after the Examiner's recommendation becomes final, unless the applicant agrees to a later meeting date.
2. Such consideration ~~shall~~ must be based upon the record which was established by the Design Review Board and the Examiner.
3. If the Council finds that the Board's or Examiner's recommendation is in conflict with the City's adopted plans, policies and ordinances; or insufficient evidence was presented as to the impact on surrounding area the Council may:
 - a. Deny the MPD application;
 - b. Remand the matter back to the Design Review Board or Hearing Examiner for another hearing;
 - c. Continue to a future date to allow for additional staff analysis desired by the Council;

d. Modify the Design Review Board's and Examiner's recommendation based on the applicable criteria and adopt their own findings and conclusions, and deny or approve the Master Plan; or

e. Schedule its own open-record public hearing.

4. If the Council determines there are no conflicts and sufficient evidence was presented as to the impact on the surrounding area, it shall adopt the Board's and Examiner's recommendation as their own and approve the Master Plan by ordinance. If approved, the Master Plan, or subsequent revision thereto, ~~shall be~~ is an amendment to the Official Zoning Map.

5. Once the development plan receives Master Plan approval, all persons and parties, their successors, heirs, or assigns, who own, have, or will have by virtue of purchase, inheritance, or assignment, any interest in the real property subject to the proposed Master Plan, ~~shall be~~ are bound by the conditions attending the approval of the development and the provisions of the Ordinance.

6. The action of the Council, approving, modifying, or rejecting a recommendation of the Design Review Board and Examiner, ~~shall be~~ is final and conclusive, unless within ~~twenty-one (21)~~ calendar days from the date of the Council action an aggrieved party or person appeals to the Superior Court of Washington for Thurston County, for the purpose of review of the action taken.

~~ED.~~ Phasing. If the Master Plan is to be developed in phases, the project as a whole ~~shall~~ must be portrayed on the Master Plan, and each phase may individually receive project review and approval according to the procedures established herein.

~~FE.~~ Amendments. An approved Master Plan, or subsequent revision thereto, ~~shall be~~ is binding as to the general intent and apportionment of land for buildings, stipulated use, and circulation pattern. Amendments which change the character, basic design, density, open space, or any other requirements and conditions contained in the Master Plan ~~shall are not be~~ are not permitted without prior review and recommendation by the Hearing Examiner, and approval by the City Council, of such amendment. Amendments ~~shall be~~ are an amendment to the Official Zoning Map and ~~shall~~ must be clearly depicted as a revision to the ordinance text and site plans.

~~GE.~~ Expiration or Extension. There ~~shall be~~ is no time limitation or extensions required of a Master Plan approval. However, if in the opinion of the City Council, the Master Plan does not continue to serve the public use and interest or comply with the comprehensive plan or other applicable laws or plans, the City Council may initiate an amendment or rezone at any time.

~~18.57.100 Project approval process~~

~~A project shall be submitted to the Department for review and approval by the Hearing Examiner or Director prior to any development. A project may include one or more phases of the area within an approved Master Plan.~~

~~A. Conceptual Design Review. A complete Conceptual Design Review supplement, on forms provided by the City, shall be submitted to the Design Review Board for review and recommendation. The Design Review Board~~

shall not recommend approval of a Conceptual Design Review supplement unless the Board determines that said proposal complies with the applicable design concepts and guidelines contained in the approved Master Plan. The Design Review Board may:

- 1.— Schedule additional meetings to consider the Conceptual Design; or
- 2.— Recommend approval with or without conditions of approval; or
- 3.— Recommend denial of the proposal.

Prior to a recommendation, the Design Review Board shall conduct a public meeting thereon, and notices thereof shall be given as provided in OMC Chapter 18.78, Public Notification. The recommendation of the Design Review Board shall be given substantial weight by the decision maker.

B.— SEPA. Development and Subdivision applications submitted to the Department shall comply with the City's adopted regulations concerning compliance with the State Environmental Policy Act, Chapter 43.21C RCW and OMC Title 14 Environmental Protection.

C.— Hearing Examiner. An application for a subdivision plat or binding site plan shall be submitted to the Hearing Examiner for review and decision. The Hearing Examiner shall hold a public hearing thereon, and notices thereof shall be given as provided in OMC Chapter 18.78, Public Notification. The Hearing Examiner shall not approve an application unless the Examiner determines that said plan complies with the standards contained in the applicable Master Plan approval and OMC Title 17, Subdivision. The Hearing Examiner may:

- 1.— Approve the development with or without terms and conditions of approval; or
- 2.— Require the provision, and further public review, of additional information and analysis; or
- 3.— Deny the proposal.

Such decisions by the Hearing Examiner are final.

D.— Director. For development for which no public hearing is otherwise required, a complete Land Use Review or other project application, on forms provided by the Director, shall be submitted to the Director for review and decision. The Director shall not approve an application unless the Director determines that said proposal complies with the Master Plan, any SEPA conditions of approval, and City engineering development standards. The Director may:

- 1.— Schedule additional meetings to consider the project application; or
- 2.— Approve with or without conditions of approval; or
- 3.— Deny the proposal.

Prior to the approval of an application, notices thereof shall be given as provided in OMC Chapter 18.78, Public Notification. Decisions by the Director are final unless appealed to the Hearing Examiner.

E.—Engineering and Building Permits. The approved Master Plan and any project approval shall constitute a limitation on the use and design of the site. Engineering and Building permits may be issued for any improvements or structures consistent with project approval prior to the approval of the Final Plat, provided that:

- 1.—The construction will be consistent with the approved Master Plan and project approval.
- 2.—The building permit application must identify the location and dimensions of the proposed building(s) in relation to all lot lines for the site and must provide proposed building elevations. Minor alterations may be made provided the alteration is approved by the Director. Minor alterations are those which may affect the precise dimensions or siting of buildings (i.e., setback, lot coverage, height), but which do not affect the basic character or arrangement and number of buildings approved in the Master Plan or project approval, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than ten percent. The applicant shall submit five copies of a revised or adjusted project approval of the applicable portion(s) to the City for the completion of its files.
- 3.—No vertical construction may take place until the necessary fire flow and emergency vehicle access have been provided to the building(s).
- 4.—All required infrastructure, including but not limited to utilities and streets, have been completed or arrangements or contracts have been entered into to guarantee that such required infrastructure will be completed for the phase of the project involved. Such guarantees shall be considered for minor finish-out items only. All basic infrastructure, such as roads, services and utilities, must be complete and operable.
- 5.—Partial or complete construction of structures shall not relieve the applicant from, nor impair City enforcement of, conditions of Master Plan approval or the project approval.
- 6.—Units/property may not be leased or sold until Final Plat or Binding Site Plan approval has been recorded (see OMC Title 17, Subdivision).
- 7.—Building permits and other permits required for the construction or development of property under the provisions of this Chapter shall be issued only when the work to be performed meets the requirements of the program phasing elements of the Master Plan and applicable project approvals.

F.—Detailed Design Review. As applicable, a building permit application shall be accompanied by complete Detailed Design Review application, on forms provided by the Director, and be submitted to the Department for review and decision. If subject to its review, the Design Review Board may:

- 1.—Schedule additional meetings to consider the Detailed Design Review Application; or

2.—Recommend approval with or without conditions of approval; or

3.—Recommend denial of the proposal.

Prior to a recommendation on an application, the Design Review Board shall conduct a public meeting thereon, and notices thereof shall be given as provided in OMC Chapter 18.78, Public Notification. The Building Official shall not approve a Detailed Design Review Application unless the Building Official determines that said proposal complies with each of the design concepts and guidelines contained in the applicable Design Guidelines contained in the Master Plan approval. Decisions by the Building Official are final unless appealed to the Hearing Examiner.

G.—Appeals. Appeals, if any, shall be considered together, pursuant to OMC 18.75, Appeals.

H.—Phasing. If a proposed project is to be constructed in phases, the project as a whole shall be portrayed on the Application, and each phase must receive review and approval according to the procedures established herein. Those portions of the MPD which have received a project approval shall be subject to the provisions of OMC Section 18.57.100(J), Expiration and Extensions.

I.—Amendments. Amendments to the project conflicting with any of the requirements or conditions contained in the project approval shall not be permitted without prior written approval of such adjustment by the Director or Hearing Examiner. If the proposed amendment also conflicts with requirements or conditions of the Master Plan, the amendment shall be processed as an amendment to the Master Plan as provided in OMC Section 18.57.080(F), Amendments. If approved, amendments shall be clearly depicted as a revision to the ordinance text and site plans.

J.—Expiration or Extension. Knowledge of expiration date is the responsibility of the applicant. The City shall not be held accountable for notification of expirations.

1.—Subdivisions. Pursuant to OMC Title 17.20, Subdivision Term and Effect of Preliminary Plat Approval, an approved preliminary plat shall be binding for a period not to exceed five (5) years.

2.—Land Use Approval. The Land Use approval shall be valid for one year and may be extended for a period not to exceed two years pursuant to OMC Section 18.72.140(E), Administration—Expiration of Approvals.

3.—Detailed Design Review Approval. The Detailed Design Review Approval shall be valid so long as the associated building permit is valid.

18.57.120 Plat approval

A.—Preliminary Plat. When any parcel of land in any Master Planned Development is intended for individual ownership, lease or sale, the platting and procedural requirements of OMC Chapter 17.16, Subdivision Preliminary Plat, and applicable State laws pertaining to the subdivision and conveyance of land and the preparation of maps shall be followed as amended. Applications for preliminary or short plat approval may be

~~submitted simultaneously, and processed concurrently, with applications for Master Plan or any associated project approval.~~

~~B. Binding Site Plan. For any portion of the Master Plan, the Hearing Examiner may approve a binding site plan for any commercial sites. The Examiner may attach terms and conditions to the approval of the site plan if necessary to insure compliance with the Master Plan. Review of any preliminary or short plat, or Binding Site Plan shall be as provided OMC Chapter 17.16, Subdivision Preliminary Plat.~~

~~C. Final Plat Approval. An application for Final Plat approval shall be submitted to the Department. The platting and procedural requirements of the OMC Chapter 17.24, Subdivision Final Plat and applicable State laws, as amended, pertaining to the subdivision and conveyance of land and the preparation of maps shall be followed.~~

Section 35. Amendment of OMC 18.59. Olympia Municipal Code Chapter 18.59 is hereby amended to read as follows:

Chapter 18.59

OLYMPIA COMPREHENSIVE PLAN AMENDMENT PROCESS

18.59.000 Chapter Contents

Sections:

- [18.59.010](#) Plan amendment procedures.
- [18.59.020](#) Preliminary review and evaluation criteria.
- [18.59.030](#) Council approval of final docket.
- [18.59.040](#) Final review and evaluation.
- [18.59.050](#) Decision criteria for rezone requests.
- [18.59.055](#) Consistency between the zoning map and the future land use map.
- [18.59.060](#) Planning Commission and City Council review and adoption process.
- [18.59.070](#) Timing and exemptions.
- ~~[18.59.080](#) Notification of comprehensive plan amendment process.~~

18.59.010 Plan Amendment Procedures

Individual and agency initiated proposals to amend the Olympia Comprehensive Plan ~~shall~~must be submitted to the Department on forms provided by the City. Proposals may be submitted at any time; however, to be considered in the same calendar year, they must be submitted by the deadline set by the City Council, unless otherwise specifically authorized by the City Council. All proposals ~~shall be~~are considered collectively once each year except in the case of an emergency as determined by the City Council (see Timing and Exemptions). The City Council approves the Comprehensive Plan Amendment calendar ~~shall be approved by the City Council~~. No fee ~~shall be~~is charged at this proposal stage. The Department shall maintain a log or docket of all such proposals including a summary of the proposal, the principal proponent's name and address, the date on which the proposal was submitted, and its review status.

18.59.020 Preliminary review and evaluation criteria

A. Prior to City Council action, the Department shall conduct a preliminary review and evaluation of proposed amendments, including rezones, and assess the extent of review that would be required under the State Environmental Policy Act (SEPA). The preliminary review and evaluation ~~shall~~must also include any review by other departments deemed necessary by the Department, and except as provided in OMC ~~18.58-18.70.190~~ ~~shall~~must be based on the following criteria:

1. Is the proposed amendment consistent with the county-wide planning policies, the Growth Management Act (GMA), other state or federal law, or the Washington Administrative Code?
2. Would the proposed amendment cause little or no adverse environmental impacts and, is the time required to analyze impacts available within the time frame of the standard annual review process?
3. Is sufficient analysis completed to determine any need for additional capital improvements and revenues to maintain level-of-service, and is the time required for this analysis available within the time frame for this annual review process?
4. Can the proposed amendment be considered now without conflicting with some other Comprehensive Plan established timeline?
5. Can the proposed amendment be acted on without significant other amendments or revisions not anticipated by the proponents and is the time required for processing those amendments or revisions available within the time frame of this annual review process?
6. If the proposed amendment was previously reviewed, ruled upon or rejected, has the applicant identified reasons to review the proposed amendment again?

B. If the Department determines that the answer to any of the above questions is no, it may recommend to the City Council that the proposed amendment or revision not be further processed in the current amendment review cycle. Upon direction from City Council, Department staff will inform those whose proposed amendments or revisions will not be considered because (a) impact analysis beyond the scope of the amendment process is needed; (b) the request does not meet preliminary criteria; or (c) likelihood of inclusion of the proposal in a department's work program. Proponents may resubmit proposals to the department at any time, subject to the timelines contained in this chapter.

18.59.030 Council approval of final docket

A. The Department shall compile a list giving the status of all proposed amendments, including rezones, and forward the list to the City Council. The City Council shall review all such proposals, determine which are appropriate and worthy of further review and consideration, and move those to the Planning Commission for review and public hearing. (See Preliminary Review and Evaluation Criteria.)

B. The list approved by the City Council ~~shall be~~is known as the final docket. The Department shall notify proponents of the items on the docket that will be moved to the Planning Commission for review. Proponents ~~shall be~~are required to submit an application and shall pay such fee as may be established by the City Council.

~~The Department shall also notify Proponents-proponents~~ of the proposals not moved to the Planning Commission ~~shall also be notified~~ of the Council's decision. Department and City initiated proposals are exempt from application fees. ~~The Department shall distribute Information-information~~ about the amendment process and the schedule ~~shall be distributed~~ with final application forms.

18.59.040 Final review and evaluation

A. The Department shall distribute the final docket of proposed amendments, including rezones, to any state or local agency which is required by law to receive notice of proposed amendments and revisions to the Comprehensive Plan and implementing development regulations within the time required. In addition, the Department shall distribute the final docket of proposed amendments to recognized neighborhood associations and other affected interests identified by the City Council. The Department shall include issues identified in amendment proposal analyses and conduct any review required by SEPA of the proposed amendments, including rezones, listed on the final docket.

B. The Department shall prepare a report including any recommendations on each proposed amendment, including rezones, on the final docket and forward the report to the Planning Commission. At a minimum the Planning Commission recommendation and the Council decision should address the following:

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency with the current final docket that will be considered by the Planning Commission and the City Council?
2. Is the proposed amendment or rezone consistent with the goals of the Comprehensive Plan?
3. Is the proposed amendment or revision consistent with the county-wide planning policies?
4. Does the proposed amendment or rezone comply with the requirements of the GMA?

18.59.050 Decision criteria for rezone requests

The following criteria will be used to evaluate each rezone request. A zoning map amendment ~~shall~~ may only be approved if the Council concludes that at minimum the proposal complies with subsections A through C below. To be considered are whether:

- A. The rezone is consistent with either the Comprehensive Plan including the Plan's Future Land Use map as described in OMC [18.59.055](#) or with a concurrently approved amendment to the Plan.
- B. The rezone will maintain the public health, safety, or welfare.
- C. The rezone is consistent with other development regulations that implement the comprehensive plan.
- D. The rezone will result in a district that is compatible with adjoining zoning districts; this may include providing a transition zone between potentially incompatible designations.

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

18.59.055 Consistency between the zoning map and the future land use map

A. Although the Future Land Use map is not specific with regard to the edges of Land Use designations, the zoning map boundaries should not vary more than 200 feet from the land use designation shown on the Future Land Map.

B. Each Neighborhood Retail or Neighborhood Center district, if any, ~~shall~~may be no further than four blocks (approximately 1000 feet) from a Neighborhood Center location indicated on the Future Land Use Map or is at a location proposed pursuant to the Subarea Planning process described in the Comprehensive Plan.

C. Districts on the zoning map ~~shall~~must correspond to categories of the Future Land Use Map in accordance with the following table and be consistent with the purposes of each designation. Only those districts listed below are deemed to be consistent with the corresponding Future Land Use map designation, provided that zoning districts in locations enacted prior to January 1, 2015, may remain.

FUTURE LAND USE MAP DESIGNATION	ZONING DISTRICT(S)
Low Density Neighborhoods	Residential – 1 Unit per 5 Acres Residential Low Impact Residential – 4 Units per Acre Residential – 4 units per Acre Chambers Basin Residential – 4 to 8 Units per Acre Residential – 6 to 12 Units per Acre (only when adjacent to similar or higher density zoning district)
Medium Density Neighborhoods	Residential Multifamily – 18 Units per Acre Residential Multifamily – 24 Units per Acre
Mixed Residential	Mixed Residential 7 – 13 Units per Acre Mixed Residential 10 – 18 Units per Acre
Neighborhood Centers	Neighborhood Retail Neighborhood Center District
Residential Mixed Use	Residential Mixed Use Urban Residential Urban Waterfront – Housing
Planned Developments	Planned Unit Developments Neighborhood Village District Community-Oriented Shopping Center Urban Village District
Professional Office & Multi-family Housing	Professional Office / Residential Multi-family

FUTURE LAND USE MAP DESIGNATION	ZONING DISTRICT(S)
Urban Corridor	High-Density Corridor – 1 High-Density Corridor – 2 High-Density Corridor – 3 (only within area designated High Density Neighborhood Overlay) High-Density Corridor – 4 General Commercial Commercial Services – High Density Manufactured Housing Park Mixed Residential 10 to 18 Units per Acre Residential Multifamily 18 Units per Acre Residential Multifamily 24 Units per Acre
Urban Waterfront	Urban Waterfront Urban Waterfront – Housing
Central Business District	Downtown Business
General Commerce	General Commercial Commercial Services – High Density
Auto Services	Auto Services
Medical Services	Medical Services
Light Industry	Light Industrial / Commercial
Industry	Industrial

18.59.060 Planning Commission and City Council review and adoption process

- A. Following one or more public hearings the Planning Commission shall forward its written recommendation regarding each Comprehensive Plan amendment and any text amendments or rezones to the Council; provided that the Commission may forward any recommendation regarding a site-specific rezone to the Hearing Examiner without holding a public hearing.
- B. The Council shall review the recommendations of the Planning Commission, may hold a public hearing, and shall decide whether to adopt, modify and adopt, reject or defer to a later date, each proposed amendment.
- C. The Department shall notify Each each proponent ~~shall be notified~~ by mail of all public hearings and of the Council's final decision.

18.59.070 Timing and exemptions

- A. The City will consider proposed amendments to the Comprehensive Plan only once each year, except when amendments are adopted as part of:
1. the adoption of a subarea plan;

2. the adoption or amendment of a shoreline master program under the procedures set forth in WAC [173-19](#);
3. the response to an existing emergency;
4. amendments necessitated by changes in state or federal laws;
5. the resolution of an appeal filed with the Growth Management Hearings Board or with a court; or
6. the amendment of a capital facilities element that occurs concurrently with the adoption or amendment of the city budget.

B. The Department will accept proposals for Comprehensive Plan amendments and revisions at any time; however, proposals or applications received after their established due dates will be considered in the next annual amendment review cycle.

However, Olympia and Thurston County have adopted a joint plan that includes goals, policies and regulations that they will jointly administer in Olympia's urban growth area. Proposals and applications for urban growth area amendments, including rezones, applications must also meet County process requirements.

~~18.59.080 Notification of comprehensive plan amendment process~~

~~Notification will be provided — See UDC Chapter [18.78](#).~~

Section 36. Amendment of OMC 18.64. Olympia Municipal Code Chapter 18.64 is hereby amended to read as follows:

Chapter 18.64 TOWNHOUSES

18.64.000 Chapter Contents

Sections:

- [18.64.020](#) Purpose.
- ~~[18.64.040](#) Applications, review authority and use districts.~~
- [18.64.060](#) Platting requirements.
- [18.64.080](#) Development standards.

18.64.020 Purpose

The purpose of this Chapter is to:

A. Permit within Residential and Commercial Districts the development of townhouses which may be sold as individual lots and residences;

- B. Permit townhouse structures built to standards which are designed to include amenities usually associated with conventional single-family detached housing to ensure compatibility with the surrounding neighborhood;
- C. Promote affordable housing, efficient use of land and energy, and the availability of a variety of housing types in different locations;
- D. Promote infill development on physically suitable lands in residential areas, without adversely affecting adjacent development.

~~18.64.040 Applications, review authority and use districts~~

~~A.—Applications. For all townhouse developments, applications for preliminary plat or short plat approval and any design review and land use approval shall be submitted simultaneously on forms provided by the Director. Issuance of building and other permits shall be subject to conformance to the approved plans. In addition to standard submittal requirements for subdivision, design review and site plan review, townhouse applications shall contain that additional information specified by the Application Content Lists. (See OMC 18.77.010)~~

~~B.—Review Authority.~~

~~1.—Nine (9) or fewer Townhouses. The Director may approve creation of nine (9) or fewer townhouse lots, subject to appeal provisions contained in the Olympia Municipal Code, Chapter 18.75 and the public notice requirements contained in Chapter 18.78.~~

~~2.—Ten (10) or more Townhouses. The Hearing Examiner may approve creation of ten (10) or more Townhouse lots subject to Appeal requirements contained in the Olympia Municipal Code, Chapter 18.75 and the public notice requirements contained in Chapter 18.78.~~

18.64.060 Platting requirements

A. In R-4, R 4-8, and R 6-12 Districts a subdivision or short plat is required for all townhouse developments so that individual dwelling units are divided onto lots with the structural walls located on the lot lines. In other Districts the platting of each individual dwelling unit is optional.

B. When a townhouse development is platted, construction of townhouse dwellings may commence prior to final plat approval, provided:

1. The proposed subdivision has received preliminary plat approval, and the necessary financial sureties have been filed as required in the ~~Olympia Municipal Code~~ Chapter 17.24 OMC, Olympia Platting and Subdivision Ordinance, to assure construction of required public improvements;
2. Partial or complete construction of structures ~~shall~~ does not relieve the subdivider from, nor impair City enforcement of, conditions of subdivision approval;
3. Construction ~~shall may~~ not proceed beyond foundations, and units ~~shall may~~ not be rented or sold, nor occupancy permits issued, until final plat or final short plat approval is granted.

C. No subdivision or short subdivision of a site containing previously constructed dwellings ~~shall be~~ allowed unless all common walls meet or are reconstructed to current building code and fire code requirements for separately owned subdivided townhouse units, and all other standards of this Chapter are met.

D. Undersized lots may be used for individual townhouse dwelling units without meeting the density and lot area requirements of this ~~Section~~, and without resubdividing, provided such lots were of record prior to the effective date of this ~~Chapter~~; and provided, they also have the minimum lot width for townhouses.

18.64.080 Development standards

A. Maximum Site Area. The maximum site area for solely townhouse development in the R4, R 4-8 or R 6-12 District ~~shall be~~ four ~~(4)~~ acres. There is no maximum site area in other districts where townhouses are permitted.

B. Units per Structure.

1. In R4, R 4-8 and portions of the R 6-12 Districts not located within the Transition Area, each townhouse structure ~~shall~~ must contain no more than four ~~(4)~~ individual dwelling units, and there ~~shall~~ may be no more than one ~~(1)~~ builder per townhouse structure.

2. In all Districts except the R4, R 4-8 and portions of the R 6-12 district not located within the Transition Area, requirements of the underlying district ~~shall~~ apply with regard to number of units per structure.

C. Density and Lot Area.

1. Density. Each townhouse development ~~shall be~~ subject to density provisions contained in the underlying District.

2. Lot Size. See Table 4.04, Residential Development Standards.

D. Building, Impervious, and Hard Surface Coverage. Outside of 'village' and 'center' districts subject to table 5.05, building and impervious surface building coverage for an individual townhouse lot ~~shall~~ may not exceed 60% or the underlying district limit, whichever is greater, and hard surface coverage ~~shall~~ may not exceed 70% or the underlying district, whichever is greater.

E. Minimum Lot Width. Each individual townhouse lot ~~shall~~ must have a minimum width as follows:

1. R4 and R 4-8 Districts: ~~Eighteen (18)~~ feet;

2. R 6-12 Districts: ~~Sixteen (16)~~ feet;

3. All other Districts: See Tables 4.04 and 5.05.

F. Setback Requirements. Setback requirements for front yards and for side yards of end dwelling units of townhouse structures ~~shall be~~ the same as the underlying district, except as follows: For townhouse projects within property zoned R4, R 4-8 and R 6-12 the side yard of each building ~~shall~~ must be no ~~less~~ fewer than ~~ten~~ (10) feet for buildings with three (~~3~~) or four (~~4~~) units and five (~~5~~) feet for those with two (~~2~~) units.

G. Height. Same as the underlying district.

H. Parking. Townhouse developments ~~shall~~ must provide off-street parking pursuant to Chapter [18.38](#).

I. Residential Design Review Criteria and Garage Width. Townhouse developments ~~shall~~ must meet the Residential Design Criteria Section Chapter [18.175](#) and, if applicable, ~~shall~~ must comply with garage placement and width provisions of [OMC 18.04.060\(EE\)](#), provided that such standards ~~shall be~~ applied to the entirety of each building, and not to each dwelling unit.

Section 37. Amendment of OMC 18.82. Olympia Municipal Code Chapter 18.82 is hereby amended to read as follows:

Chapter 18.82 HEARING EXAMINER

18.82.000 Chapter Contents

Sections:

18.82.020	Purpose.
18.82.040	Hearing examiner selection.
18.82.060	Qualification and removal.
18.82.080	Improper influence, conflict of interest, and appearance of fairness.
18.82.100	Organization, rules.
18.82.120	Authority.
18.82.140	Applications.
18.82.160	Effect of decision.
18.82.180	Report of department.
18.82.200	Public hearing.
18.82.210	Hearing postponement.
18.82.220	Hearing examiner's decision.
18.82.225	<u>Reconsideration of hearing examiner decision.</u>
18.82.230	<u>Clarification.</u>
18.82.235	<u>Standard of review.</u>
18.82.240	Rezoning - Recommendations.

18.82.020 Purpose

The purpose of this Chapter is to:

A. Separate the land use regulatory function from the land use planning process.

- B. Ensure procedural due process and appearance of fairness in land use regulatory hearings and decisions.
- C. Provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters.
- D. Provide for consistency and predictability in land use decision making and the application of policies and regulations adopted by the City.
- E. Establish clear and understandable rules governing the land use decision-making process.

18.82.040 Hearing examiner selection

- A. ~~The City Council shall select~~ The the Hearing Examiner ~~shall be selected by the Council~~. At least once every four years, the City Council will conduct a selection process for the Olympia Hearing Examiner. The selection process will be conducted as deemed appropriate by the City Council.
- B. The Hearing Examiner may be retained on a professional service contract for a term and on conditions determined appropriate by the Council. The Hearing Examiner contract may provide that the Examiner may retain the services of officials to hold hearings as are needed to render aid and advice regarding technical or specialized issues that may be presented to the Examiner. Said contract may also provide for Hearing Examiner(s) pro tem to serve in the absence of the Hearing Examiner on such terms and conditions deemed appropriate by the Council.

18.82.060 Qualification and removal

Hearing Examiners ~~shall be~~ appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them. Hearing Examiners ~~shall may~~ hold no other elective or appointive office or position with the City of Olympia. A Hearing Examiner may be removed from office for cause by majority vote of the Council as recommended by the Joint Committee.

18.82.080 Improper influence, conflict of interest and appearance of fairness

- A. No City official, elective or appointive, ~~shall may~~ attempt to influence the Hearing Examiner in any matter officially before the Hearing Examiner so as to constitute misconduct of a public office under RCW [42.20](#) or a violation of the Appearance of Fairness Doctrine. No member of the Council ~~shall may~~ participate in any proceeding on appeal from a Hearing Examiner's decision if to do so would constitute a conflict of interest or violation of the Appearance of Fairness Doctrine.
- B. The Hearing Examiner shall conduct all proceedings in a manner to avoid conflicts of interest or other misconduct and to avoid violations of the Appearance of Fairness Doctrine. If such conflicts or violations cannot be avoided in a particular case, the Hearing Examiner shall assign a Hearing Examiner pro tem to act in the Hearing Examiner's absence.

18.82.100 Organization, rules

- A. The Office of the Hearing Examiner ~~shall be~~ is under the administrative supervision of the Hearing Examiner and ~~shall be~~ is separate from the Department.
- B. The Hearing Examiner ~~shall be empowered to~~ may adopt rules for the scheduling and conduct of hearings and other procedural matters related to the duties of the Hearing Examiner's office. Such rules may provide for cross examination of witnesses. Further, such rules ~~shall~~ must provide for recording of the proceedings and for compliance with the State, Federal, and City laws which may govern such a proceeding.
- C. In rendering a decision, the Examiner is hereby authorized to take judicial notice of all duly-adopted rules, ordinances, standards, plans, regulations, and policies of the City of Olympia and other public agencies.

18.82.120 Authority

The following cases are within the jurisdiction of the Hearing Examiner under the terms and procedures of this Chapter.

- A. Short plat modification, variance requests or appeals.
- B. Shoreline development permits and permit rescissions.
- C. Shoreline development variances.
- D. Preliminary plat applications.
- E. Preliminary plat approval extension requests.
- F. Rezone and Master Planned Development applications.
- G. Preliminary plat modification requests.
- H. Planned residential developments.
- I. Conditional use permits.
- J. Zoning variances.
- K. Appeals of zoning interpretations.
- L. Administrative appeals.
- M. Appeals of the requirements of the Engineering Design and Development Standards, including deviation request decisions made under Chapter 1 of such Standards

- N. Applications for density bonuses.
- O. Removal of density bonus conditions.
- P. Critical area reasonable use exception.
- Q. Site plan and home occupation application referred by staff.
- R. Preliminary short plat or binding site plan applications referred by staff.
- S. Concept design review.
- T. Detailed design review.
- U. Building and grading permits.
- V. Engineering and other construction permits.
- W. Permits and other matters associated with and consolidated with applications for the above project approvals.
- X. Appeals of Community Planning and Development Director's denial or cancellation of a multi-family housing final certificate of tax exemption.
- Y. Subdivision improvement deferral agreement.
- Z. County homeless encampments.
- AA. Appeals of Drainage Manual Administrator decisions.
- BB. Development Agreements associated with a pending development permit application requiring Hearing Examiner review.

18.82.140 Applications

Applications for permits or approvals within the City of Olympia ~~shall~~ must be presented to the Department. The Department shall accept such applications only if applicable filing requirements are met. The Department ~~shall~~, in coordination with the Hearing Examiner, ~~be is~~ responsible for assigning a date for and assuring due notice of public hearing for each application, which date and notice ~~shall~~ must be in accordance with ~~Chapter 18.78, Public Notification~~ OMC 18.70.140, Notice of Hearing.

18.82.160 Effect of decision

A. If any of the permits or approvals require or include a rezone or Master Planned Development, then the decision of the Hearing Examiner as to all such permits or approvals ~~shall constitute~~ a recommendation to the City Council; otherwise, the decision of the Hearing Examiner ~~shall be~~ final, subject to appeal to the Council pursuant to ~~Sections 18.75.080 and 18.75.100~~ OMC 18.70.170.

B. The Department may prescribe a reduced fee schedule for master applications reflecting cost savings realized through unified processing of more than one permit.

18.82.180 Report of department

The Department shall coordinate and assemble the reviews of other City departments and governmental agencies having an interest in the subject application and shall prepare a report summarizing the factors involved and the Department's findings and recommendations. At least seven ~~(7)~~ calendar days prior to the scheduled hearing the Department shall file the report ~~shall be filed with the Hearing Examiner and shall mail copies thereof shall be mailed of the report~~ to the applicant and ~~made~~ make copies available for public inspection.

18.82.200 Public hearing

A. Prior to rendering a decision or recommendation on any application, the Hearing Examiner shall hold at least one (1) public hearing thereon, except as otherwise provided for in this code. The Hearing Examiner shall give Notice notice of the time and place of the public hearing shall be given as provided in Chapter 18.78, Public Notification OMC 18.70.140. If none is specifically set forth, such notice shall must be given at least ten (10) days prior to such hearing per OMC 18.78.040 18.70.140. Such hearing may be held jointly with that of any other state or local agency so long as such joint hearing is not prohibited by statute, sufficient notice is given, and the necessary information to hold the hearing has been received.

(See RCW [36.70.110](#).)

B. For building or fire code appeals, the Hearing Examiner is authorized to appoint an official, an individual with appropriate professional experience and technical expertise, to hear such appeals and to prepare findings and conclusions for issuance by the Hearing Examiner.

18.82.210 Hearing postponement

After written notice of the public hearing date has been mailed to interested parties, such hearing ~~shall may~~ not be postponed except for good cause and only with the consent of the Hearing Examiner. Any request for such postponement ~~shall must~~ be for a specific period and be submitted in writing to the Department and duly forwarded with the Director's recommendation to the Examiner for consideration. If good cause is presented, the Examiner shall postpone such hearing to a date certain and shall order that all costs of new notice of such hearing ~~shall be~~ paid to the City by the party requesting that the hearing be postponed.

18.82.220 Hearing examiner's decision

A. Within ~~fourteen~~ (14) days of the conclusion of a hearing, unless a longer period is agreed to in writing by the applicant, the Hearing Examiner shall render a written decision which ~~shall~~ must include at least the following:

A1. Findings based upon the record and conclusions therefrom which support the decision. Such findings and conclusions ~~shall~~ must address any and all specific issues raised by the staff, the applicant, or any party of record. Such findings and conclusions may also set forth the manner by which the decision would carry out and conform to the City's or County's Comprehensive Plan, other official policies and objectives, ordinances, land use regulatory enactments and, in the case of preliminary plats, in conformance to ~~Chapter 17.04 of this code~~ OMC. In lieu of original findings and conclusions regarding uncontested matters, the Examiner may adopt findings and conclusions recommended by the staff, the applicant, or any party of record.

B2. A decision on the application, which may be to approve, deny, or approve with such conditions, modifications and restrictions as the Hearing Examiner finds necessary to make the application compatible with its environment, the Comprehensive Plan, other official policies, objectives, and land use regulatory enactments.

C3. A statement that the decision is final.

B. The decision of the Hearing Examiner is limited to those issues timely raised on appeal. The Hearing Examiner may not reconsider or modify aspects of a project previously considered and settled by another final decision of the City. In exercising the powers granted herein, the Hearing Examiner may, in conformity with this title, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed, and may make such order, requirement, decision or determination as should be made, and, to that end, has all the powers of the officer from whom the appeal is being taken, insofar as the decision on the particular issue is concerned, and in making a determination the Hearing Examiner may hear any pertinent testimony and receive and consider any other evidence bearing on the case.

D. The City Manager, on behalf of the City, is authorized to appeal or seek review of a decision of the Hearing Examiner in Superior Court pursuant to the provisions of chapter 36.70C RCW and any other applicable legal authority.

18.82.225 Reconsideration of hearing examiner decision

Decisions of the hearing examiner may be reconsidered. Further, prior to issuing a decision, the Examiner may reconvene any hearing or continue any other proceeding in such manner as the Examiner deems appropriate to ensure a fair, timely, and reasoned decision.

A. After issuance of a final decision any party, including the Department of Community Planning and Development, may file a motion for reconsideration on an appeal to the Hearing Examiner in accordance with subsection (B) of this section. The moving party shall file ~~such motion must be filed~~ within 10 days of service of the final decision. The moving party shall file ~~the original of the motion for reconsideration shall be filed at the Community Planning and Development Permit Center and shall transmit with a copy to the Olympia City Attorney's Office. At the same time, the moving party shall serve copies shall be served~~ of the motion on all

parties of record. Within five days of filing the motion for reconsideration, a party with standing may file an answer to the motion for reconsideration without direction or request from the Hearing Examiner. The Hearing Examiner may require other parties to supply an answer. The party filing an ~~All answers to motions~~ answer to a motion for reconsideration shall be served such answer on ~~on~~ all other parties of record.

B. A motion for reconsideration ~~shall~~ must be based on at least one of the following grounds:

1. Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration;
2. Irregularity in the hearing before the Hearing Examiner by which such party was prevented from having a fair hearing; or
3. Clerical mistakes in the final decision and order.

C. In response to a motion for reconsideration, the Hearing Examiner may deny the motion, modify ~~it~~ the decision, or reopen the hearing. A motion is deemed denied unless the Hearing Examiner takes action within 20 days of the filing of the motion for reconsideration. A Hearing Examiner order on a motion for reconsideration is not subject to a motion for reconsideration.

D. A decision in response to the petition for reconsideration ~~shall~~ constitutes a final decision and order for purposes of judicial review. The Hearing Examiner shall serve ~~C~~ copies of the final decision and order ~~shall be served on~~ each party or the party's attorney or other authorized representative of record, unless the decision is deemed denied following the 20-day time frame set forth in Subsection C of this Section.

E. The time for an appeal to court does not commence until disposition of the motion for reconsideration. If the Hearing Examiner takes no action under subsection (C) of this section, the motion for reconsideration is deemed disposed at the end of the 20-day period. The filing of a motion for reconsideration is not a prerequisite for seeking judicial review.

18.82.230 Clarification of hearing examiner decision

A. Any interested party believing that a decision of the Hearing Examiner is ambiguous, vague, or internally inconsistent may request clarification of the decision by the Examiner. A party requesting clarification shall submit ~~Such a request shall be submitted~~ the request to the Department with the applicable fee and shall set forth the specific provision requiring additional clarity. The Department shall forward such request to the Examiner. Upon receipt of such a request, the Hearing Examiner may take action as the Examiner deems appropriate to the circumstances.

B. A request for clarification ~~shall~~ does not provide an opportunity for reconsideration of a decision nor for introduction of new evidence. Except as ordered by the Examiner, the filing of a request for clarification ~~shall~~ does not toll any appeal period or delay issuance of any permit.

C. When the Examiner determines that a clarification is in order, the Examiner may issue a supplemental or clarified decision. As deemed appropriate by the Examiner, the Examiner may order that the supplemental or clarified decision be subject to appropriate notice and an opportunity for appeal.

18.82.235 Standard of Review

In reviewing a decision including a recommendation of the Design Review Board, the Examiner shall give substantial weight to the recommendation of the Board. With regard to decisions of eCity staff, the Examiner shall accord due deference to the expertise and experience of the staff rendering such decision. The Examiner ~~shall~~ may only grant the relief requested by an appellant upon finding that the appellant has established that:

1. the staff engaged in unlawful procedures or failed to follow a prescribed procedure;
2. the staff's decision was an erroneous interpretation of the law;
3. the decision is not supported by substantial evidence within the context of the whole record;
4. the decision is a clearly erroneous application of the law to the facts;
5. the decision is outside the authority or jurisdiction of the decision-maker;
6. the decision violates the constitutional rights of the party seeking relief, or
7. the decision is clearly in conflict with the City's adopted plans, policies or ordinances.

18.82.240 Rezones –Recommendations

The Hearing Examiner shall make any decision regarding a rezone, a Master Plan Development, or a development agreement associated with a pending development permit application requiring Hearing Examiner review, with or without conditions, in the form of a recommendation to the City Council. The City Council shall consider such recommendation at a regular public meeting. In the alternative, the Council may consider the recommendation at a public hearing with notice given as provided by this Chapter. In either case, the scope of Council review is as provided in ~~Sections OMC 18.75.080 and OMC 18.75.100 of this Chapter.~~ The evidence, record, and arguments before the Council is limited solely to those brought before the Hearing Examiner. A copy of documents will be provided to the Council by paper or electronically. A copy of arguments will be presented to the Council or provided electronically. No new evidence, record, or arguments of any type is allowed before Council. The staff report, recordings if any, and attachments, including those on the internet, to Council will solely provide the evidence, record, and argument that was presented to the City Hearing Examiner on the proposed rezone that does not require a Comprehensive Plan amendment.

Section 38. Amendment of OMC 18.86.100. Olympia Municipal Code Section 18.86.100 is hereby amended to read as follows:

18.86.100 Responsibilities of the city

- A. The City shall provide a list of recognized neighborhood associations and their contacts to the proponents of a project at each pre-submission conference. The City shall encourage the project proponents of development to discuss their project with the recognized neighborhood associations.
- B. The City shall ~~mail provide~~ notice of application to recognized neighborhood associations ~~within 14 days of determination that the following any Type II, III, or IV applications, proposals, or determinations, as specified in Table OMC 18.70-3 are complete.~~ Notice must be provided in accordance with OMC 18.70.130.

~~Administrative Time Extensions for Plats Formal Site Plan Review~~

~~Annexations~~

~~Comprehensive Plan Amendments~~

~~Conditional Uses~~

Development Agreements

Environmental Determinations

Environmental Impact Statements

Family Child Care Home

Land Clearing Permit Applications

Land Use Approval

Landmark Tree Nominations

Major Design Review

Master Planned Developments

Mobile Home Parks

Permit Amendments by Hearing Examiner

Planned Residential Developments (Preliminary and Final)

Rezoning

Shoreline Conditional Uses

Shoreline Substantial Developments

Shoreline Variances by Hearing Examiner

Short Plats (5 to 9 lots)

Site Plan Review

Street or Alley Vacations

Subdivisions (Preliminary Plat) (10 or more lots)

Time Extension of any discretionary action

Tree Removal Applications

Townhouses including 5 units or more

Variances

Zoning Ordinance Text Amendments

~~1. This notice must be given when such applications, projects, or determinations are enclosed by or within 1,000 feet of the recognized neighborhood association's boundaries. If no recognized neighborhood association is within 1,000 feet of the area of an application, project or determination, then the recognized neighborhood association closest to the application, project or determination must be notified.~~

~~2. The City shall mail such neighborhood associations notice concerning all subsequent public hearings concerning such applications, projects, or determinations, except hearings which have been continued to a specific time announced at the prior hearing.~~

~~C. In addition to any notice of application, such notice shall include the following information:~~

~~1. The nature of the project or proposal and its location.~~

~~2. The process to be followed, with expected time line, if known.~~

~~3. Name and address of the applicant and of the agent/contact person.~~

~~4. Name and phone number of the city staff contact person.~~

~~5. Any other government agencies known to have decision making authority in the application/action.~~

~~6. Any government programs providing funds for the project.~~

~~DC.~~ Upon request the City shall provide information regarding the above actions at no charge to the two (2) registered neighborhood association contacts. Requests for additional copies or duplicates of information already received may be charged at cost. Extraordinary requests which require substantial staff time, production cost and mailing fees will be charged to the neighborhood association when permitted by law. Payment is due upon receipt of materials.

~~ED.~~ The City shall give directly affected recognized neighborhood associations notice by mail of pending major development and redevelopment projects by the City which will have a direct, significant impact on that neighborhood; such as street construction and major repair, total closing of streets, changes in size or type in City parks, or building of new City facilities. The City shall provide notice by mail or e-mail of any home occupation business licenses issued within the boundaries of a neighborhood association.

~~FE~~. For the purpose of A, B, C, D and E of this section, first class letters mailed to two ~~(2)~~ contact addresses submitted by a neighborhood association ~~shall constitute~~ notification. Alternatively, if an e-mail contact address is provided, notice may be provided by electronic mail.

~~GE~~. The City shall:

1. Inform all known neighborhood associations and inquiring parties of the requirements for recognition⁷ and advise such groups on how to meet the requirements.
2. Review its files on neighborhood associations to verify if each association has met the requirements for recognition with current information.
3. At least annually notify each known neighborhood association of its current recognition status.
4. Work with recognized neighborhood associations to develop an understanding of the processes for neighborhood review and comment on applications and actions pursuant to this Chapter.
5. Supply annually to all recognized neighborhood associations a current list of all City government agencies, their department heads, and corresponding phone numbers.
6. Make available to the public the names and addresses of the two ~~(2)~~ designated recipients of notices as most recently specified by each recognized neighborhood association.
7. Review this chapter two ~~(2)~~ years after adoption to determine if modifications are needed to meet the purpose of the chapter.

~~HG~~. The City Manager shall develop a program to support the establishment of neighborhood associations and their active participation in City decision processes. The details of this program ~~shall be~~ are subject to available resources, and may include:

1. Through its publications and in response to inquiries, encourage individuals to participate with their existing neighborhood association.
2. Encourage the development of neighborhood associations where they do not exist.
3. Provide an opportunity, under City editorial control, to increase communications between neighborhood associations and the general public by publishing neighborhood related articles in the City's quarterly newsletter.
4. Provide an annual neighborhood association workshop on appropriate topics concerning City procedures and actions as well as the effective operation of neighborhood associations. A neighborhood handbook with information on the program and City resources will be made available.

5. Advise recognized neighborhood associations of self-help projects which could enhance the quality of life within their neighborhoods. For example, the City may pass along information from organizations such as Neighborhoods USA. It will continue to work cooperatively with neighborhoods on spring clean-up drives, recycling programs, and other appropriate ventures.

6. The City and neighborhood associations shall hold alternating quarterly forums to discuss items of interest. The City is responsible for hosting two (2) meetings a year and shall develop agenda topics. The neighborhood associations are responsible for hosting the remaining two (2) meetings and shall develop agenda topics. The City Manager's Office shall coordinate these forums ~~These forums shall be coordinated through the City Manager's Office.~~

~~H.~~ With the advice and consent of the Council, the City may establish practices, rules, and guidelines necessary to implement this ~~C~~chapter.

Section 39. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 40. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances remains unaffected.

Section 41. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 42. Effective Date. This Ordinance takes effect 30 days after publication.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: