



# Meeting Agenda

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

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**Tuesday, August 16, 2016**

**7:00 PM**

**Council Chambers**

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**1. ROLL CALL**

**1.A ANNOUNCEMENTS**

**1.B APPROVAL OF AGENDA**

**2. SPECIAL RECOGNITION**

**2.A** [16-0724](#) Special Recognition - Hands on Children's Museum Update

**2.B** [16-0937](#) Special Recognition - City of Olympia Well City Award

**3. PUBLIC COMMUNICATION**

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

*During this portion of the meeting, citizens may address the City Council regarding items related to City business, including items on the Agenda. In order for the City Council to maintain impartiality and the appearance of fairness in upcoming matters and to comply with Public Disclosure Law for political campaigns, speakers will not be permitted to make public comments before the Council in these three areas: (1) on agenda items for which the City Council either held a Public Hearing in the last 45 days, or will hold a Public Hearing within 45 days, or (2) where the public testimony may implicate a matter on which the City Council will be required to act in a quasi-judicial capacity, or (3) where the speaker promotes or opposes a candidate for public office or a ballot measure.*

*Individual comments are limited to three (3) minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the City Council will refrain from commenting on individual remarks until all public comment has been taken. The City Council will allow for additional public comment to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.*

**COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)**

**4. CONSENT CALENDAR**

*(Items of a Routine Nature)*

**4.A** [16-0892](#) Approval of July 26, 2016 City Council Meeting Minutes

**Attachments:** [Minutes](#)

**4.B** [16-0938](#) Bills and Payroll Certification

**Attachments:** [Bills and Payroll Certification](#)

- 4.C [16-0842](#) Rejection of All Bids for 2016 Small Diameter & AC and Aging Pipe Replacement  
**Attachments:** [Proposed Resolution](#)  
[Summary of Bids](#)
- 4.D [16-0886](#) Approval of Bid Award for Port Storm Diversion Project  
**Attachments:** [Vicinity Map](#)  
[Summary of Bids](#)
- 4.E [16-0917](#) Approval of an Option to Purchase Real Estate Owned by Jill Floberg  
**Attachments:** [Property Location Map](#)  
[Option to Purchase Agreement](#)
- 4.F [16-0918](#) Approval of Purchase of Real Estate Owned by Michael Wirth  
**Attachments:** [Property Location Map](#)  
[Purchase and Sale Agreement](#)
- 4.G [16-0930](#) Approval to Issue Gateways Public Art Master Plan Request for Qualification (RFQ)  
**Attachments:** [Gateways RFQ Scope of Work](#)  
[Gateways Points](#)  
[2016 Municipal Art Plan](#)
- 4.H [15-1198](#) Approval of Proposed Poet Laureate Program Policy and Proposed Call for Art  
**Attachments:** [Policy Proposal for Poet Laureate](#)  
[Call for Poet Laureate](#)  
[Poet Laureate Referral](#)  
[Poetry Reading by Natasha Tretheway](#)  
[Spoken Word by Brian McCracken](#)

#### 4. SECOND READINGS

- 4.I [16-0745](#) Approval of Amended Critical Areas Ordinance  
**Attachments:** [Ordinance](#)

#### 4. FIRST READINGS

- 4.J [16-0929](#) Approval of Ordinance Amending Olympia Municipal Code (OMC) Chapter 2.100, Article II, Relating to Public Art  
**Attachments:** [Ordinance](#)
- 4.K [16-0832](#) Approval of Ordinance with FEMA Required Amendments to Building Regulations Pertaining to Flooding

**Attachments:** [Ordinance](#)  
[Buildings with FEMA NFIP designations](#)  
[Map](#)  
[Letter with FEMA Adoption Date](#)

**5. PUBLIC HEARING - None**

**6. OTHER BUSINESS**

- 6.A** [16-0843](#) Approval of Ordinance to Adopt Kaiser Harrison Opportunity Area Plan

**Attachments:** [Ordinance](#)  
[Kaiser Harrison Opportunity Area Plan](#)  
[Preferred Alternative](#)  
[Kaiser Harrison webpage](#)

- 6.B** [16-0858](#) Approval of Ordinance Amending the Public Health, Arts, Parks and Recreation Chapter of the Comprehensive Plan

**Attachments:** [Ordinance](#)  
[Application Packet](#)

- 6.C** [16-0859](#) Approval of Ordinance Amending the Land Use and Urban Design Chapter of the Comprehensive Plan

**Attachments:** [Ordinance](#)  
[Application Packet](#)

**7. CONTINUED PUBLIC COMMUNICATION**

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

**8. REPORTS AND REFERRALS**

**8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**

**8.B CITY MANAGER'S REPORT AND REFERRALS**

**9. ADJOURNMENT**

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



## City Council

### Special Recognition - Hands on Children's Museum Update

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 2.A  
**File Number:** 16-0724

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**Type:** recognition **Version:** 1 **Status:** Filed

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**...Title**

Special Recognition - Hands on Children's Museum Update

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Briefing only.

**Staff Contact:**

Jay Burney, Assistant City Manager, 360.753.8740

**Presenter(s):**

Patty Belmonte, Executive Director, Hands on Children's Museum

**Background and Analysis:**

Patty Belmonte, Executive Director of the Hands on Children's Museum will provide an update on the past year's activities and upcoming events, as well as tourism and program offerings.

**Options:**

Briefing only.

**Financial Impact:**

Briefing only.





## City Council

### Special Recognition - City of Olympia Well City Award

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 2.B  
**File Number:** 16-0937

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**Type:** recognition **Version:** 1 **Status:** Filed

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**Title**

Special Recognition - City of Olympia Well City Award

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Briefing only.

**Presenter(s):**

Jane Kirkemo, Administrative Services Director, 360.753.8499  
Deb Heilman, Accountant (Wellness Program Coordinator)

**Background and Analysis:**

In 2005 in an effort to control costs and avoid spikes in insurance rates, the City of Olympia changed from being self-insured to joining the Association of Washington Cities Benefit Trust. There are approximately 126 organizations in the Trust. As a member of the Trust we must provide a wellness program for our employees. If our wellness program meets certain criteria and we receive the Well City Award, the City receives a 2% discount on the following year's premiums (approximately \$115,000/year). I am happy to say the City has received the Well City Award for each year we have been eligible.

**Options:**

Briefing only.

**Financial Impact:**

The City saves approximately \$115,000 per year as a result of receiving the Well City Award.



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

## City Council

### Approval of July 26, 2016 City Council Meeting Minutes

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.A  
**File Number:** 16-0892

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**Type:** minutes **Version:** 1 **Status:** Passed

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**Title**

Approval of July 26, 2016 City Council Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

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**Tuesday, July 26, 2016**

**7:00 PM**

**Council Chambers**

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### 1. ROLL CALL

**Present:** 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

### 1.A ANNOUNCEMENTS

### 1.B APPROVAL OF AGENDA

Mayor Selby noted item 4.B will be removed from the agenda and rescheduled at a later date due it not being ready to move forward.

**The agenda was approved as amended.**

### 2. SPECIAL RECOGNITION

#### 2.A [16-0875](#) Special Recognition - Dan Lowe, Olympic Athlete

Mayor Selby introduced the Special Recognition for Olympian Daniel Lowe. Mr. Lowe is on his way to compete for the US Olympic Shooting Team at the 2016 Olympic Games in Rio.

City Manager Steve Hall reviewed Mr. Lowe's achievements and background. The Mayor invited Dan Lowe's mother, Laura Lowe, to say a few words.

**The recognition was received.**

#### 2.B [16-0882](#) Special Recognition - 2016 Paddle to Nisqually Canoe Journey Landing Day in Olympia

Communications and Outreach Director Kellie Purce Braseth discussed the 2016 Paddle to Nisqually Canoe Journey occurring on July 30. She shared details of the event regarding parking and logistics for those who are attending.

**The recognition was received.**

#### 2.C [16-0885](#) Special Recognition - Introduction of Semper, Olympia Police Department Therapy Dog

Administrative Services Manager Laura Wohl discussed the Therapy Dog program being implemented by the Olympia Police Department. The dog will provide comfort

to victims, witnesses and others impacted by crimes. Program Assistant and Therapy Dog Handler Madison Sol Del Vigo introduced Semper, who will be certified as a therapy dog after age 2. In the meantime, while being trained, he will be present at the police station and visit with the community.

**The recognition was received.**

### 3. PUBLIC COMMUNICATION

The following people spoke: Mindy Chambers, Jim Reeves, John Baldrige, Karli Stander, Becky Liebman, Leslie Owen, Russ Lidman, Bobby Snyder, Sara Develle, Hagbard Berkman and Janet Jordan.

### COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

### 4. CONSENT CALENDAR

- 4.A [16-0880](#) Approval of July 19, 2016 City Council Meeting Minutes

**The minutes were adopted.**

- 4.B [16-0794](#) Approval of Resolution Setting a Public Hearing Date for Consideration of a Street Vacation Petition

**The resolution was pulled**

- 4.C [16-0810](#) Approval of Professional Services Agreement Amendment No.1 with HDR Engineering Inc. for the Fones Road Booster Pump Station

**The decision was adopted.**

- 4.D [16-0848](#) Approval of Access and Maintenance Easement Agreement and Utility Easement for Waste ReSources Trash Compactor with KBJ Investments, LLC

Public Works Director Rich Hoey gave background on the trash compactor to be placed in the TJ Potter Alley. The placement of the compactor will allow for several dumpsters to be removed from the alley, making it a much more pleasant area. The shared compactor will be within an easement on private property. KBJ Investments, LLC (Steve Cooper and Mike Reid) has allowed the City the necessary access and utility easements over their property for the shared trash compactor. Mr. Hoey noted both KBJ Investments, LLC and the Olympia Film Society allowed for this partnership between downtown businesses and the City to occur.

**The decision was adopted.**

### 4. SECOND READINGS

- 4.E [16-0379](#) Approval of Ordinance on the Hulbert, Hong and Slater Annexation

The ordinance was approved on second reading.

#### 4. FIRST READINGS - None

#### Approval of the Consent Agenda

**Councilmember Hankins moved, seconded by Mayor Pro Tem Jones, to adopt the Consent Calendar. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

#### 5. PUBLIC HEARING - None

#### 6. OTHER BUSINESS

##### 6.A [16-0758](#) Briefing on Mayors Climate Compact

Mr. Hoey briefed the Council on the Compact of Mayors. He highlighted global climate data and the major risks for Olympia if global warming continues at its current rate. He discussed actions and activities by the Council and City taken to bring forward positive change and a reduction to City operations emissions.

Mr. Hoey reviewed the work of the Compact of Mayors and its global efforts. He discussed the four phases and requirements of the Mayors Compact and where Olympia is in the process along with next steps.

Councilmembers asked clarifying questions.

**The information was provided.**

##### 6.B [16-0878](#) Approval of Ordinance Related to the Opportunity for Olympia (OFO) Initiative Petition, or Approval of Resolution Placing the OFO Petition on the November 8, 2016, General Election Ballot, or Approval of Resolution to Take No Action to Pass OFO's Proposed Ordinance or to Order an Election

Before the agenda item began, Councilmember Cooper recused himself from the impending discussion and vote.

Mr. Hall gave background on the Opportunity for Olympia initiative and actions taken by the City Council so far. He reviewed the options before the Council.

Councilmembers asked clarifying questions.

**Mayor Pro Tem Jones moved, seconded by Councilmember Hankins, to approve a Resolution to Take No Action to Pass Opportunity for Olympia's**

**Proposed Ordinance or to Order an Election. The motion carried by the following vote:**

**Aye:** 4 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Gilman and Councilmember Hankins

**Nay:** 2 - Councilmember Bateman and Councilmember Roe

**Recused:** 1 - Councilmember Cooper

**7. CONTINUED PUBLIC COMMUNICATION**

**8. REPORTS AND REFERRALS**

**8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**

Councilmembers reported on meetings and events attended.

**8.B CITY MANAGER'S REPORT AND REFERRALS**

Mr. Hall requested a referral to Finance Committee to discuss expansion of the Park Ranger Program.

**9. ADJOURNMENT**

Mayor Selby adjourned the meeting at 9:08 p.m.



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

## City Council

### Bills and Payroll Certification

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.B  
**File Number:** 16-0938

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**Type:** decision **Version:** 1 **Status:** Passed

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**Title**  
Bills and Payroll Certification

CITY OF OLYMPIA  
EXPENDITURE SUMMARY

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND OFFICER EXPENSES ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY SAID CLAIMS".

FOR PERIOD 7/3/2016 THROUGH 7/9/2016  
 FOR A/P CHECK NUMBERS 3675876 THROUGH 3676068  
 FOR ELECTRONIC PAYMENTS 6/1/2016 THROUGH 6/30/2016

INCLUSIVE IN THE AMOUNT TOTALING

DATED July 19, 2016

ADMINISTRATIVE SERVICES DIRECTOR  


TOTAL APPROVED FOR PAYMENT

FUND		
\$925,996.01	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$3,265.11	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$107,091.40	006	
\$861.79	007	
\$24,878.05	025	WASHINGTON CENTER
\$16.31	026	MUNICIPAL ARTS FUND
\$1,075.90	029	EQUIP & FACIL REPLACE RES
\$0.00	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$647.61	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$4,680.86	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$47,560.16	401	WATER
\$1,070,688.71	402	SEWER
\$89,849.57	403	SOLID WASTE
\$33,825.26	404	STORM AND SURFACE WATER
\$31,231.32	434	STORM AND SURFACE WATER CIP
\$2,406.90	461	WATER CIP FUND
\$45.15	462	SEWER CIP FUND
\$30,114.12	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$0.00	504	INS TRUST FUND
\$49,317.61	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$10,515.78	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$624.51	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$2,434,692.13 GRAND TOTAL FOR WEEK



CITY OF OLYMPIA  
EXPENDITURE SUMMARY

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FOR PERIOD 7/10/2016 THROUGH 7/16/2016  
 FOR A/P CHECK NUMBERS 3676069 THROUGH 3676408  
 FOR ELECTRONIC PAYMENTS \_\_\_\_\_ THROUGH \_\_\_\_\_

INCLUSIVE IN THE AMOUNT TOTALING

DATED July 19, 2016

ADMINISTRATIVE SERVICES DIRECTOR  
Jane Kirkemo

TOTAL APPROVED FOR PAYMENT

FUND		
\$174,231.54	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$7,148.56	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$75.00	006	
\$4,948.42	007	
\$4,437.50	025	WASHINGTON CENTER
\$9,100.00	026	MUNICIPAL ARTS FUND
\$0.00	029	EQUIP & FACIL REPLACE RES
\$3,351.25	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$28,730.36	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$301.47	134	PARKS AND REC SIDEWALK UT TAX
\$0.30	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$20.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$161,904.76	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$24,171.13	401	WATER
\$3,354.68	402	SEWER
\$23,657.62	403	SOLID WASTE
\$1,366.04	404	STORM AND SURFACE WATER
\$15,631.70	434	STORM AND SURFACE WATER CIP
-\$2,173.52	461	WATER CIP FUND
\$0.00	462	SEWER CIP FUND
\$4,944.68	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$0.00	504	INS TRUST FUND
\$813.91	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$466,015.40 GRAND TOTAL FOR WEEK

CITY OF OLYMPIA  
EXPENDITURE SUMMARY

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FOR PERIOD 7/17/2016 THROUGH 7/23/2016  
 FOR A/P CHECK NUMBERS 3676409 THROUGH 3676648  
 FOR ELECTRONIC PAYMENTS \_\_\_\_\_ THROUGH \_\_\_\_\_

INCLUSIVE IN THE AMOUNT TOTALING

DATED 7/27/16 \_\_\_\_\_  
 ADMINISTRATIVE SERVICES DIRECTOR  


TOTAL APPROVED FOR PAYMENT		
	FUND	
\$748,802.98	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$27,290.41	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$0.00	006	
\$986.33	007	
\$980.50	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$0.00	029	EQUIP & FACIL REPLACE RES
\$215.48	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$12,152.44	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$279.30	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$3,287.23	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$15,447.61	401	WATER
\$7,096.57	402	SEWER
\$329,117.95	403	SOLID WASTE
\$6,329.84	404	STORM AND SURFACE WATER
\$13,231.25	434	STORM AND SURFACE WATER CIP
\$34,398.11	461	WATER CIP FUND
\$822.25	462	SEWER CIP FUND
-\$1,380.38	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$0.00	504	INS TRUST FUND
\$3,624.14	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$6,205.62	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$1,198,887.63 GRAND TOTAL FOR WEEK



CITY OF OLYMPIA  
EXPENDITURE SUMMARY

"I THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND OFFICER EXPENSES ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY SAID CLAIMS".

FOR PERIOD	<u>7/24/2016</u>	THROUGH	<u>7/30/2016</u>
FOR A/P CHECK NUMBERS	<u>3676649</u>	THROUGH	<u>3676908</u>
FOR ELECTRONIC PAYMENTS	<u></u>	THROUGH	<u></u>

INCLUSIVE IN THE AMOUNT TOTALING

DATED  
August 2, 2016

ADMINISTRATIVE SERVICES DIRECTOR  
Jane Kukemo

TOTAL APPROVED FOR PAYMENT  
FUND

\$273,129.37	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$73,859.46	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$685.00	006	
\$1,148.25	007	
\$2,348.24	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$48,600.00	029	EQUIP & FACIL REPLACE RES
\$8,485.19	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$10,590.33	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$50.01	134	PARKS AND REC SIDEWALK UT TAX
\$0.00	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$40.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$261,578.14	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$102,831.93	401	WATER
\$24,139.44	402	SEWER
\$645.83	403	SOLID WASTE
\$16,078.39	404	STORM AND SURFACE WATER
\$3,417.33	434	STORM AND SURFACE WATER CIP
\$9,552.98	461	WATER CIP FUND
\$0.00	462	SEWER CIP FUND
\$45,372.07	501	EQUIPMENT RENTAL
\$155.43	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$500.00	504	INS TRUST FUND
\$0.00	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	614	
\$7,122.06	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$171,656.00	720	SCHOOLS

\$1,061,985.45 GRAND TOTAL FOR WEEK

CITY OF OLYMPIA  
EXPENDITURE SUMMARY

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND OFFICER EXPENSES ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY SAID CLAIMS".

FOR PERIOD 7/31/2016 THROUGH 8/6/2016  
 FOR A/P CHECK NUMBERS 3676909 THROUGH 3677217  
 FOR ELECTRONIC PAYMENTS \_\_\_\_\_ THROUGH \_\_\_\_\_

INCLUSIVE IN THE AMOUNT TOTALING

DATED

August 9, 2016

ADMINISTRATIVE SERVICES DIRECTOR

Jane Kukemo

TOTAL APPROVED FOR PAYMENT

	FUND	
\$1,717,302.65	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$13,619.66	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$823,236.08	006	
\$7,717.92	007	
\$24,648.86	025	WASHINGTON CENTER
\$2,776.26	026	MUNICIPAL ARTS FUND
\$0.00	029	EQUIP & FACIL REPLACE RES
\$456.00	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LOGGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$5,562.18	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$14,573.43	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$24,785.98	401	WATER
\$934,736.10	402	SEWER
\$39,990.42	403	SOLID WASTE
\$6,692.71	404	STORM AND SURFACE WATER
\$12,469.23	434	STORM AND SURFACE WATER CIP
\$2,709.21	461	WATER CIP FUND
\$0.00	462	SEWER CIP FUND
\$6,421.60	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$250.00	503	UNEMPLOYMENT COMPENSATION
\$2,041.90	504	INS TRUST FUND
\$363.38	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$16,863.36	614	
\$7,123.85	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$1,158.51	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$3,665,499.29 GRAND TOTAL FOR WEEK

**CITY OF OLYMPIA  
PAYROLL CERTIFICATION**

The Administrative Services Director of the City of Olympia, Washington, hereby certifies that the payroll gross earnings, benefits, and LEOFF I post-retirement insurance benefits for the pay cycle ending **7/31/2016** have been examined and are approved as recommended for payment.

Employees Net Pay:	<u>\$ 1,349,021.66</u>
Fire Pension Net Pay:	<u>\$ 27,157.83</u>
Employer Share of Benefits:	<u>\$ 687,938.31</u>
Employer Share of LEOFF I Police Post-Retirement Benefits:	<u>\$ 23,416.34</u>
Employer Share of LEOFF I Fire Post-Retirement Benefits:	<u>\$ 22,971.64</u>
<b>TOTAL</b>	<u><u>\$ 2,110,505.78</u></u>

Payroll Check Numbers	_____	_____	Manual Checks
And	<u>89111</u>	<u>89115</u>	Fire Pension Checks
And	<u>89116</u>	<u>89116</u>	Manual Checks
And	<u>89117</u>	<u>89159</u>	Semi Payroll Checks

and Direct Deposit transmission.

August 5, 2016  
DATE

Jane Kirkemo  
ADMINISTRATIVE SERVICES DIRECTOR



## City Council

### Rejection of All Bids for 2016 Small Diameter & AC and Aging Pipe Replacement

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.C  
**File Number:** 16-0842

---

**Type:** decision   **Version:** 1   **Status:** Passed

---

#### **Title**

Rejection of All Bids for 2016 Small Diameter & AC and Aging Pipe Replacement

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to reject all bids and authorize the Mayor to sign a resolution rejecting all bids.

#### **Report**

##### **Issue:**

Whether to reject all bids and authorize the Mayor to sign a resolution rejecting all bids.

##### **Staff Contact:**

Brett Bures, Project Manager, Public Works Engineering, 360.753.8290

##### **Presenter(s):**

None - Consent Calendar Item.

#### **Background and Analysis:**

The small diameter & asbestos-cement (AC) and aging pipe replacement project is an annual program that replaces water pipes throughout the City. Pipes chosen for replacement are prone to leaks, have frequent repairs, and have caused water outages.

On July 26, 2016, the City received three bids for this project. All bids were at least 18 percent higher than the engineer's estimate. The low bid is \$841,336.26. This is \$130,493.64 higher than the Engineer's estimate. Olympia Municipal Code 3.16.110 states that construction projects over \$300,000 must have an additional 10% funds above the bid in order to proceed. Funding is not available to construct the project at the bid price.

Staff recommends authorizing the Mayor to sign a resolution rejecting all bids. Staff will bid the project early in 2017. The project will include next year's pipe replacement list.

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**Type:** decision **Version:** 1 **Status:** Passed

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**Neighborhood/Community Interests:**

None.

**Options:**

1. Reject all bids and authorize the Mayor to sign a resolution rejecting all bids. Staff will bid the project early in 2017. The project will include next year's pipe replacement list. With the delay in replacing these older pipes there is a risk of leaks and water outages. Annual pipe replacement reduces the risk.

**Financial Impact:**

There are insufficient funds in the Drinking Water Utility for this project. The low bid of \$841,336.26 is \$130,493.64 (over 18 percent) higher than the Engineer's estimate of \$710,842.62.

**Attachments:**

Proposed Resolution

Summary of Bids



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, REJECTING ALL BIDS FOR THE 2016 SMALL DIAMETER & AC AND AGING PIPE REPLACEMENT PROJECT**

**WHEREAS**, The engineer's estimate to complete the 2016 Small Diameter & AC and Aging Pipe Replacement project was \$710,842.62 and the lowest bid on the project was \$841,336.26, which is \$130,493.64 above the engineer's estimate; and

**WHEREAS**, Olympia Municipal Code 3.16.110 states that a Public Works contract will be made on projects bid via the formal bidding process (construction in excess of \$300,000) unless funds in the amount of at least 110 percent of the bid are available and, here, that level of funding is not available; and

**WHEREAS**, City staff does not recommend rebidding the project this year because rebidding will require additional time; and

**WHEREAS**, the City is authorized to reject all bids pursuant to RCW 35.23.352 as well as the rights reserved by the City in its advertisement calling for bids; and

**WHEREAS**, City staff requests that Council reject all bids, allowing staff to determine how best to complete the project in 2017;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The lowest bid received for construction of the 2016 Small Diameter & AC and Aging Pipe Replacement project was \$130,493.64 above the engineer's estimate, and funds are not available for such project, therefore, all bids for the project must be rejected pursuant to Olympia Municipal Code 3.16.110, as authorized by law.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of August 2016

\_\_\_\_\_  
MAYOR SELBY

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM

  
CITY ATTORNEY (DCA)

## SUMMARY OF BIDS RECIEVED



**Project Name:** 2016 Small Diameter & AC and Aging Pipe Replacement  
**Project Number:** 1606P  
**Federal Project Number:** NA  
**Bid Opening Date:** 7/26/16

<b>ENGINEERS ESTIMATE</b>	<b>CITY OF OLYMPIA</b>	<b>\$ 710,842.62</b>
Bid #1 <i>REJECTED</i>	NOVA Contracting Inc.	\$ 841,336.26
Bid #2 <i>REJECTED</i>	Sterling Breen Crushing Inc.	\$ 874,019.23
Bid #3 <i>REJECTED</i>	Rognlin's Inc.	\$ 922,466.24



## City Council

# Approval of Bid Award for Port Storm Diversion Project

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.D  
**File Number:** 16-0886

---

**Type:** decision **Version:** 1 **Status:** Passed

---

### Title

Approval of Bid Award for Port Storm Diversion Project

### Recommended Action

#### Committee Recommendation:

Not referred to a committee.

#### City Manager Recommendation:

Move to award the construction contract to Titan Earthwork, LLC, in the amount of \$843,128.65 and authorize the City Manager to execute the contract.

### Report

#### Issue:

Whether to approve staff's recommendation to award the construction contract for the Port Storm Diversion project to Titan Earthwork, LLC.

#### Staff Contact:

Brett Bures, Project Manager, Public Works Engineering, 360.753.8290

#### Presenter(s):

None - Consent Calendar Item

### Background and Analysis:

Currently, stormwater from City streets flows into the Port of Olympia (Port) stormwater system. The City and the Port have agreed to separate the storm pipe system. This project will re-route the City stormwater into an existing discharge point that is within the City's system. The City of Olympia and the Port of Olympia have already entered into an interlocal agreement defining the project and the financial relationship.

The project will install about 500 feet of new stormwater pipe. On Washington Street, between B Avenue and Market Street, the contractor will use an open trench construction method. On Corky Avenue, from the roundabout at the Farmers Market to an existing outfall at Fiddlehead Marina, the contractor will use an auger boring drilling method. Auger boring uses a drill to install pipe underneath the roadway.

Construction will begin in September and end by December.

**Neighborhood/Community Interests (if known):**

- The construction area is located by the Farmers Market. Access to businesses will be available via alternate routes.
- Washington Street, Corky Avenue, and B Avenue will remain open to local traffic only. At least one lane will remain open at all times.
- Traffic control will be provided to direct vehicles, bicyclists, and pedestrians during construction.
- City staff will inform citizens and business owners of the construction project and impacts to traffic or services. Tools to convey this information consist of; post cards, newsletters, Twitter and the Construction News webpage.

**Options:**

1. Award the construction contract to Titan Earthwork, LLC, in the amount of \$843,128.65, and authorize the City Manager to execute the contract.
  - Project proceeds as planned.
  - City of Olympia and the Port of Olympia fulfil the agreement to construct the project this year.
2. Reject all bids and request staff to rebid the project.
  - Delaying the project may result in higher bids and will require additional staff time.
  - Delaying the project will prolong the project until 2017.

**Financial Impact:**

This project is identified in the Capital Facilities Plan. Funding for the project is shared between the City of Olympia and the Port of Olympia.

The low bid of \$843,128.65 is approximately 8% above the Engineer's estimate. There are sufficient funds in the budget to complete this project.

Overall project costs:

Total Low Bid:	\$ 843,128.65
Contingency to Award (10%):	\$ 84,313.00
Engineering: Design, Inspection, Consultants	\$ 376,000.00
Total Estimated Project Cost:	\$ 1,303,441.65
Available Project Funding:	\$ 1,320,000.00

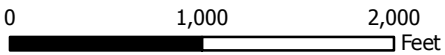
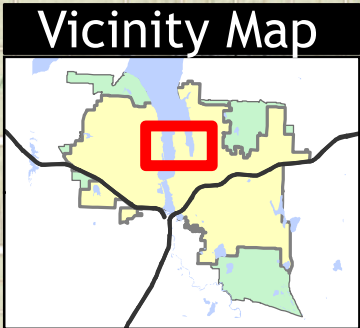
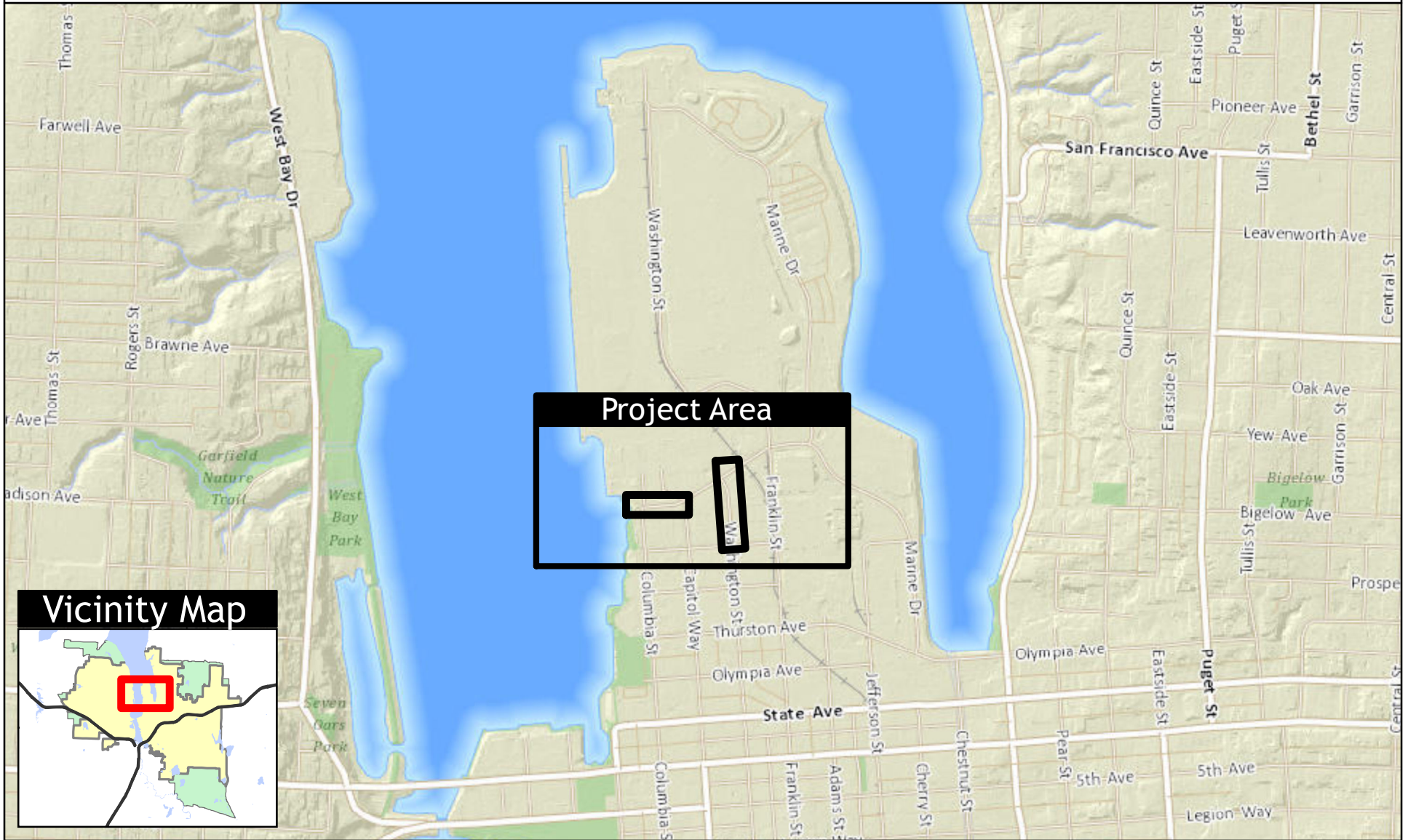
**Attachments:**

- Vicinity Map
- Summary of Bids



# PORT STORM DIVERSION

Project #16510



1 inch = 1,000 feet

Map printed 7/11/2016

For more information, please contact:

Brett Bures, Project Manager

Email [bbures@ci.olympia.wa.us](mailto:bbures@ci.olympia.wa.us)

(360) 753-8290

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.



## SUMMARY OF BIDS RECEIVED



**Project Name:** Port Storm Diversion  
**Project Number:** 16510  
**Federal Project Number:** NA  
**Bid Opening Date:** 8/10/16

<b>ENGINEERS ESTIMATE</b>	<b>CITY OF OLYMPIA</b>	<b>\$ 780,558.41</b>
Bid #1	TITAN Earthwork LLC	\$ 843,128.65
Bid #2	Rognlin's Inc	\$ 881,280.00
Bid #3	Quigg Bros., Inc.	\$ 976,556.16
Bid #4	Prospect Construction, Inc.	\$ 1,025,659.78
Bid #5	James W. Fowler Co.	\$ 1,056,403.39



## City Council

### Approval of an Option to Purchase Real Estate Owned by Jill Floberg

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.E  
**File Number:** 16-0917

---

**Type:** decision   **Version:** 1   **Status:** Passed

---

**Title**

Approval of an Option to Purchase Real Estate Owned by Jill Floberg

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve the Option to Purchase Real Estate from Jill Floberg consisting of 1.61 acres

**Issue:**

Whether to approve an Option to Purchase Real Estate to secure an opportunity for the City to purchase the Jill Floberg property for a future park site.

**Staff Contact:**

Paul Simmons, Parks, Arts and Recreation Director, 360.753.8462

Mark Barber, City Attorney, 360.753.8223

**Presenter(s):**

None - Consent Calendar Item.

**Background and Analysis:**

Jill Floberg owns a 1.61-acre parcel located on west side of West Bay Dr. between the east terminus of Farwell Ave and West Bay Dr.; Assessor's Parcel No. 09510032000 (see attachment titled Property Location Map).

The City desires to purchase this parcel to expand its inventory of passive open space and wildlife habitat to protect the existing heron rookery. In addition to habitat preservation, acquisition of this parcel would provide good opportunities for people to experience nature in their neighborhood and important trail connections from the neighborhood down to West Bay Drive and West Bay Park.

Staff has concluded negotiations with the Seller, and has prepared the Option to Purchase Real Estate agreement that is attached to the Staff Report. A summary of the Option's terms are below:



**Option Terms:**

The total acquisition price is \$210,000. A payment of \$15,750 or 7.5% is needed to secure the Option. If the Option is exercised, the balance of the acquisition price will need to be paid in full prior to December 31, 2017.

**Neighborhood/Community Interests (if known):**

In 2015, a series of 8 neighborhood meetings with a total of 160 participants were conducted to provide input for the 2016 Parks, Arts and Recreation Plan. The most dominant themes of these meetings were:

- Acquire land in general while it is available; and
- Buy open space/natural areas - provide nearby access to nature

The 2015 Random Sample Survey of 759 respondents, conducted for the upcoming 2016 Parks, Arts and Recreation Plan, indicated that “trails” and “natural open space” were the highest priority for new projects.

In late 2015, Olympia Coalition for Ecosystems Preservation (OlyEcosystems) purchased a 4.5 acre site located near the intersection of Rogers St. NW and Dickinson Ave. NW. This site is of particular value as wildlife habitat because it is some of the last breeding and nesting habitat for the Pacific great blue heron (*Ardea herodias fannini*) found within Olympia city limits. OlyEcosystems has since partnered with the City to identify other priority parcels for conservation in this area. One of those is the Floberg Parcel.

In 2016, the City contracted with Forterra to produce a West Bay Conservation Strategy which identified concepts for the development of a green belt and passive recreation corridor in West Olympia. The strategy identifies the West Bay Woods as a unique conservation opportunity within an urban area. The streams and springs that flow into Budd Inlet from West Bay Woods are protected by the forest.

**Options:**

1. Authorize the City Manager to sign the Option to Purchase Real Estate agreement for the Floberg property.
2. Do not authorize the Option agreement.
3. Direct staff to seek other options to satisfy the City’s need for open space acreage.

**Financial Impact:**

Staff will use Open Space Impact Fees appropriated in the 2016 Capital Facilities Plan for land acquisition purposes. The City is also in the process of applying for a Recreation and Conservation Office (RCO) grant under a Waiver of Retroactivity.

**Attachments:**

Property Location Map  
Option to Purchase Agreement



## OPTION TO PURCHASE REAL ESTATE

This OPTION TO PURCHASE REAL ESTATE (“Option” or “Agreement”) is made by and between Jill A. Floberg, as her separate estate, (“Optionor”), and the CITY OF OLYMPIA, a municipal corporation organized under the laws of the State of Washington (“Optionee”), together known as the Parties (the “Parties”), effective as of the Effective Date (as defined below in Section 3.9.15).

A. Optionor is the owner of certain real property located in the City of Olympia, Thurston County, Washington, legally described on Exhibit A-1 attached hereto (“the Property”).

B. Optionee has determined that Optionor’s Property is suitable property for a public park for recreation and/or open space purposes.

C. The signatories to this Agreement are authorized to execute associated documents, to correct legal descriptions if need be, and to correct scrivener’s errors and other errors or omissions that are otherwise in substantial conformance with this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Optionor and Optionee agree as follows:

**1. Property.** Optionor hereby agrees to and does grant to Optionee an Option to Purchase the fee title rights to certain real property legally described herein on Exhibit A-1, subject to the terms and conditions set forth herein, and Optionee hereby agrees to and does purchase an option from Optionor for purchase of the Property legally described on Exhibit A-1, subject to the terms and conditions set forth herein:

**1.1 Land.** Approximately 1.61 acres, more or less, constituting the entire site commonly known as the Property, which is located adjacent to and south of 1421 West Bay Drive NW in the City of Olympia, Thurston County, Washington, Thurston County Tax Parcel No. 095100320000, as shown in a sketch on Exhibit A-2 attached hereto (the “Land”).

**1.2 Appurtenances.** This Option shall include all rights, privileges and easements appurtenant to the Land owned by Optionor, including without limitation any and all easements, rights-of-way and other appurtenances used in connection with the beneficial use and enjoyment of the Land (all of which are collectively referred to as the “Appurtenances”);

The Land and Appurtenances described in **Section 1** above are herein collectively referred to as the “Property.”

**2. Option Terms.** The terms of the Option shall be as follows:

**2.1 Term of Option.** The term of this Option shall be for a period expiring on December 31, 2017.

**2.2 Purchase Price for the Property.** If Optionee exercises its Option, the purchase price for the Property (the "Purchase Price") shall be **Two-Hundred Ten Thousand Dollars and No Cents (\$210,000.00)**.

**2.3 Payment for Option and Application to Purchase Price.** Optionee shall pay to Optionor **Fifteen Thousand Seven-Hundred and Fifty Dollars and No Cents (\$15,750.00)** for the Option period ending on December 31, 2017. The Option payment made hereunder shall be non-refundable, except as expressly provided herein or in the event of a default by Optionor hereunder.

Should Optionee exercise its Option to Purchase the Property, the full amount of the Option payment paid to Optionor shall be applied to and deducted from the Purchase Price for the Property.

**2.4 Option to Purchase shall be a Covenant.** The Option granted by Optionor to Optionee shall be a covenant running with the Land and shall be binding on all present and future owners and occupiers of the Property, their successors, heirs and assigns. This Option shall be recorded with the Auditor of Thurston County, Washington, on the Option Closing Date (as defined below).

**2.5 Option Closing Date and Deposit of Documents.** Subject to the satisfaction of the contingencies set forth in Sections 2.7 and 2.8 below, the Closing for this Option to Purchase shall be at the offices of the "Escrow Agent" on a mutually acceptable date not later than thirty (30) days after the Effective Date of this Option (the "Option Closing Date"), unless otherwise agreed to by the Parties. The Escrow Agent shall be Stewart Title Company, in its capacity as Escrow Agent, located at 300 Deschutes Way SW, Tumwater, Washington 98501. On the Option Closing Date, Escrow Agent shall record the executed Option to Purchase Real Estate between Optionor and Optionee and the Option amount for the first Option period shall be delivered by Optionee to the Escrow Agent for delivery to Optionor. Optionor and Optionee will use their reasonable best efforts, consistent with and subject to their respective rights and obligations as otherwise set forth in this Option, to cause Closing for the Option to Purchase to occur within thirty (30) days of the Effective Date.

**2.6 Exercise of Option to Purchase.** The Optionee may exercise this Option to Purchase by timely giving written notice to Optionor or her successors, heirs or assigns, as provided in Section 3.8 below of Optionee's decision to purchase the Property upon the terms set forth herein. If Optionee fails to timely exercise the Option to Purchase, this Agreement shall terminate and no longer be effective.

**2.7 Title and Survey Matters for Option.** Optionee has ordered a preliminary commitment for an ALTA owner's standard coverage title insurance policy issued by or through Stewart Title Company ("Title Company"), describing the Property, showing all matters pertaining to the Property and Optionor as vested fee owner in the Property. Nothing

herein shall be construed as imposing any cost obligation upon the Optionor. In the event that the initial title binder contains unacceptable title exceptions to Optionee, then Optionee shall notify Optionor within fifteen (15) days after the Effective Date. Optionor shall notify Optionee thereafter within ten (10) days if Optionor agrees, in her sole discretion, to remove or otherwise cure such objectionable matters (failure to timely respond shall be deemed an election not to remove or cure). If Optionor elects to remove or cure any matters, Optionor shall not be obligated to remove or cure unless and until Optionee exercises the Option to Purchase under Section 2.6. If Optionor elects or is deemed to have elected not to remove or cure any matter objected to, then this Option shall terminate and neither Optionor nor Optionee shall thereafter have any further liability or obligation under this Option and Optionee shall receive a full and complete refund of its Option payment. All title matters referenced in the initial preliminary commitment and not objected to by Optionee within fifteen (15) days after the Effective Date shall be deemed "Pre-Approved Title Matters." Optionor agrees that she shall not, except as permitted herein, further encumber title to the Property at any time during the period of the Option in any manner that would materially and adversely affect title to the Property (as determined by Optionee in its reasonable discretion), otherwise Optionee may terminate this Agreement and shall receive a full and complete refund of its Option payment.

**2.8. Initial Inspection; Environmental Reports.** Optionor shall provide Optionee any environmental reports that Optionor has related to any hazardous materials or chemicals regulated by the Model Toxics Control Act concerning the Property, including phase I and 2 environmental assessments, until the Sale Closing Date. Optionee shall be entitled to perform any of its own tests or other studies concerning all aspects of the Property, including without limitation the environmental condition of the Property, within the period after the Effective Date and prior to the Option Closing Date in Section 2.5, and shall have the right and permission for its employees, representatives, consultants and agents to enter upon the Property or any part thereof at all reasonable times for the purpose, at Optionee's cost and expense, of making all tests and/or studies of the Property that Optionee may wish to undertake, including, without limitation, soils tests, toxic and hazardous waste studies, and surveys, provided, however, that Optionee shall schedule all access to the Property in advance with Optionor and shall be required to obtain Optionor's written consent prior to conducting any invasive testing, which consent shall not be unreasonably withheld. Optionee shall further indemnify and hold harmless Optionor from and against any mechanic's or other liens or claims, causes of action, costs, expenses, or liabilities that may be filed or asserted against the Property or Optionor arising out of or relating to any actions taken by Optionee or its employees, agents, consultants or representatives in connection with the Property. Optionee, to the extent necessary, shall reasonably restore the Property at Optionee's sole cost and expense to its conditions immediately prior to any access or testing by Optionee or its employees, agents, consultants and representatives. If Optionee performs a phase I environmental assessment on the Property as a part of its initial inspection and such phase I recommends or otherwise indicates that a phase II environmental assessment or other supplemental environmental testing should be conducted, the Parties agree that the Option Closing Date shall be extended to the date that is seven (7) business days after Optionee receives the results back on its phase II or supplemental testing in order to provide adequate time for issuance of reports or laboratory analysis of testing results obtained by Optionee or its employees, representatives, consultants and agents. The environmental and all other studies and assessments of the Property shall be subject to Optionee's satisfaction in all

aspects of the Property for Optionee's intended use, and in Optionee's sole discretion. If Optionee is not satisfied with its environmental and other studies and assessments of the Property prior to the Option Closing Date, then Optionee may terminate this Agreement in its sole discretion and neither Optionee nor Optionor shall have any further liability or obligation under this Option and Optionee shall receive a full and complete refund of its Option payment.

**2.9. Physical Condition to Remain Substantially the Same.** The physical condition of the Property, including forest cover, shall remain substantially the same as it is at the time of Optionee's signature to this Agreement. If at any time during the Option period, the Land is cleared, logged, mined, or the forest cover is otherwise materially disturbed, Optionee is entitled to the return of its Option payment made under Section 2.3.

**2.10 Additional Terms.** The additional terms in Sections 3.8 and 3.9, and all subsections respectively thereunder, shall also apply to this Option to Purchase.

**3. After Exercise of Option to Purchase.** If Optionee timely exercises the Option to Purchase, the Parties shall enter into a "Purchase and Sale Agreement" for such Property, based upon the following terms and conditions, within thirty (30) days after Optionee's exercise of its Option to Purchase the Property. The Parties agree that such Purchase and Sale Agreement shall be entered into solely for the purpose of memorializing the following terms and conditions and shall not contain any new or modified terms or conditions that are contrary to those set forth below, unless agreed upon by the Parties in their sole and absolute discretion. The Parties acknowledge and agree that all material terms and conditions of a purchase and sale agreement for the Property are set forth below.

**3.1 Payment of Purchase Price upon Exercise of Option to Purchase.** On the "Sale Closing Date" (defined below), Optionee as "Buyer" (or the "City of Olympia" or the "City") shall deposit with Escrow Agent the amount of the Purchase Price set forth in Section 2.2 above, less any amounts to be credited against the Purchase Price pursuant to the Option to Purchase as provided in Section 2.3 above. The Purchase Price shall be paid to Optionor as "Seller" at the time of the Sale Closing Date by wire transfer, or by certified, cashier's, treasurer's or bank check(s) based on Seller's instruction to the Escrow Agent. Within three (3) business days following the execution and delivery of the Purchase and Sale Agreement, Buyer and Seller shall open escrow with Escrow Agent, by depositing with Escrow Agent a copy of the Purchase and Sale Agreement and Buyer's notice exercising the Option to Purchase.

**3.2. Closing Date for Purchase and Sale Agreement.** The Closing shall be held at the offices of the Escrow Agent on a date that is mutually acceptable to the Parties not later than thirty (30) days after the exercise of the Option to Purchase and complete execution of the Purchase and Sale Agreement (the "Sale Closing Date"), unless otherwise agreed by the Parties. Closing shall occur when the Deed (as hereinafter defined) to Buyer is recorded and the Purchase Price is delivered to the Escrow Agent for delivery to Seller. Seller and Buyer will use their reasonable best efforts, consistent with and subject to their respective rights and obligations as otherwise set forth in this Purchase and Sale Agreement, to cause the Sale Closing to occur on or not later than the Sale Closing Date, which shall be not later than thirty (30) days after the

Option to Purchase has been exercised and complete execution of the Purchase and Sale Agreement by the Parties.

### **3.3. Title and Survey Matters.**

**3.3.1 Title Binder.** Promptly after exercising the Option to Purchase, Buyer shall order an updated preliminary commitment for an ALTA owner's standard coverage title insurance policy issued by Title Company describing the Property, showing all matters pertaining to the Property and listing Buyer as the prospective named insured, in a form acceptable to Buyer, updating the initial preliminary commitment to the exercise date of the Option to Purchase and Purchase and Sale Agreement. Such updated preliminary commitment, supplemental reports and true, correct and legible copies of all documents referred to in such preliminary commitment and supplemental reports as conditions or exceptions to title to the Property are collectively referred to herein as the "Title Binder." Nothing herein shall be construed as imposing any cost obligation upon Seller.

**3.3.2 Title Review.** Within seven (7) business days of Buyer's receipt of the updated commitment ("Title Review Period"), Buyer shall review the Title Binder, and, shall notify Seller what new exceptions to title since the initial commitment, if any, are unacceptable. Any new exceptions that are not disapproved by Buyer in writing during the Title Review Period and all Pre-Approved Title Matters shall constitute "Permitted Exceptions." Seller shall remove any or all exceptions that are not Permitted Exceptions prior to the Sale Closing Date or shall notify Buyer that it will not remove such exceptions; if Seller shall fail to remove any such exceptions objected to by Buyer from title prior to the Sale Closing Date, and Buyer states in writing that it is unwilling to take title subject thereto, then the Purchase and Sale Agreement shall terminate and neither Seller nor Buyer shall thereafter have any further liability or obligation under the Purchase and Sale Agreement and Buyer shall be entitled to return of its Option Payment(s) under this Option Agreement. However, if Seller causes any new exception to title on the Property after the Option Closing Date (other than Pre-Approved Title Matters) that materially and adversely affects title to the Property (as reasonably determined by Buyer), then Buyer may terminate the Purchase and Sale Agreement and, in such event, Buyer is entitled to receive full and complete return of the Option payment paid to Seller. Seller shall not be required to incur any expense in order to render her title marketable or remove any matter disapproved by Buyer; provided that, Seller shall not refuse to remove any disapproved item that involves only payment of a monetary obligation secured by a lien or other encumbrance on the Property.

**3.3.3 Title Policy.** At Sale Closing, Seller and Buyer shall cause Title Company to issue an Owner's standard coverage title insurance policy (ALTA 2006 Owners Policy) ("Title Policy") to Buyer, at Seller's cost. The Title Policy shall (a) be issued in the amount of the total Purchase Price and (b) insure fee simple, indefeasible title to the Property in Buyer, subject only to the Permitted Exceptions and the standard printed exceptions. The Title Policy may contain endorsements as Buyer may require; provided that Buyer shall be solely responsible for all additional costs and requirements to obtain such endorsements.

### **3.4. Conditions to Buyer's Obligations.**

**3.4.1 Continued Inspection of the Property.** For the sole purpose of confirming that no aspect of the Property has materially and adversely changed from the date of Buyer's initial inspection and assessment of the Property under Section 2.8 above, Buyer and its employees, representatives, consultants and agents shall have the right and permission from the Option Closing Date through the Sale Closing Date (or earlier termination of the Option or Purchase and Sale Agreement) to enter upon the Property or any part thereof at all reasonable times and from time to time for the purpose, at Buyer's cost and expense, of making all tests and/or studies of the Property that Buyer may wish to undertake, including, without limitation, soils tests, toxic and hazardous waste studies, surveys, structural studies and review of zoning, fire, safety and other compliance matters; provided, however, that Buyer shall schedule all access to the Property in advance with Seller and shall be required to obtain Seller's written consent prior to conducting any invasive testing. Buyer shall further indemnify and hold harmless Seller from and against any mechanic's or other liens or claims, causes of action, costs, expenses, or liabilities that may be filed or asserted against the Property or Seller arising out of or relating to any actions taken by Buyer or its employees, agents, consultants or representatives in connection with the Property. To the extent necessary, Buyer shall reasonably restore the Property at its sole cost and expense to its condition immediately prior to any access or testing by Buyer or its employees, agents, consultants and representatives. Buyer's exercise of its Option to Purchase and any subsequent purchase of the Property shall be subject to its satisfaction that no aspect of the Property has materially and adversely changed for Buyer's intended use from the date of Buyer's initial inspection and assessment of the Property under Section 2.8 above, in Buyer's reasonable discretion. Buyer shall be required to satisfy itself of this condition prior to exercising the Option to Purchase under Section 2.6. Upon exercising the Option to Purchase, Buyer shall be deemed to have accepted the condition and all aspects of the Property. Buyer acknowledges that the sale of the Property shall be strictly on an "As-Is" basis, with all faults and defects, whether known or unknown, and Buyer agrees that, as of the Sale Closing Date, Buyer shall be deemed to have waived and released Seller from any and all claims, suits, demands, liabilities, damages and other obligations arising in connection with or related to the Property, other than those arising as a result of any intentional wrongful act of Seller. Notwithstanding the foregoing, in the event of a material and adverse change occurring upon or relating to the condition of the Property after exercising the Option to Purchase and before the Sale Closing, then Buyer may terminate the Option to Purchase and Purchase and Sale Agreement and Buyer shall be entitled to a full and complete refund of its Option payment(s).

Buyer hereby waives the right to any Seller's disclosure statement which would otherwise be required under RCW Chapter 64.06. Further, in the event a Seller's disclosure statement or any portion thereof is required under RCW Chapter 64.06, pursuant to RCW 64.06.040(3), Buyer hereby waives any right of rescission of the Purchase and Sale Agreement that Buyer might otherwise have under RCW Chapter 64.06.

**3.4.2 Additional Closing Conditions.** Buyer's obligation to purchase the Property shall also be subject to the following conditions that must be satisfied as of Closing:

(i) All representations and warranties of Seller contained in the Purchase and Sale Agreement shall be true, accurate and complete at the time of the Sale Closing as if made again at such time;

(ii) Seller shall have performed all obligations to be performed by her hereunder on or before the Sale Closing (or, if earlier, on or before the date set forth in the Purchase and Sale Agreement for such performance);

(iii) At Sale Closing, title to the Property shall be in the condition required by **Section 3.3** herein and in the Purchase and Sale Agreement and Escrow Agent shall deliver the Title Policy to Buyer; and

(iv) At Closing, the physical condition and forest cover of the Property shall be substantially the same as on the date the Option is signed by Optionee, ordinary wear and tear excepted.

(v) The Purchase and Sale Agreement must be approved by the City of Olympia's City Council.

If the conditions set forth in this **Section 3.4** are not satisfied as of Sale Closing and Buyer does not waive the same, Buyer or Seller may terminate the Purchase and Sale Agreement, and thereafter neither Buyer nor Seller shall have any further liability one to the other under the Purchase and Sale Agreement, and Buyer shall be entitled to receive return of the Option payment paid to Seller.

**3.5 Seller's Representations.** Seller, Jill A. Floberg, as her separate estate, is authorized to enter into this Purchase and Sale Agreement. Seller has all necessary power and authority to enter into the Purchase and Sale Agreement for the Property. The Purchase and Sale Agreement shall constitute the legal, valid, binding and enforceable obligation of Seller and Buyer.

**3.6 Seller's Provision of Further Information.** From the Option Closing Date to the Sale Closing Date, Seller will notify Buyer of each event of which Seller becomes aware materially affecting the Property or any part thereof immediately upon learning of the occurrence of such event.

**3.7 Closing in the Purchase and Sale Agreement.**

**3.7.1 Time and Place.** Provided that all the contingencies set forth in the Purchase and Sale Agreement have been previously fulfilled, the Sale Closing shall take place at the place and time determined as set forth in **Section 3.2** above.

**3.7.2 Documents to be Delivered by Seller.** For and in consideration of, and as a condition precedent to, the payment to Seller of any of the Purchase Price, Seller

shall obtain and deliver to Buyer at Closing the following documents (all of which shall be duly executed and acknowledged where required):

(i) **Deed.** A statutory warranty deed (“Deed”), conveying to Buyer title to the Property, free and clear of all liens, encumbrances, conditions, easements, assignments, and restrictions, except for the Permitted Exceptions, in the form attached hereto as **Exhibit B**.

(ii) **Title Documents.** Such other documents, including, without limitation, certificates of good standing as shall be reasonably required by the Title Company (at no cost or additional liability to Seller) as a condition to its insuring Buyer’s fee simple title to the Property free of any exceptions, other than the Permitted Exceptions, and any other documents reasonably requested by Title Company to close the sale.

(iii) **Authority.** Such evidence as the Title Company shall require as to authority of Seller to convey the Property to Buyer.

**3.7.3 Delivery by Buyer.** Buyer shall deliver the Purchase Price to Seller at Sale Closing and any other documents reasonably requested by Title Company to close the sale.

**3.7.4 Payment of Costs.** Notwithstanding the foregoing, Seller and Buyer shall pay their own respective costs incurred with respect to the consummation of the purchase and sale of the Property including, without limitation, attorneys’ fees. Notwithstanding the foregoing, Seller shall pay the premium for the Owner’s Title Policy to be issued by Title Company to Buyer, the fee to record the Deed, one-half of the escrow fees and any excise tax due upon the sale of the Property to Buyer.

**3.7.5 Property Taxes.** In the event Seller has prepaid any taxes on the Property as of the date of Sale Closing, Seller shall be entitled to a pro rata refund on the amount paid pursuant to RCW 84.60.050.

**3.7.6 Monetary Liens.** Seller shall pay or cause to be satisfied at or prior to Sale Closing all recorded monetary liens on or with respect to all or any portion of the Property, including, but not limited to, mortgages, deeds of trust, security agreements, assignments of leases, rents and/or easements, judgment liens, tax liens (other than those for taxes not yet due and payable) and financing statements.

**3.7.7 Possession.** Possession and use of the Property shall be delivered to Buyer at Sale Closing.

**3.8 Notices.** Unless applicable law requires a different method of giving notice, any and all notices, demands or other communications required or desired to be given hereunder by any Party (collectively, “Notices”) shall be in writing and shall be validly given or made to another Party if delivered either personally or by Federal Express (FedEx) or other overnight delivery service of recognized standing, or if deposited in the United States mail,



certified, registered, or express mail with postage prepaid. If such Notice is personally delivered, it shall be conclusively deemed given at the time of such delivery. If such Notice is delivered by Federal Express or other overnight delivery service of recognized standing, it shall be deemed given twenty-four (24) hours after the deposit thereof with such delivery service. If such Notice is mailed as provided herein, such shall be deemed given forty-eight (48) hours after the deposit thereof in the United States mail. Each such Notice shall be deemed given only if properly addressed to the Party to whom such notice is to be given as follows:

To Seller:                      Name: Jill A. Floberg  
   Address: P.O. Box 7683  
   City, State, Zip: Olympia, WA 98507-7683  
   E-mail: [ja.floberg@gmail.com](mailto:ja.floberg@gmail.com)  
   Phone: 360-791-0619

To Buyer:                        Attn: Mark Barber, City Attorney  
   City of Olympia  
   601 4<sup>th</sup> Avenue E  
   P.O. Box 1967  
   Olympia, WA 98507-1967  
   E-mail: [mbarber@ci.olympia.wa.us](mailto:mbarber@ci.olympia.wa.us)  
   Phone: 360-753-8338; Fax 360-570-3791

Any Party hereto may change its address for the purpose of receiving notices as herein provided by a written notice given in the manner aforesaid to the other Parties hereto.

### **3.9 Miscellaneous.**

**3.9.1 Applicable Law and Venue.** The Option to Purchase and Real Estate Purchase and Sale Agreement shall in all respects, be governed by the laws of the State of Washington. Venue for any lawsuits concerning this Agreement shall be in Thurston County Superior Court.

**3.9.2 Further Assurances.** Each of the Parties shall execute and deliver any and all additional papers, documents and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations under the Option to Purchase and Purchase and Sale Agreement, to carry out the intent of the Parties hereto.

**3.9.3 Modification or Amendment, Waivers.** No amendment, change or modification of the Option to Purchase or Purchase and Sale Agreement shall be valid, unless in writing and signed by all of the Parties hereto.

**3.9.4 Successors and Assigns.** All of the terms and provisions contained in the Purchase and Sale Agreement shall inure to the benefit of and shall be binding

upon the Parties hereto and their respective heirs, legal representatives, successors and permitted assigns. Optionee/Buyer shall not be permitted to assign the Option to Purchase or the Purchase and Sale Agreement, or any part thereof, to any other party or person without the express written consent of Optionor/Seller, which consent shall not be unreasonably withheld.

**3.9.5 Entire Agreement.** The Option to Purchase and Purchase and Sale Agreement shall constitute the entire understanding and agreement of the Parties with respect to their subject matters and any and all prior agreements, understandings or representations with respect to such subject matters are hereby canceled in their entirety and are of no further force or effect. The Parties do not intend to confer any benefit under the Option to Purchase and Purchase and Sale Agreement to any person, firm or corporation other than the Parties.

**3.9.6 Attorneys' Fees.** Should any Party bring suit to enforce the Option to Purchase or Purchase and Sale Agreement, the prevailing Party in such lawsuit shall be entitled to an award of its reasonable attorneys' fees and costs incurred in connection with such lawsuit.

**3.9.7 Construction.** Captions are solely for the convenience of the Parties and are not a part of the Option to Purchase or Purchase and Sale Agreement. The Option to Purchase and Purchase and Sale Agreement shall not be construed as if it had been prepared by one of the Parties, but rather as if all Parties had prepared it. If the date on which Buyer or Seller are required to take any action under the terms of the Option to Purchase or Purchase and Sale Agreement, and it is not a business day, the action shall be taken on the next succeeding business day.

**3.9.8 Partial Invalidity.** If any term or provision of the Option to Purchase or Purchase and Sale Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of the Option to Purchase or the Purchase and Sale Agreement shall not be affected thereby; and each such term and provision of the Option to Purchase or Purchase and Sale Agreement shall be valid and be enforced to the fullest extent permitted by law.

**3.9.9 Survival.** The covenants, agreements, representations and warranties made in the Option to Purchase or Purchase and Sale Agreement shall survive the Option or Sale Closing Dates unimpaired and shall not merge into the Deed and the recordation thereof.

**3.9.10 Finders' or Brokers' Fees.** Seller and Buyer each hereby represent and warrant to the other that no broker, agent or finders' fees or commissions, or other similar fees, are due or arising in connection with any of the transactions contemplated by the Option to Purchase or Purchase and Sale Agreement. Optionor/Seller and Optionee/Buyer each hereby agree to indemnify, defend and hold the other harmless from and against any loss, liability, damage, cost, damage, claim or expense, including interest, penalties and reasonable attorneys' fees, that a Party shall incur or suffer because of any claim by a broker, agent, or finder claiming by, through, or under such indemnifying party, whether or not such claim is

meritorious, for any compensation with respect to the entering into of the Option to Purchase or Purchase and Sale Agreement, the sale and purchase of the Property, or the consummation of the transactions contemplated herein.

**3.9.11 Time.** Time is of the essence of every provision of the Option to Purchase and Purchase and Sale Agreement.

**3.9.12 Force Majeure.** Performance by Seller or Buyer of their obligations under the Option to Purchase or Purchase and Sale Agreement shall be extended by the period of delay caused by force majeure. Force majeure is war, natural catastrophe, strikes, walkouts or other labor industrial disturbance, order of any government, court or regulatory body having jurisdiction, shortages, blockade, embargo, riot, civil disorder, or any similar cause beyond the reasonable control of the party who is obligated to render performance (but excluding financial inability to perform, however caused).

**3.9.13 No Individual Liability.** In no event shall any shareholder, officer, director, member, partner, affiliate, agent or employee of Optionor/Seller be held liable or responsible in any way for the obligations or liabilities of Optionor/Seller under the Option to Purchase or Purchase and Sale Agreement.

**3.9.14 Counterparts.** The Option and Purchase and Sale Agreement may be executed in a number of identical counterparts which, taken together, shall constitute collectively one agreement; but in making proof of the Option to Purchase or Purchase and Sale Agreement, it shall not be necessary to produce or account for more than one such counterpart. Additionally, (i) the signature pages taken from separate individually executed counterparts of the Option or the Purchase and Sale Agreement may be combined to form multiple fully-executed counterparts; and (ii) a facsimile signature or an electronically scanned signature shall be deemed to be an original signature for all purposes. All executed counterparts of the Option to Purchase or Purchase and Sale Agreement shall be deemed to be originals, but all such counterparts, when taken together, shall constitute one and the same agreement either as Option to Purchase or Purchase and Sale Agreement.

**3.9.15 Effective Date.** The term, “**date of this Agreement**”, or “**date hereof**”, or “**Effective Date**”, as used herein, shall mean the later of the following dates: (1) the date of Buyer’s signature; (2) the last date of Seller’s signature; (3) or the date of approval by the City of Olympia’s City Council.

**3.9.16 Release of Option.** If Optionee fails to timely exercise its Option to Purchase or should the Purchase and Sale Agreement terminate for any other reason hereafter, Optionee/Buyer shall promptly execute and deliver to Optionor/Seller a termination and release of the Option to Purchase or Purchase and Sale Agreement in recordable format in order for Optionor/Seller to clear title of the obligations hereunder.

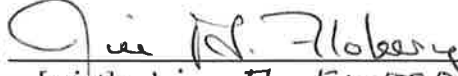
**3.9.18 Default.** If Optionee/Buyer defaults under any material provision of the Option to Purchase or Purchase and Sale Agreement and does not cure such material default after a ten (10) day notice and opportunity to cure is given by Optionor/Seller, Optionor/Seller may terminate the Option or Purchase and Sale Agreement by notice to

Optionee/Buyer and Optionor/Seller shall be entitled to retain the Option payments made hereunder, as their sole and exclusive remedy, except for the provisions set forth in Section 3.9.6 above. If Optionor/Seller defaults under any material provision of the Option or Purchase and Sale Agreement and does not cure such material default after a ten (10) day notice and opportunity to cure is given by Optionee/Buyer, Optionee/Buyer may terminate the Option to Purchase or Purchase and Sale Agreement by notice to Optionor/Seller and Optionee/Buyer shall be entitled to receive a full and complete refund of the Option payment(s) made hereunder, as its sole and exclusive remedy, except for the provisions set forth in Section 3.9.6 above.

[Signatures follow on next page.]

**SELLER:**

**Jill A. Floberg**, as her separate estate

By:   
Name [print]: Jill A. FLOBERG  
Date: 8/10/16

**BUYER:**

**City of Olympia**, a Washington municipal corporation

By \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED AS TO FORM:

  
City Attorney

**EXHIBIT A-1**  
**Property Legal Description**

PARCEL A:

That part of Hurd Donation Claim No. 59, Township 18 North, Range 2 West, W.M., described as follows: Beginning at a point on the South line of said Hurd Claim 37.94 feet West of its intersection with the Westerly line of West Bay Drive; running thence West along said South line 460 feet, more or less, to a point 637.89 feet West of the Southeast corner of said Hurd Claim; thence North 146.19 feet and East 460 feet, more or less, to said Westerly line of West Bay Drive; thence Southeasterly along said Westerly line 120 feet, more or less; thence West 30 feet and South 30 feet to the point of beginning. EXCEPTING THEREFROM strip conveyed to the City of Olympia under File No. 988952.

PARCEL B:

An easement for ingress and egress purposes over that part of Lot 2 of Short Subdivision No. SS-5175 as recorded in Volume 11 of Short Plat at pages 57 through 62, records of Thurston County, Washington described as lying Southerly of Lot 1 of said Short Subdivision and lying Easterly of a line described as follows: Beginning at the Southwest corner of said Lot 1; thence Westerly and Southwesterly along a curve the radius point which bears South 0° 00' 41" West feet distant for an arc distance of 23.56 feet; and thence South 45° 00' 41" West 30.00 feet to the South line of said Lot 2.

Situate in Thurston County, Washington.

**EXHIBIT A-2**  
**Sketch of Land**



This sketch is provided without charge for information. It is not intended to show all matters related to the property including, but not limited to area, dimensions, encroachments or locations or boundaries. It's not a part of, nor does it modify, the commitment or policy to which it is attached. The company assumes NO LIABILITY for any matter related to this sketch. Reference should be made to an accurate survey for further information.

**EXHIBIT B  
STATUTORY WARRANTY DEED**

**Form of Deed**

**AFTER RECORDING MAIL TO:**

Legal Department  
City of Olympia  
601 4<sup>th</sup> Avenue East  
P.O. Box 1967  
Olympia, WA 98507-1967

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**STATUTORY WARRANTY DEED**

The Grantor, **Jill A. Floberg**, as her separate estate, for and in consideration of the sum of TEN and NO/100---(\$10.00) Dollars, and other valuable considerations, in hand paid, hereby conveys and warrants to the **CITY OF OLYMPIA**, a municipal corporation, the following described real estate and all rights thereto, situated in the City of Olympia, County of Thurston, in the State of Washington, including all after acquired title, the real property legally described as follows:

See legal description attached as Exhibit A.

Subject to the matters set forth on Exhibit B attached hereto. [Permitted Exceptions to be attached]

DATED this \_\_\_\_ day of \_\_\_\_\_, 201\_.

By: \_\_\_\_\_  
**Jill A. Floberg**, as her separate estate



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

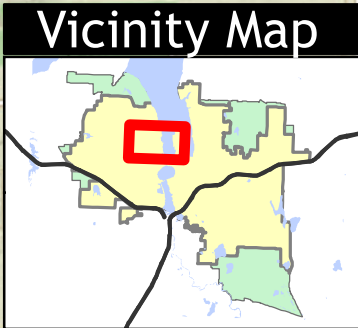
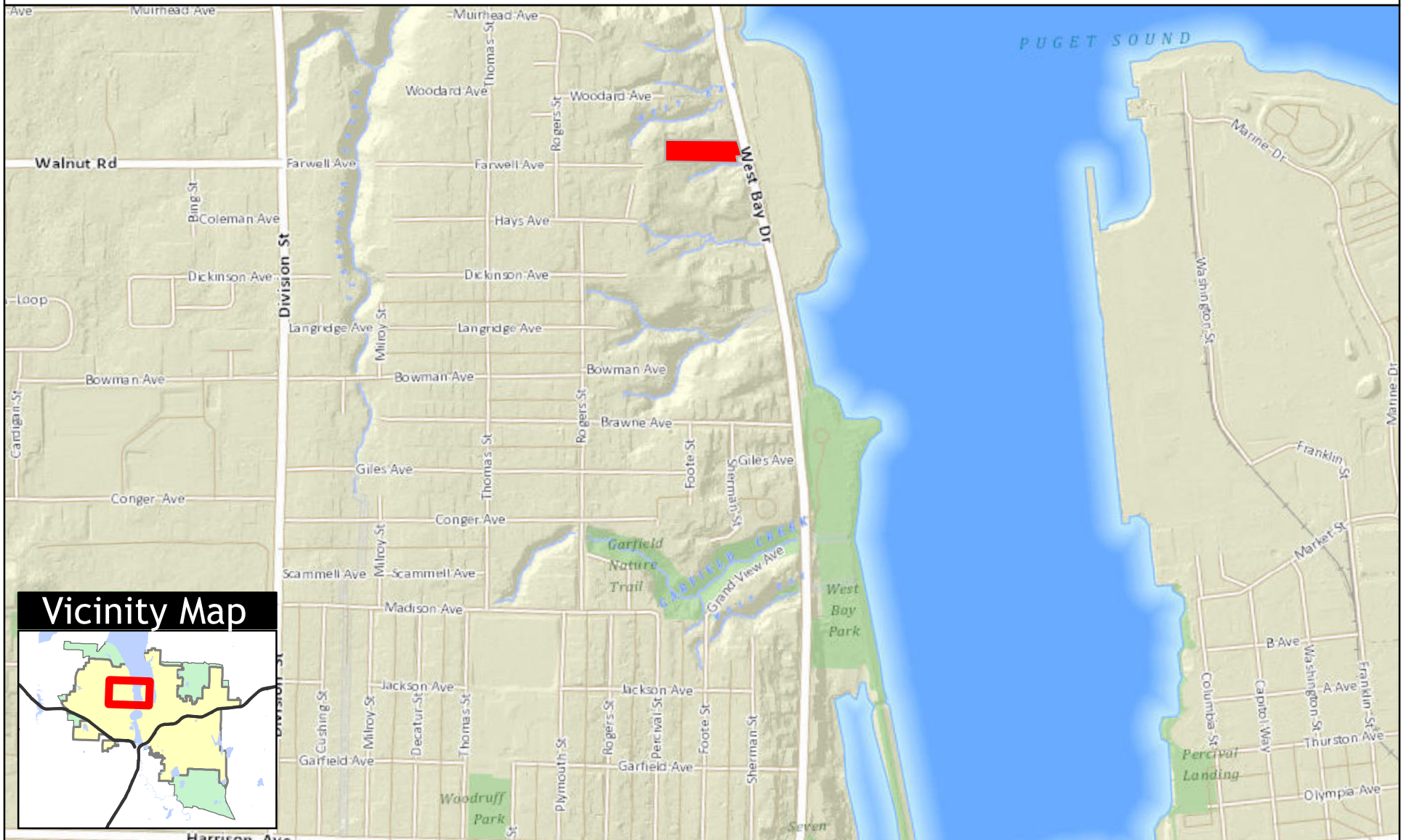
I certify that I know or have satisfactory evidence that **Jill A. Floberg** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_



# Floberg Parcel



0 0.1 0.2 Miles 1 inch = 833 feet

Map printed 8/8/2016  
 For more information, please contact:  
 Olympia Parks, Arts and Recreation  
 olyparks@ci.olympia.wa.us  
 (360) 753.8380

This map is intended for 8.5x11" landscape printing.

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## City Council

### Approval of Purchase of Real Estate Owned by Michael Wirth

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.F  
**File Number:** 16-0918

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**Type:** decision   **Version:** 1   **Status:** Passed

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**Title**

Approval of Purchase of Real Estate Owned by Michael Wirth

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve the Purchase of Real Estate from Michael Wirth consisting of 1.14 acres

**Issue:**

Whether to approve the Purchase of Real Estate from Michael Wirth for a future park site

**Staff Contact:**

Paul Simmons, Parks, Arts and Recreation Director, 360.753.8462

Mark Barber, City Attorney, 360.753.8223

**Presenter(s):**

None - Consent Calendar Item.

**Background and Analysis:**

Michael Wirth owns a 1.14-acre parcel located between Hays Ave. NW and West Bay Dr.; Assessor's Parcel No. 67400000700 (see attachment titled Property Location Map).

The City desires to purchase this parcel to expand its inventory of passive open space and wildlife habitat to protect the existing heron rookery. In addition to habitat preservation, acquisition of this parcel would provide good opportunities for people to experience nature in their neighborhood and important trail connections from the neighborhood down to West Bay Drive and West Bay Park.

Staff has concluded negotiations with the Seller, and has prepared the Purchase Real Estate agreement that is attached to the Staff Report. The purchase price is \$97,955.

**Neighborhood/Community Interests (if known):**

In 2015, a series of 8 neighborhood meetings with a total of 160 participants were conducted to

provide input for the 2016 Parks, Arts and Recreation Plan. The most dominant themes of these meetings were:

- Acquire land in general while it is available; and
- Buy open space/natural areas - provide nearby access to nature

The 2015 Random Sample Survey of 759 respondents, conducted for the upcoming 2016 Parks, Arts and Recreation Plan, indicated that “trails” and “natural open space” were the highest priority for new projects.

In late 2015, Olympia Coalition for Ecosystems Preservation (OlyEcosystems) purchased a 4.5 acre site located near the intersection of Rogers St. NW and Dickinson Ave. NW. This site is of particular value as wildlife habitat because it is some of the last breeding and nesting habitat for the Pacific great blue heron (*Ardea herodias fannini*) found within Olympia city limits. OlyEcosystems has since partnered with the City to identify other priority parcels for conservation in this area. One of those is the Wirth Parcel.

In 2016, the City contracted with Forterra to produce a West Bay Conservation Strategy which identified concepts for the development of a green belt and passive recreation corridor in West Olympia. The strategy identifies the West Bay Woods as a unique conservation opportunity within an urban area. The streams and springs that flow into Budd Inlet from West Bay Woods are protected by the forest.

**Options:**

1. Authorize the City Manager to sign the Purchase Agreement for the Wirth property.
2. Do not authorize the purchase agreement.
3. Direct staff to seek other options to satisfy the City’s need for open space acreage.

**Financial Impact:**

Staff will use Open Space Impact Fees appropriated in the 2016 Capital Facilities Plan for the purpose of land acquisition. The City is also in the process of applying for a Recreation and Conservation Office (RCO) grant under a Waiver of Retroactivity.

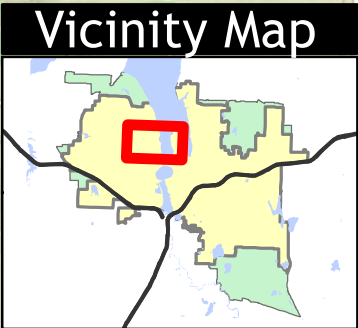
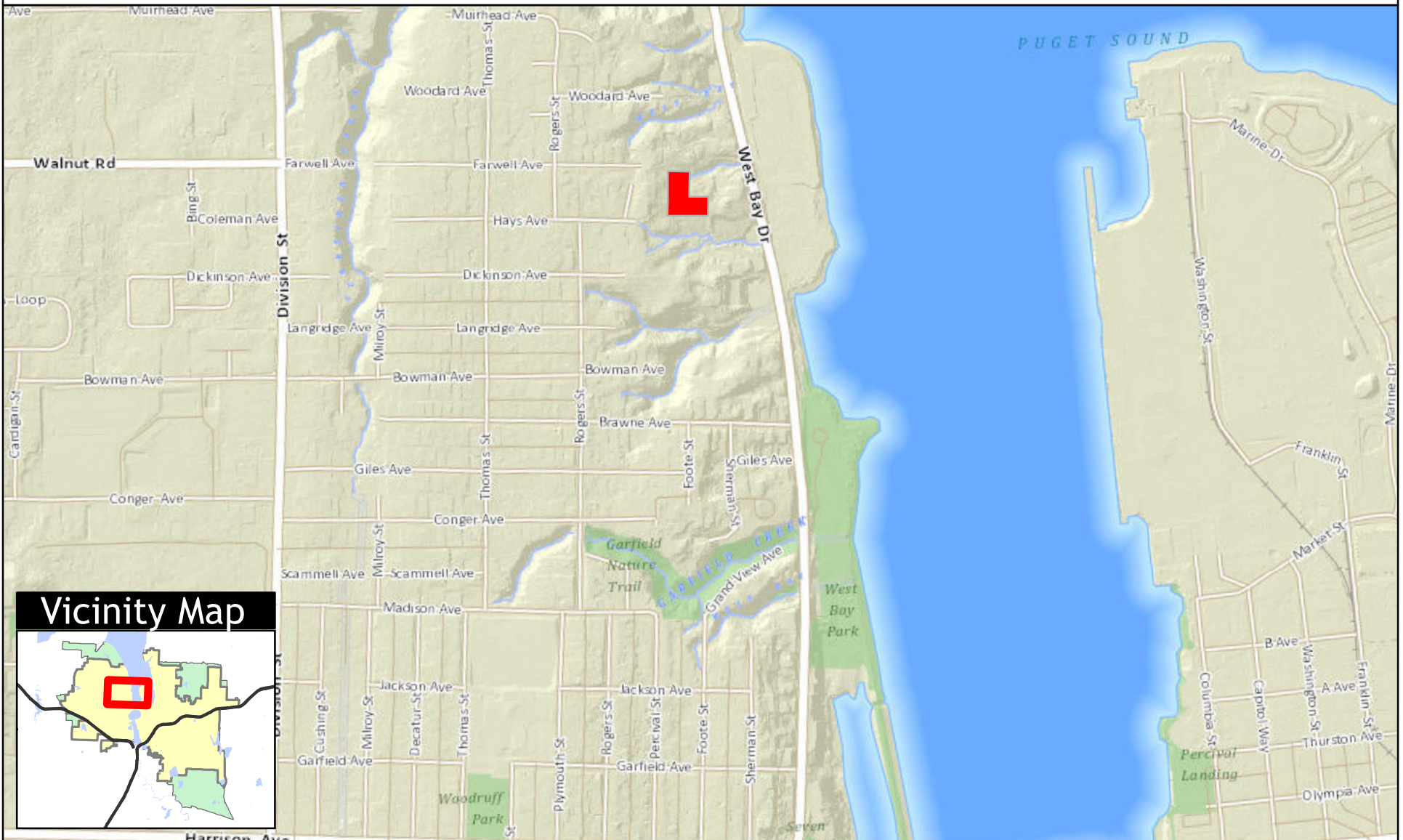
**Attachments:**

Property Location Map  
Purchase Agreement





# Wirth Parcel



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## REAL ESTATE PURCHASE AND SALE AGREEMENT

This REAL ESTATE PURCHASE AND SALE AGREEMENT ("Contract") is made as of July \_\_\_\_\_, 2016, by and between **MICHAEL L. WIRTH**, a married man, as his sole and separate property, **MICHAEL L. WIRTH, as Trustee** of the A. WIRTH FAMILY TRUST, as their interest appears of record, dated September 3, 1992, co-owner of an undivided 3/8 interest in the real property, **CHAD BOWMAN**, as his separate estate, co-owner of an undivided 1/4 interest in the real property, and **ELIZABETH ISELIN**, as her separate estate, co-owner of an undivided 3/8 interest in the real property ("Sellers"), and the **CITY OF OLYMPIA**, a municipal corporation organized under the laws of the State of Washington ("Buyer"), and together with Sellers, known as the "Parties". The Parties acknowledge that the date of this Contract above is for reference only; this Contract shall not be effective until the Effective Date (as defined in Section 17.15 below).

### RECITALS

- A. Sellers are the owners of that certain real property located in the City of Olympia, Thurston County, Washington, consisting of approximately 1.4 acres, more or less, and legally described on Exhibit A-1 attached to this Contract (the "Property").
- B. Buyer previously determined that the Property was suitable for a public park for recreation and open space purposes.
- C. A sketch of the Property is attached hereto as Exhibit A-2.
- D. The Parties enter into this Contract to memorialize the terms and conditions under which Sellers will sell the Property to Buyer.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained in this Contract, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

### AGREEMENT

**1. Property.** Subject to the terms and conditions of this Contract, Sellers agree to sell and convey to Buyer, and Buyer agrees to purchase from Sellers, the following:

1.1 Land. The approximately 1.4 acres, more or less, constituting the Property legally described on Exhibit A-1 to this Contract and generally shown on a sketch attached as Exhibit A-2 to this Contract. The Property includes all right, title, and interest of Sellers in and to the Land.

1.2 Appurtenances. All rights, privileges, and easements appurtenant to the Land owned by Sellers, including without limitation any and all easements, rights-of-way and other appurtenances used in connection with the beneficial use and enjoyment of the Land (the "Appurtenances").

1.3 Recitals. The Recitals set forth above are hereby incorporated by reference into this Contract as if set forth in full herein.

The Land and Appurtenances described in Section 1 above are collectively referred to in this Contract as the "Property."

2. **Escrow.** Within three (3) business days of the Effective Date of this Contract, the Parties shall open an escrow account, or confirm that an escrow account has already been opened, for the transaction contemplated by this Contract with Stewart Title Company (in such capacity, "Escrow Company"), 300 Deschutes Way SW, Tumwater, Washington 98501. Kelly Weaver of Escrow Company will serve as escrow agent for Closing of this Contract ("Escrow Agent"). The Parties shall deliver a fully executed copy of this Contract to Escrow Agent.

3. **Purchase Price.** The purchase price to be paid by Buyer to Sellers for the Property (the "Purchase Price") is NINETY-SEVEN THOUSAND NINE-HUNDRED FIFTY-FIVE DOLLARS AND NO/100 CENTS (\$97,955.00).

4. **Payment of Purchase Price.** On the Closing Date, Buyer shall deposit with Escrow Company the amount of the Purchase Price less any amounts to be credited against the Purchase Price pursuant to this Contract. The balance of the Purchase Price shall be paid to Sellers at the time of Closing by wire transfer, or by certified, cashier's, treasurer's or bank check(s) based on Sellers' instruction to the Escrow Agent.

5. **Closing Date.** The closing of the purchase and sale of the Property under this Contract (the "Closing") shall be held at or through the offices of the Escrow Company on a date that is mutually acceptable to the Parties no later than thirty (30) days after the Effective Date (the "Closing Date"). Closing shall occur when the Deed (as hereinafter defined) to Buyer is recorded and the Purchase Price is delivered to the Escrow Company for delivery to Sellers. Notwithstanding anything above to the contrary, in all events, the Closing must occur on or before August 30, 2016.

6. **Title and Survey Matters.**

6.1 Title Binder. The Parties acknowledge that Buyer previously ordered and reviewed a preliminary commitment for an ALTA owner's standard coverage title insurance policy issued by Stewart Title Company (in such capacity, "Title Company") under File No. 01148-56215, dated April 22, 2016, describing the Property and showing all title matters of record pertaining to the Property. Immediately after the mutual execution of this Contract by the Parties, Buyer shall obtain from Title Company a written supplemental report to such preliminary commitment, in a form acceptable to Buyer, updating the preliminary commitment. Such preliminary commitment, supplemental reports and legible copies of all documents referred to in such preliminary commitment and supplemental reports as conditions or exceptions to title to the Property are collectively referred to herein as the "Title Binder." Nothing herein shall be construed as imposing any cost obligation upon Sellers.

6.2 Title Review. Within seven (7) business days, excluding weekends and holidays, after Buyer's receipt of the updated Title Binder ("Title Review Period"), Buyer shall

review the updated Title Binder, and, shall notify Sellers what exceptions to title, if any, are unacceptable. Any exceptions that are not disapproved by Buyer in writing during the Title Review Period shall all constitute "Permitted Exceptions" under this Contract. If no title matters appear in the updated Title Binder since the initial preliminary commitment, then the Parties shall proceed to Closing as set forth in this Contract. If any title matters appear and Buyer objects to any of the same during the Title Review Period, then Sellers shall have three (3) business days after receiving Buyer's objection notice to notify Buyer if Sellers will remove any of the new exceptions objected to prior to the Closing Date or if Sellers elect not to remove such objected to exceptions. Failure of Sellers to timely respond shall be deemed an election not to cure or remove such objected to exceptions. If Sellers elect not to remove any exceptions objected to, or are deemed to have elected not to remove any exceptions, or if Sellers agree to remove any objected to exceptions and fail to remove the same from title prior to Closing, and Buyer is unwilling to take title subject thereto, then Buyer shall notify Sellers thereof before Closing and this Contract shall terminate. In the event of termination under this paragraph, the Contract will terminate in full, and neither Sellers nor Buyer shall thereafter have any further liability or obligation under this Contract. Sellers shall not be required to incur any expense in order to render their title marketable or to remove any matter disapproved by Buyer; provided that, Sellers shall not refuse to remove any disapproved item that involves only payment of a monetary obligation of Sellers' secured by a lien or other encumbrance on the Land. Further, in all events, Sellers agree to cause removal from the Title Binder or otherwise reconvey any interest as may be necessary, as set forth under Special Exceptions Nos. 3 through 6 of the Title Binder prior to Closing, as set forth below.

6.3 Title Policy. At Closing, Sellers and Buyer shall cause Title Company to issue an Owner's standard coverage title insurance policy ("Title Policy") to Buyer, at Sellers' cost. The Title Policy shall (a) be issued in the amount of the total Purchase Price and insure fee simple, indefeasible title to the Property in Buyer, subject only to the Permitted Exceptions and the standard printed exceptions. The Title Policy may contain endorsements as Buyer may require; provided that Buyer shall be solely responsible for all additional costs and requirements to obtain such endorsements.

## **7. Conditions to Buyer's Obligations.**

7.1 Confirmation of Property Condition. Until Closing, for the sole purpose of confirming that no aspect of the Property materially and adversely changes from the condition of the Property on the Effective Date of this Contract, Buyer and its employees, representatives, consultants and agents shall have the right and permission to enter upon the Property or any part thereof at all reasonable times and from time to time for the purpose, at Buyer's cost and expense, of making all tests and/or studies of the Property that Buyer may wish to undertake, including, without limitation, soils tests, toxic and hazardous waste studies, surveys, structural studies and review of zoning, fire, safety and other compliance matters; provided, however, that Buyer shall schedule all access to the Property in advance with Sellers and shall be required to obtain Sellers' written consent prior to conducting any invasive testing. Buyer shall further indemnify, defend and hold harmless Sellers from and against any mechanic's or other liens or claims, causes of action, costs, expenses, or liabilities that may be filed or asserted against the Property or Sellers arising out of or relating to any actions taken by Buyer or its employees, agents, consultants or representatives in connection with the Property. To the extent necessary, Buyer shall reasonably



restore the Property at its sole cost and expense to its condition immediately prior to any access or testing by Buyer or its employees, agents, consultants and representatives.

7.2 Additional Closing Conditions. Buyer's obligation to purchase the Property shall also be subject to the following conditions that must be satisfied as of Closing:

(i) All representations and warranties of Sellers contained in this Contract shall be true, accurate and complete as of the Effective Date and the Closing Date;

(ii) Sellers shall have performed all obligations to be performed by them under this Contract on or before the Closing Date (or, if earlier, on or before any other date set forth in this Contract for such performance);

(iii) At Closing, title to the Property shall be in the condition required by Section 6 of this Contract;

(iv) Escrow Agent shall have issued or be irrevocably committed to issuing the Title Policy to Buyer; and

(iv) At Closing, the physical condition and forest cover of the Property shall be substantially the same as on the Effective Date of this Contract, ordinary wear and tear excepted.

If the conditions set forth in this Section 7.2 are not satisfied as of the Closing Date and Buyer does not waive the same, Buyer or Sellers may terminate this Contract by written notice given to the other Party, and thereafter neither Buyer nor Sellers shall have any further liability one to the other under this Contract.

## 8. Representations.

8.1 By Sellers. Sellers represent and warrant the following to Buyer: (a) Sellers are the owners of undivided interests in the Property; (b) Sellers have all necessary power and authority to enter into this Contract; and (c) this Contract constitutes the legal, valid, binding and enforceable obligation of Sellers.

8.2 By Buyer. Buyer represents and warrants the following to Sellers: (a) Buyer is a municipal corporation organized under the laws of the State of Washington; (b) the person executing this Contract below has the necessary power and authority to enter into this Contract and to bind Buyer; (c) prior to executing this Contract, this Contract was approved by all necessary action of the Olympia City Council and all other actions have been taken as may be required under any laws applicable to the City of Olympia's power and authority to carry out its obligations under this Contract; and (d) this Contract constitutes the legal, valid, binding and enforceable obligation of Buyer. If any of Buyer's representations or warranties are not true and

complete as of the Effective Date and again at Closing, Sellers shall have the right to terminate this Contract.

**9. Sellers Provision of Further Information.** From the Effective Date to the Closing Date, Sellers will notify Buyer of any event of which Sellers become aware materially affecting the Property or any part thereof immediately upon learning of the occurrence of any such event.

**10. Further Closing Procedures.**

10.1 Time and Place. Provided that all the contingencies set forth in this Contract have been previously fulfilled, the Closing shall take place at the place and time determined as set forth in Section 5 of this Contract above.

10.2 Documents to be Delivered by Sellers. For and in consideration of, and as a condition precedent to, the payment to Sellers of the Purchase Price, Sellers shall obtain and deliver to Buyer at Closing the following documents (all of which shall be duly executed and acknowledged where required):

(i) A statutory warranty deed ("Deed"), substantially in the form attached as Exhibit B, conveying to Buyer title to the Property, free and clear of all liens, encumbrances, conditions, easements, assignments, and restrictions, except for the Permitted Exceptions and except for a general exception for matters that an accurate survey of the Property would reveal (unless Buyer performed a survey of the Property and submits the same to Title Company, in which case such general exception shall be revised to show those matters disclosed by Buyer's survey).

(ii) Such other documents, including, without limitation, certificates of good standing as shall be reasonably required by the Title Company or Escrow Company (at no cost or additional liability to Sellers) as a condition to its insuring Buyer's title to the Land free of any exceptions, other than the Permitted Exceptions.

(iii) Such evidence as the Title Company or Escrow Company shall require as to authority of Sellers, individually or collectively, to convey the Property to Buyer.

10.3 Delivery by Buyer. Buyer shall deliver the Purchase Price to Sellers at Closing, a copy of the resolution or minutes authorizing the acquisition of the Property by the Olympia City Council, and any other documents reasonably requested by Title Company or Escrow Company to close the purchase of the Property contemplated under this Contract.

**11. Payment of Costs.** Sellers and Buyer shall pay their own respective costs incurred with respect to the consummation of the purchase and sale of the Property including, without limitation, attorneys' fees. Notwithstanding the foregoing, Sellers shall pay the premium for the Owner's Title Policy to be issued by Title Company to Buyer, the fee to record the Deed, and one-half the escrow fee. Sellers shall pay any excise tax due upon the sale of their Property.

**12. Property Taxes.** In the event Sellers have prepaid any taxes on the Property as of the Closing Date, Sellers shall be entitled to a pro rata refund on the amount paid pursuant to RCW 84.60.050.

**13. Monetary Liens.** Sellers shall pay or cause to be satisfied at or prior to Closing all recorded monetary liens on or with respect to all or any portion of the Land, including, but not limited to, mortgages, deeds of trust, security agreements, assignments of leases, judgment liens, tax liens (other than those for taxes not yet due and payable), and financing statements.

**14. Possession.** Possession and use of the Property shall be delivered to Buyer at Closing.

**15. As-Is Sale.**

15.1 Wavier. Buyer hereby waives the right to any Sellers' disclosure statement which would otherwise be required under RCW Chapter 64.06. Further, in the event a Seller's disclosure statement or any portion thereof is required under RCW Chapter 64.06, pursuant to RCW 64.06.040(3), Buyer hereby waives any right of rescission of this Contract that Buyer might otherwise have under RCW Chapter 64.06.

15.2 As-Is Condition. Buyer acknowledges that it was provided with a full and fair opportunity to inspect the Property to Buyer's complete satisfaction prior to the Effective Date of this Contract. Buyer acknowledges that Sellers granted to Buyer the opportunity to perform all tests, surveys, environmental studies and other investigations that Buyer deemed necessary or desirable under this Contract to confirm the condition of the Property. Buyer acknowledges that the sale of the Property is made by Sellers strictly on an "As-Is" basis, with all faults and defects, whether known or unknown, latent or patent, including those that cannot be observed by casual inspection, and without any representation or warranty of Sellers (or any agent or representative of Sellers) of any kind, express or implied, as to the condition, use, usefulness, value, suitability, area or other character or characteristic, except for those expressly described in Section 8.1 of this Contract. Except as expressly stated in Section 8.1 of this Contract, no warranties, guarantees or representations have been or are being made by Sellers concerning the boundaries and acreage of the Property, the condition of any improvements, any tests, inspections or examinations of the Property, any governmental permits or approvals obtained or to be obtained in connection with Buyer's use of the Property, the suitability of the Property for Buyer's intended use, the applicable ordinances, restrictions, laws and regulations affecting the Property, or other matters. Buyer further acknowledges that Sellers have not delivered and shall not have any obligation whatsoever to deliver at any time any environmental reports of Sellers' related to the Property, and Buyer acknowledges that Sellers have not made any representation or warranty regarding the environmental condition of the Property. Except as expressly stated in Section 8.1 of this Contract, Buyer is relying solely on its own investigation of the Property, and as of Closing Buyer accepts the Property and all other aspects of the Property in their then existing condition, "AS IS," without any representations or warranties by Sellers, express or implied.

**16. Default.**

16.1 By Buyer. If Buyer defaults under any material provision of this Contract and does not cure such material default after a ten (10) day notice and opportunity to cure is given by Sellers, Sellers may terminate this Contract by notice given to Buyer.

16.2 By Sellers. If Sellers default under any material provision of this Contract and do not cure such material default after a ten (10) day notice and opportunity to cure is given by Buyer, then Buyer may terminate this Contract by notice given to Sellers.

**17. Miscellaneous.**

17.1 Applicable Law. The Contract shall in all respects, be governed by the laws of the State of Washington. Venue for any lawsuits concerning this Contract shall be in Thurston County Superior Court.

17.2 Further Assurances. Each of the Parties shall execute and deliver any and all additional papers, documents and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of their obligations hereunder, to carry out the mutual intent of the Parties hereto.

17.3 Modification or Amendment, Waivers. No amendment, change or modification of this Contract shall be valid, unless in writing and signed by both of the Parties. Except as otherwise expressly set forth in this Section, this Contract may only be amended, modified, or changed by a traditional written document properly executed by Sellers and Buyer. Such amendment may be transmitted by e-mail, facsimile, or other method permitted by the provisions for giving notice in this Contract. Buyer and Sellers agree that the any version of the Uniform Electronic Transactions Act and any other laws applicable to contracting electronically do not and shall not apply to the execution of this Contract or any amendment hereto. The Parties acknowledge and agree, however, that execution of this Contract or any amendment to this Contract may be accomplished by electronic signature utilizing DocuSign or any similar technology. No waiver of any breach of any covenant or provision in this Contract shall be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision in this Contract. No extension of time for performance of any obligation or act shall be deemed an extension of the time for performance of any other obligation or act.

17.4 Successors and Assigns. All of the terms and provisions contained in this Contract shall inure to the benefit of and shall be binding upon the Parties and their respective heirs, legal representatives, successors and assigns.

17.5 Entire Agreement. This Contract constitutes the entire understanding and agreement of the Parties with respect to the subject matters of this Contract and any and all other prior agreements, understandings or representations with respect to the subject matters of this Contract are hereby canceled in their entirety and are of no further force or effect. The terms of this Contract shall and are intended to prevail. The Parties do not intend to confer any benefit under this Contract to any person, firm or corporation other than the Parties.

17.6 Attorneys' Fees. Should either Party bring suit to enforce or interpret this Contract, the prevailing Party in such lawsuit shall be entitled to an award of its reasonable attorneys' fees and costs incurred in connection with such lawsuit.

17.7 Construction. Captions are solely for the convenience of the Parties and are not a part of this Contract. This Contract shall not be construed as if it had been prepared by one of the Parties, but rather as if both Parties had prepared it.

17.8 Partial Invalidity. If any term or provision of this Contract or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Contract shall not be affected thereby; and each such remainder term and provision of this Contract shall be valid and be enforced to the fullest extent permitted by law.

17.9 Survival. The covenants, agreements, representations and warranties made in this Contract shall survive the Closing unimpaired and shall not merge into the Deed or the recordation of the Deed.

17.10 Finders' or Brokers' Fees. Sellers and Buyer each hereby represent and warrant to the other that no broker, agent or finders' fees or commissions, or other similar fees, are due or arising in connection with any of the transactions contemplated by this Contract. Sellers and Buyer each hereby agree to indemnify, defend and hold the other harmless from and against any loss, liability, damage, cost, damage, claim or expense, including interest, penalties and reasonable attorneys' fees, the other Party shall incur or suffer because of any claim by a broker, agent, or finder claiming by, through, or under such indemnifying Party, whether or not such claim is meritorious, for any compensation with respect to the entering into of this Contract, the sale and purchase of the Property, or the consummation of the transactions contemplated herein.

17.11 Time. Time is of the essence of every provision of this Contract. If the date on which Buyer or Sellers are required to take any action under the terms of this Contract is not a business day, the action shall be taken on the next succeeding business day.

17.12 Force Majeure. Performance by either Party of their obligations under this Contract shall be extended by the period of delay caused by force majeure. Force majeure is war, natural catastrophe, strikes, walkouts or other labor industrial disturbance, order of any government, court or regulatory body having jurisdiction, shortages, blockade, embargo, riot, civil disorder, or any similar cause beyond the reasonable control of the Party obligated to perform (but excluding financial inability to perform, however caused).

17.13 No Individual Liability. In no event shall any shareholder, officer, director, member, partner, affiliate, agent or employee of Seller or any of Seller's affiliates be or be held liable or responsible in any way for the obligations or liabilities of Seller under this Contract.

17.14 Counterparts. This Contract may be executed in a number of identical counterparts which, taken together, shall constitute collectively one agreement; but in making proof of this Contract, it shall not be necessary to produce or account for more than one such counterpart. Additionally, (i) the signature pages taken from separate individually executed counterparts of this Contract may be combined to form multiple fully-executed counterparts; and (ii) a facsimile signature or an electronically scanned signature, where permitted, shall be deemed to be an original signature for all purposes. All executed counterparts of this Contract shall be deemed to be originals, but all such counterparts, when taken together, shall constitute one and the same agreement.

17.15 Effective Date. The term, "date of this Contract", or "date hereof", or "Effective Date", as used in this Contract, shall mean the later of the following dates: (1) the date of Buyer's signature on this Contract; or (2) the last date of Sellers' signatures on this Contract.

17.16 Notices. Unless applicable law requires a different method of giving notice, any and all notices, demands or other communications required or desired to be given hereunder by any party (collectively, "Notices") shall be in writing and shall be validly given or made to another party if delivered either personally or by Federal Express or other overnight delivery service of recognized standing, or if deposited in the United States mail, certified, registered, or express mail with postage prepaid. If such Notice is personally delivered, it shall be conclusively deemed given at the time of such delivery. If such Notice is delivered by Federal Express or other overnight delivery service of recognized standing, it shall be deemed given twenty-four (24) hours after the deposit thereof with such delivery service. If such Notice is mailed as provided herein, such shall be deemed given forty-eight (48) hours after the deposit thereof in the United States mail. Each such Notice shall be deemed given only if properly addressed to the party to whom such notice is to be given as follows:

To Sellers:

Name: Michael L. Wirth  
Address: 1189 Lundy Drive  
City, State, Zip Code: Simi Valley, CA 93065  
E-mail: [wirth11@att.net](mailto:wirth11@att.net)  
Phone: 707-980-3192

Name: Elizabeth Iselin  
Address: 16206 122<sup>nd</sup> Place NE  
City, State, Zip Code: Bothell, WA 98011  
E-mail: [elizabethis1@aol.com](mailto:elizabethis1@aol.com)  
Phone: 206-363-1911

Name: Chad Bowman  
Address: 7715 Skookumchuck Rd SE  
City, State, Zip Code: Tenino, WA 98589  
E-mail: [t9o-drillteam@scattercreek.com](mailto:t9o-drillteam@scattercreek.com)  
Phone: 360-789-5069 (cell)

Buyer: Mark Barber, City Attorney  
City of Olympia  
601 4<sup>th</sup> Avenue East  
P.O. Box 1967  
Olympia, WA 98507-1967  
E-mail: [mbarber@ci.olympia.wa.us](mailto:mbarber@ci.olympia.wa.us)  
Phone: 360-753-8338; Fax 360-570-3791

Any party hereto may change its address for the purpose of receiving notices as herein provided by a written notice given in the manner aforesaid to the other party hereto.

[Signatures follow on next page.]

DATED as of the date first set forth above, but made effective only as of the Effective Date as defined above.

**SELLERS:**

**Michael L. Wirth**, a married man, as his sole and separate property

By: Michael L. Wirth  
Name [print]: Michael L. Wirth  
Date: 7/21/2016

**Michael L. Wirth**, as Trustee of The A. Wirth Family Trust, as their interest appears of record, dated September 3, 1992

By: Michael L. Wirth  
Name [print]: Michael L. Wirth  
Date: 7/21/2016

**Chad Bowman**, as his separate estate

By: \_\_\_\_\_  
Name [print]: \_\_\_\_\_  
Date: \_\_\_\_\_

**Elizabeth Iselin**, as her separate estate

By: \_\_\_\_\_  
Name [print]: \_\_\_\_\_  
Date: \_\_\_\_\_

[Signatures continue on next page.]



DATED as of the date first set forth above, but made effective only as of the Effective Date as defined above.

**SELLERS:**

**Michael L. Wirth**, a married man, as his sole and separate property

By: \_\_\_\_\_  
Name [print]: \_\_\_\_\_  
Date: \_\_\_\_\_

**Michael L. Wirth**, as Trustee of The A. Wirth Family Trust, as their interest appears of record, dated September 3, 1992

By: \_\_\_\_\_  
Name [print]: \_\_\_\_\_  
Date: \_\_\_\_\_

*Chad Bowman*

**Chad Bowman**, as his separate estate

By *Chad Bowman* \_\_\_\_\_  
Name [print]: *Chad Bowman* \_\_\_\_\_  
Date: *7-18-16* \_\_\_\_\_

**Elizabeth Iselin**, as her separate estate

By: \_\_\_\_\_  
Name [print]: \_\_\_\_\_  
Date: \_\_\_\_\_

[Signatures continue on next page.]

DATED as of the date first set forth above, but made effective only as of the Effective Date as defined above.

**SELLERS:**

**Michael L. Wirth**, a married man, as his sole and separate property

By: \_\_\_\_\_  
Name [print]: \_\_\_\_\_  
Date: \_\_\_\_\_

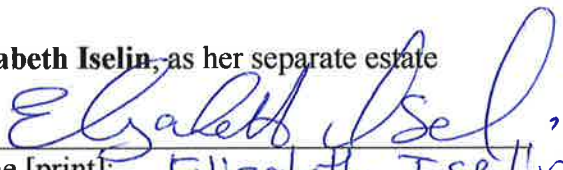
**Michael L. Wirth**, as Trustee of The A. Wirth Family Trust, as their interest appears of record, dated September 3, 1992

By: \_\_\_\_\_  
Name [print]: \_\_\_\_\_  
Date: \_\_\_\_\_

**Chad Bowman**, as his separate estate

By: \_\_\_\_\_  
Name [print]: \_\_\_\_\_  
Date: \_\_\_\_\_

**Elizabeth Iselin**, as her separate estate

By:   
Name [print]: Elizabeth Iselin  
Date: July 18, 2016

[Signatures continue on next page.]

**BUYER:**

**THE CITY OF OLYMPIA**, a Washington  
municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:



City Attorney

Date: 7/18/2016

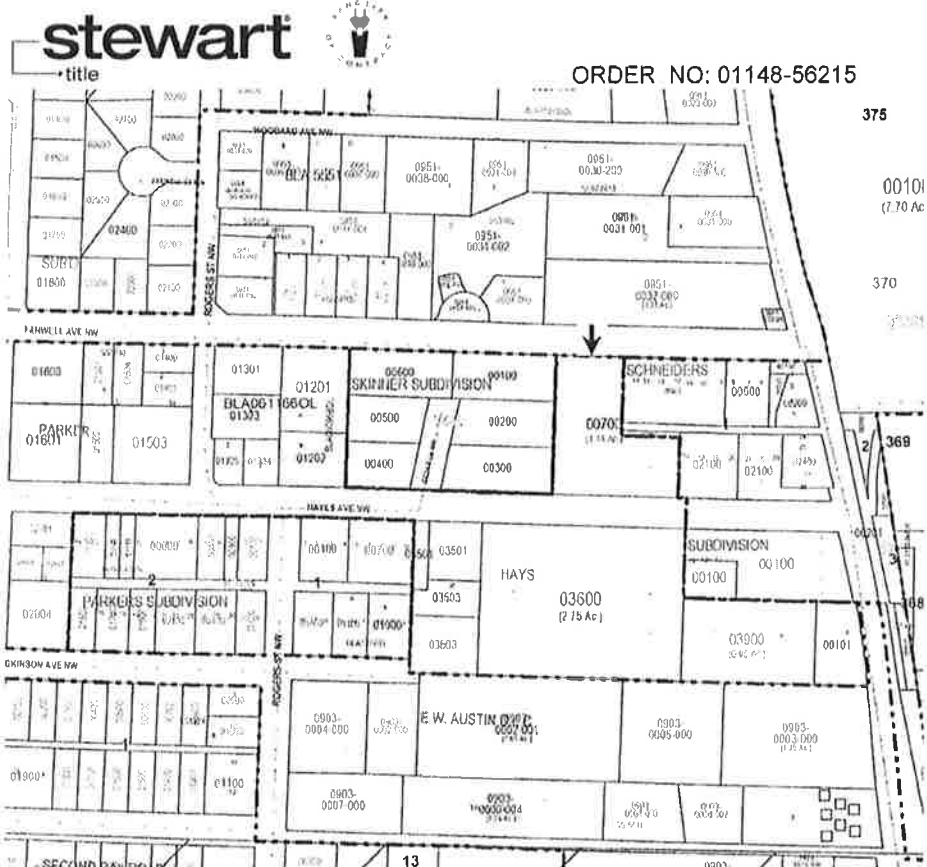
**EXHIBIT A-1**

**Property Legal Description**

The South 120 feet of the West 120 feet of Lot 7 and all of Lot 8, Parker and Hays Plat, according to the Plat thereof recorded in Volume 1 of Plats, page(s) 16, records of Thurston County, Washington.

Situate in the County of Thurston, State of Washington.

**EXHIBIT A-2**  
**Sketch of Land**



This sketch is provided without charge for information. It is not intended to show all matters related to the property including, but not limited to area, dimensions, encroachments or locations or boundaries. It's not a part of, nor does it modify, the commitment or policy to which it is attached. The company assumes NO LIABILITY for any matter related to this sketch. Reference should be made to an accurate survey for further information.

**EXHIBIT B  
Form of Deed**

**AFTER RECORDING MAIL TO:**

Legal Department  
City of Olympia  
P.O. Box 1967  
Olympia, WA 98507-1967

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**STATUTORY WARRANTY DEED**

The Grantors, **Michael L. Wirth**, a married man, as his sole and separate property, **Michael L. Wirth, as Trustee of the A. Wirth Family Trust**, **Chad Bowman**, as his separate estate, and **Elizabeth Iselin**, as her separate estate, for and in consideration of the sum of TEN DOLLARS and NO/100 CENTS---(\$10.00) Dollars, and other valuable considerations, in hand paid, hereby convey and warrant to the **CITY OF OLYMPIA**, a municipal corporation the following described real estate and all rights thereto, situated in the City of Olympia, County of Thurston, in the State of Washington, including all after acquired title, the real property legally described as follows:

See legal description attached hereto as Exhibit A.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2016.

By: \_\_\_\_\_  
**Michael L. Wirth**, a married man  
as his sole and separate property

By: \_\_\_\_\_  
**Michael L. Wirth**, as Trustee of The A. Wirth  
Family Trust, as their interest appears of record,  
dated September 3, 1992

By: \_\_\_\_\_  
**Chad Bowman**, as his separate estate

By: \_\_\_\_\_  
**Elizabeth Iselin**, as her separate estate

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that **Michael L. Wirth**, a married man as his sole and separate property, is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
California, residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that **Michael L. Wirth** is the person who appeared before me, and said person acknowledged that he signed this instrument and on oath stated that he was authorized to execute the instrument and acknowledged it as the **Trustee of the A. Wirth Family Trust** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal this \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
California, residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that **Chad Bowman** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that **Elizabeth Iselin** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_





## City Council

### Approval to Issue Gateways Public Art Master Plan Request for Qualification (RFQ)

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.G  
**File Number:** 16-0930

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**Type:** decision   **Version:** 1   **Status:** Passed

---

#### **Title**

Approval to Issue Gateways Public Art Master Plan Request for Qualification (RFQ)

#### **Recommended Action**

##### **Committee Recommendation:**

Move to direct the Arts Commission to issue an RFQ for a Gateways Public Art Master Plan.

##### **City Manager Recommendation:**

Move to direct the Arts Commission to issue an RFQ for a Gateways Public Art Master Plan.

#### **Report**

##### **Issue:**

Whether to issue an RFQ for a Master Plan for the Gateways Public Art Project.

##### **Staff Contact:**

Stephanie Johnson, Arts & Events Program Manager, Parks, Arts & Recreation, 360.709.2678.

##### **Presenter(s):**

None - Consent Calendar Item

#### **Background and Analysis:**

At the General Government Committee meeting on July 26, members agreed to forward to City Council the request to issue an RFQ for a Gateways Public Art Master Plan. The concept of the Gateways Public Art Project follows:

##### Background/Purpose

- The Gateways concept is envisioned in the City's 2015 Comprehensive Plan. The intent is to signal transition moving into and out of Olympia's city center by means of eight gateways and landscaped boulevards at major transition points.
- Although the Gateways were identified by location in the Comprehensive Plan, there was no guiding description about *what* the Gateways themselves were meant to be (size, shape, composition, etc.)
- Implementation of the Gateways concept is not in the current work plan of any City

commission or department, seen as a long-term strategy to happen in future years.

- \$180,000 for public art generated by the construction of City Hall (1% for Art) has not been utilized.
- The Arts Commission sees these Gateways as an opportunity to use the City Hall funds in a “placemaking” project in which public art is sited throughout our community. Art selection and placement would occur through an inclusive, coordinated process of public involvement.
- There had originally been a thought to incorporate this project with a signage program, specifically to update the Plum Street entrance sign. That addition would have added or changed locations of some Gateways identified in the Comprehensive Plan and compromised the concept of Gateways as markers of entry into Olympia. The signage effort has been separated from the Gateways project and will move forward independently.
- Following the General Government meeting of January 29, 2016, members of the Arts Commission have met with members of the Planning Commission to review and edit the draft master plan RFQ. Staff and Commission members have also met with the Coalition of Neighborhood Associations as well as the Planning Commission. Arts Commissioners have also met with staff from Community Planning and Development, General Government, and Public Works.

#### Process

- Defining the Gateways through public art entails 8 projects at very separate locations, realized over a number of years. The Arts Commission and Planning Commission recommend the project proceed thru a master plan. A master plan will maintain a sense of continuity among these projects while allowing each neighborhood to make individual contributions to the nearest Gateway. A master plan will also consider the interface between art elements and civic boulevards (while not specifically planning the boulevards).
- In moving forward, the Arts Commission will take a lead role, and coordinate with the Planning Commission to work together through the RFQ and master plan development.
- The drafting of a master plan by a consultant team based upon contact with many citizens and neighborhood associations, will incorporate community input at the very beginning of the planning process. A consultant team could include public artists, landscape architects, planners, and public involvement professionals.

#### Goals/Outcomes

- The master plan will identify themes and opportunities inclusive for all Gateways. This will help to frame the general concept for all 8 gateways for community and Council approval **before** bringing public artists on-board to design and fabricate the individual Gateways.
- A master plan will also help prioritize the sequence of Gateway development, and will coordinate Gateways with planned transportation projects, easements or other property ownership issues, and budgets.
- Once completed, the master plan will act as a framework for each “Call for Artist” that follows for each Gateway. Each of these successive Gateway public art projects will include community outreach, Arts Commission and technical staff review and Council approval.

#### Funding

- From the \$180,000 from City Hall 1% for Art, the Arts Commission has set aside \$50,000 for master plan development. It does not expect the additional \$130,000 to fund all 8 Gateways.

Of recent projects, the budget for **Sky River Trees** at the HOCM by Koryn Rolstad was \$64,000, and **Olympia Carvings** by Steve Jensen at the Log Cabin Roundabout, \$63,000.

- Additional funds to complete the Gateways may be acquired through future transportation projects that meet the threshold for 1% for Art (over \$500,000). Having a community-supported master plan also creates opportunities to apply for grants.
- While it may take time for the Arts Commission to acquire the funding to complete all 8 Gateways, a master plan will help maintain continuity between the first dedicated Gateway and the last.

**Neighborhood/Community Interests (if known):**

Arts Commissioners have met with members of the Planning Commission on several occasions to work together to refine the RFQ for the Gateways Public Art master plan. In moving forward, the Arts Commission will take a lead role, and coordinate with the Planning Commission to work together through the RFQ and Master Plan development. Commissioners have also met with the Coalition of Neighborhood Associations and the full Planning Commission to address questions and vet the project. Those meetings have resulted in a list of speaking points that make up the body of this staff report, in addition to being attached, which have been reviewed by Arts Commissioners and the Planning Commission liaison to the Arts Commission for consistency in describing the project.

At the front end of the Master Plan process, neighborhood association's adjacent to each gateway location will be provided the opportunity to play a role in the process.

**Options:**

1. Move to direct the Arts Commission to issue an RFQ for a Gateways Public Art Master Plan.
2. Move not to direct the Arts Commission to issue an RFQ for a Gateways Public Art Master Plan.
3. Move to make changes to the concept or RFQ or provide different direction to the Arts Commission.

**Financial Impact:**

\$50,000 from the Municipal Art Fund. Requested and approved in this year's Municipal Art Plan.

**Attachments:**

Gateways RFQ Scope of Work  
Gateways Points  
2016 Municipal Art Plan



# Gateways Public Art Master Plan

## SCOPE FOR THE GATEWAYS PUBLIC ART MASTER PLAN

Approved by City Council on \_\_\_\_\_

### FRAMEWORK

**Olympia’s Comprehensive Plan sets out a vision for City Gateways and Boulevards as follows:**

*“Gateways” to Olympia are to be located at the entry/exit points of landscaped “civic boulevards,” at city boundaries, topographical changes, transition in land use, and shifts in transportation densities. Three of the eight gateways are located at the city limits and may include “Welcome to Olympia” signage. Gateways provide a grand entrance into the capital city of the State of Washington. . . . Each civic boulevard will have a distinctive special environmental setting that is shaped by a public planning process that involves citizens, neighborhoods, and city officials.*

- Land Use and Urban Design > Urban Corridors



The Olympia Arts Commission and Olympia Planning Commission have identified Gateways as an opportunity for public art that accomplishes several goals:

- Places public art deep into Olympia’s neighborhoods
- Contributes to a sense of community identity
- Introduces place making elements that help to define and *also bring together* different areas of our community

### Purpose for a Gateways Public Art Master Plan:

A Gateways Public Art Master Plan will be a blueprint by which to move forward on each of the identified gateways, presenting overall concepts and themes, location and cost analysis and prioritization. This is not a design or fabrication opportunity, but concept only. The Gateways Public Art Master Plan process will facilitate community discussion and distill that feedback into values that will inform the plan. The Master Plan will

- Identify priorities – steps the City will take over 5-6 years that will have the greatest impact toward completion of the Gateways project



# Gateways Public Art Master Plan

- Include illustrations of concepts and themes for each location
- Set the stage for future grant opportunities and community partnerships to realize the project
- Consider the interface between the Gateway art elements and proposed civic Boulevards.

## To form a Gateways Public Art Master Plan, we will:

- **Involve and engage neighborhood representatives and stakeholders** to gain a better understanding of the community history and experience of each location
- **Explore and evaluate each identified gateway** site to make sure each creates a “shift” in the experience of place and has the potential to host public art
- **Reconnect and verify** to make sure the plan has captured the character of neighborhoods and community in development of concepts and themes
- **Develop criteria** to guide a future development plan and order the sequence of projects

## PUBLIC PARTICIPATION PLAN



### Goals for the Public Process

- Follow the public participation goals & policies in the [Comprehensive Plan](#).
- Engage with adjacent neighborhoods and broader stakeholder group.
- Clearly articulate what is being asked of the public, how their input will be used, and report back about what was heard
  - Create a space that captures the community vision for the art component at each location
- Use visually-oriented, data-driven information
- Build a foundation for strong continued public engagement

### Communication and Outreach

#### Points of Contact:

- Stephanie Johnson, Project Lead - Day- to-Day contact
- Marygrace Jennings, Chair, Olympia Arts Commission
- Jerry Parker, Olympia Planning Commission and liaison to the Arts Commission



# Gateways Public Art Master Plan

## Glossary of Roles

### City Staff/Point of Contact

**Role:** Provide logistical support the consultant in organizing Olympia project meetings. Act as a liaison to the community, Arts Commission, Planning Commission, Staff Team and Council.

### Coalition of Neighborhood Associations

**Role:** Provide guidance in working with neighborhood associations.

### Neighborhood associations, businesses, agencies, etc. in proximity to each proposed Gateway location

**Role:** Provide community history and experience with which to shape Master Plan recommendations.

### Staff Team

**Role:** Provide technical feedback and assistance.

### Stakeholder group at large

**Role:** Identified community members provide wider perspective.

## Public Engagement Activities

- Work with City staff for 8 location specific meetings and one community meeting. Consultant to follow up as needed to capture a strong sense of each area's history and community identity
- Provide preliminary findings at a presentation to the City's General Government Committee and Arts Commission and Planning Commission
- (Staff to make contact with City Advisory Committees)
- Present final report to the Olympia City Council

## Master Plan Deliverable

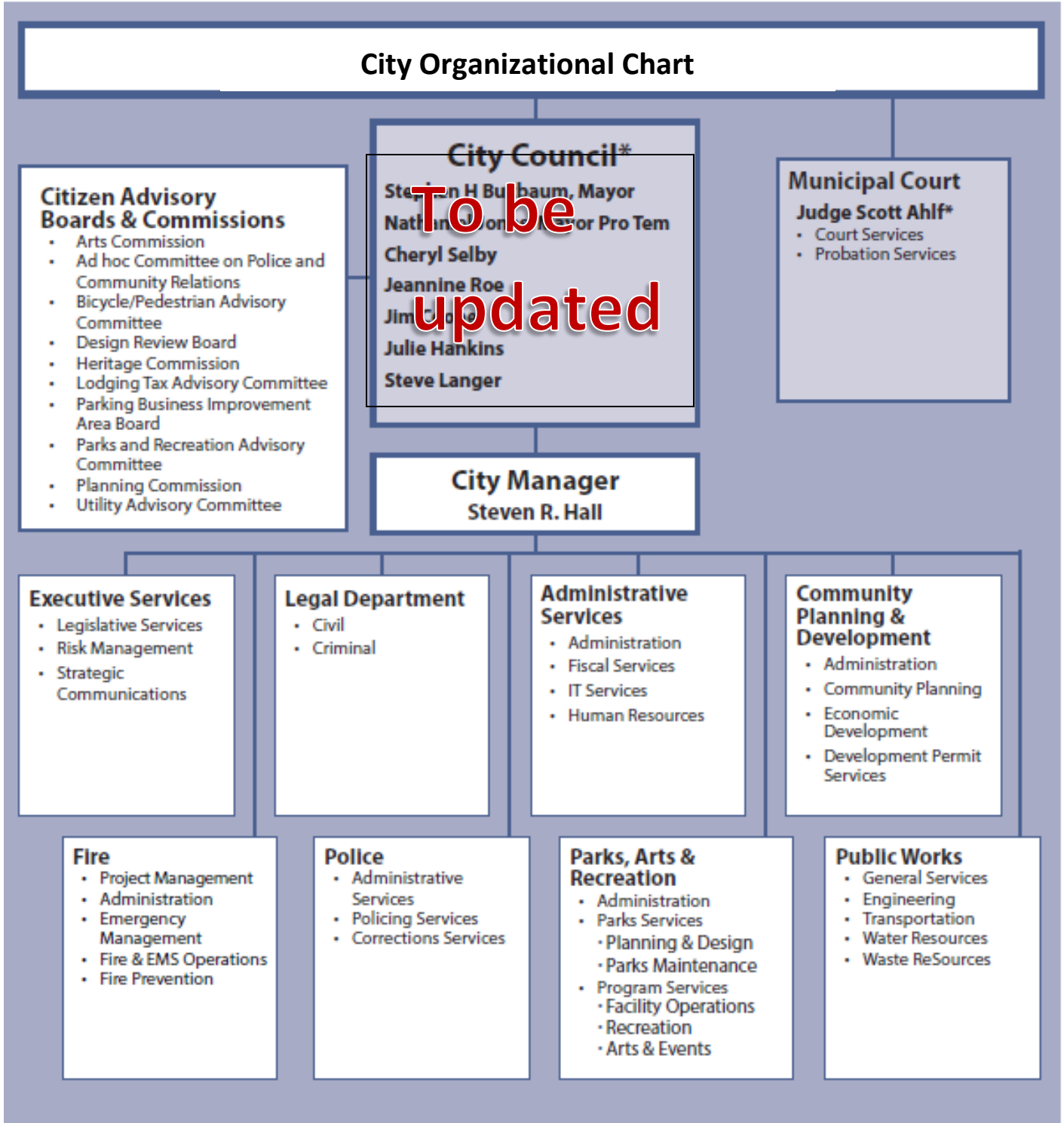
A written report to include the tasks outlined in the following scope of work and address the following:

- Development of a public art implementation schedule that lists priority actions and initiatives for next 5-6 years.
- An overview of each location, including aggregate findings from neighborhood meetings, distillation of values, and possible points of departure for public art projects, including sample images.
- A fully developed framework of a unifying theme.



# Gateways Public Art Master Plan

## City Organizational Chart





# Gateways Public Art Master Plan

## SCOPE OF WORK

Task
<p><b>Analyze Locations:</b> Sites have been selected based on City boundaries, topographical changes, transition in land use, and shifts in transportation densities. Consultant is to familiarize themselves with each location and identify and clarify distinct physical aspects of each, which may include characterization by type. Consultant is to make recommendations to support or adjust the original proposed locations based on this analysis.</p>
<p><b>Develop Individual and Common Themes:</b> Following research and public engagement, the consultant is to develop overarching themes, either conceptual or physical, that tie all the gateways together even as each is site-specific to that location.</p>
<p><b>Develop a Framework of Values or Criteria Expressed by Community</b></p>
<p><b>Explore and Provide Examples of Types of Possible Artwork:</b> The Master Plan should include thematic concepts for each location for future implementation.</p>
<p><b>Provide Reasonable Budget Per Location</b> to include maintenance and/or operating costs.</p>
<p><b>Develop a Procurement and Implementation Strategy</b> to help the City prioritize projects at each site. Analysis should include information such as planned future infrastructure upgrades to each site, constructability, possible easement issues, prioritization and any other considerations.</p>
<p><b>Public Engagement:</b> Facilitate a broad, open participation process that engages public and stakeholders in the evaluation of information and alternatives. 'Community conversations' should educate about the Gateways project, engage the community in discussion around specific locations, and include broad discussion of possible types of art, without designing a specific proposal.</p>



# Gateways Talking Points

## Background/Purpose

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planning process. A consultant team could include public artists, landscape architects, planners, and public involvement professionals.

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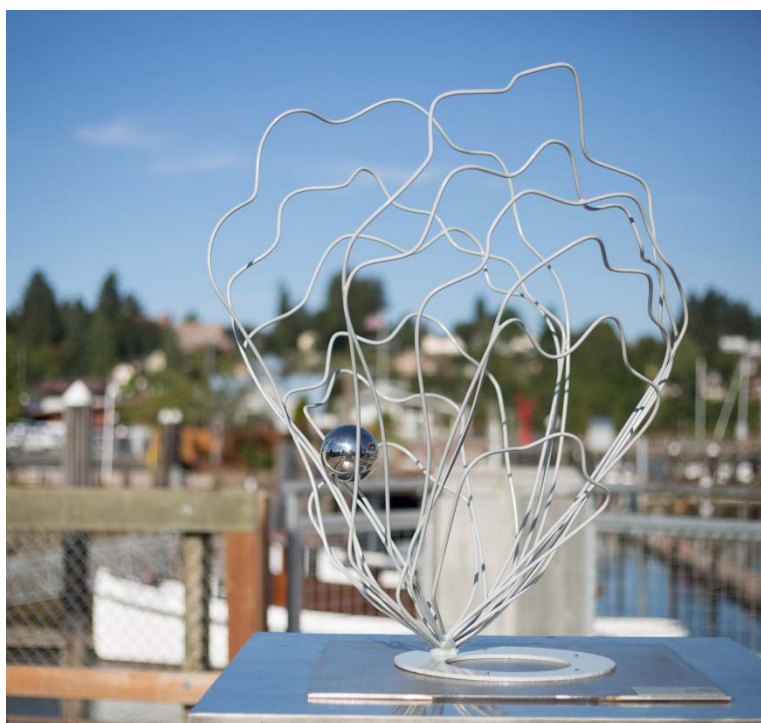
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# A Five-Year Municipal Art Plan for the City of Olympia

Introduction: Mission and Goals of the Olympia Arts Commission

1. The Municipal Art Plan: What and Why
2. Planning Public Art
3. Project List for 2016
4. Five-year Context
5. Summary Spreadsheet
6. Other Activities



**Olympia Oyster** by Colleen Cotey,  
Percival Plinth Peoples' Choice Winner 2015

# **The mission of the Olympia Arts Commission is to help enrich the lives of the people of the region by making visual, performing and literary arts vital elements in the life of our community.**

The Commission's purpose is to promote and encourage public programs to further development, public awareness, and interest in fine and performing arts and cultural heritage, and to advise City Council in connection with these. The Olympia Arts Commission (OAC) was created to provide expertise regarding the visual and performing arts and cultural heritage, and to reach out within and beyond the community to expand artistic and cultural programs and services for the citizens of Olympia. (Olympia Municipal Code (OMC) 2.100.100, 2.100.110)

Supported by City staff, the OAC pursues this mission through a public art program that includes programming and events, services, outreach, education and networking, and the purchase and placement of works of art in the community.

## **1. Municipal Art Plan: What and Why**

The MAP is the annual budget and spending plan for the Municipal Art Fund, and it provides direction and accountability for the use of public resources in support of the arts.

City Ordinance calls for the OAC to "prepare and recommend to the City Council for approval a plan and guidelines to carry out the City's art program," (OMC 2.100.140) and notes that a municipal arts plan should prescribe the projects to be funded from the municipal arts fund. "*Municipal Arts Plan* means a plan outlining the City expenditures of designated funds for public art projects for a one-year period." (OMC 2.100.160)

Olympia's public art programs and purchases have historically been funded through two sources: a \$1 per Capita allocation from the City's General Fund that was initiated in 1990, and a 1% for Art set-aside for City construction projects over \$500,000 in value. Funds from these sources are deposited in a Municipal Arts Fund (MAF). The MAP establishes budgets for new public art projects undertaken by the City, whether in conjunction with new capital projects or independent of them. Projects range from small (less than \$15k) to major (over \$50k) installations involving design teams, and may include visual, literary and performing arts.

## **2. Planning for Public Art**

The OAC develops an Annual Work Plan that details program initiatives and activities of the City's art program to promote the work of local artists and the arts within our community, and for the purchase of public art (including paid performances) to enhance and enliven the community. These public art purchases are the focus of the MAP.

To develop funding projections for the MAF and budgets for individual projects, City staff reviews the Capital Facility Plan to identify projects that trigger the 1% for Art set-aside. These projects and their locations, impacts, and estimated public art budgets are initially reviewed by the Art in Public Places Committee (APP) of the OAC, and then considered by the full Commission. The Commission generates a complete project list that includes planned capital-funded purchases as well as other projects identified in the Commission's Annual Work Plan.

This project list forms the core of the Municipal Art Plan, which the Commission then recommends to City Council for approval.

In developing plans for public art projects, a number of conditions and values are considered to determine the best use of available resources for the benefit of the arts and the community. As a starting point, capital project-generated funds are considered for art projects at or near the site of the construction to enhance the public improvement, or to mitigate for the impact of the improvements.

The funding for art generated by small capital projects is often too small to be very effective. In these cases, funds from multiple projects may be combined, or \$1 per Capita funds added when available, to create a viable public art project budget. Balancing opportunities for multiple small projects versus fewer, more significant projects is an important planning consideration. Combining funds can bring a significant installation of public art to a capital improvement project that is too small to generate funds on its own, but which may be desirable because of location or community access. In selecting projects and works of art, the OAC will consider how proposals accomplish the following:

- **Contribute to broad distribution of public art throughout Olympia.**  
Commissioners will consider the relative representation of art among City neighborhoods, and seek to distribute public art broadly throughout the community.
- **Provide for diverse forms of art within the public collection.**  
While every piece in the collection may not resonate for every citizen, a wide range of style, media, subjects and viewpoints will offer perspective and interest for everyone.
- **Bring new ideas, innovation, or thinking to the community.**
- **Achieve a balanced city collection that includes a strong local base but also has regional and national reach.**
- **Maintainable and safe.**
- **Well-suited to chosen site or venue.**

### 3. Project List for 2016

The following slate of projects is diverse in arts disciplines – sculpture, painting/drawing, music - and are located throughout Olympia. These investments in the arts support current and future endeavors, care for the collection we have and offer opportunity for local and regional artists, from youth through professional, to benefit the community and change the atmosphere of our built environment. Together, this slate of initiatives will contribute to the creative and cultural arts in Olympia in the following ways:

- Supporting several facets of the arts, including music
- Pushing the arts deeper into our neighborhoods and beyond the downtown core
- Investing in the future of the arts and artists in our community
- Continuing with successful programs that are embraced by the community

Traffic Box Wrap - \$11,000 – Following the work begun in 2015, and in partnership with Public Works, 10 transit boxes on the east side of Olympia will be wrapped with artwork by local artists of all ages, printed on vinyl in 2016. As vinyl is expected to last up to 3 years, wraps may be replaced in following years, depending on project evaluation.

Music Out Loud - Artwork - \$22,440 - Honoring past musicians and celebrating today's music, this project pairs artistic elements incorporated into the ground plane of several sidewalks in downtown Olympia, with a summer series of music performances. Completion of artwork is expected in late 2016.

Music Out Loud - Performance- \$6,433 - Funds to be used for three performances per three sites (9 performances total) during the summer months, once artwork is completed. Per Council direction, the first year will be a pilot project.

Percival Plinth Project – \$22,100 – This ongoing project hosts loaned sculpture (up to 15) for an exhibition of one year along Percival Landing. During the month of August the public is invited to vote for the sculpture they wish for the City to purchase.

Harrison/Black Lake Tree Guards - \$23,000 - In 2008, designs for a series of five tree guards along Black Lake Boulevard at Harrison were acquired through a selective process. The structures were never fabricated. Now the formerly vacant lot has been developed into the West Central Park, and the time seems appropriate to pursue this neighborhood-scaled project.

City Gateways - \$50,000 – Pending Council approval, 2016 could be a planning year for the Arts Commission and Planning Commission to work with a consultant to develop a Master Plan to prepare for signature artworks at key city gateways, as called for in the City's Comprehensive Plan. The Comprehensive Plan calls for gateways that can include welcoming signage, and for the involvement of citizens, neighborhoods, and City departments and officials in shaping a "distinctive special environmental setting" for these civic gateways.

City Hall Rotating Exhibit Support - \$6000 - Install display infrastructure (exhibition stands and picture rails) and curatorial services, to support rotating exhibits of visual art and cultural artifacts for public interest and enjoyment, inside City Hall.

Olympia Artspace Alliance - \$50,000 – To support OAA's efforts to secure and build-out a facility/site for artists' studios and related programming in downtown Olympia. This item is a placeholder – actual funding is contingent upon Council approval of a specific proposal.

Poet Laureate (\$1,000 annually) – Biennial Poet Laureate program, pending Council approval.

(Future years) Eastside/22<sup>nd</sup> Sidewalk Project - \$43,764 - The third of three public art projects anticipated for sidewalks, this project will build off neighborhood walking experiences to tell the story of the area and encourage pedestrian use. Scheduling of this project is dependent on the Public Works schedule for completion.

#### **4. Five-Year Planning Context**

In 2015, the OAC developed a five-year budget plan for the first time. The five-year planning horizon was intended to allow a longer look ahead to more easily consider and track prospective capital project income, to show how funding for some projects will be phased over time, and to account for the ongoing operating costs associated with others.

The five-year context for our 2016 budget and project list includes a re-commitment of funding for the arts, following six years of restricted funding necessitated by the economic recession. From 2009 to 2015, \$1 per capita funding was not available for the MAF, and City spending for the arts was curtailed. In 2015 however, a restoration of funding began with the dedication of \$50,000 in City year-end funds to the MAF.

In 2016 City Council has continued to renew its support for the arts with a welcomed return to \$1 per capita funding. This is an essential component of the MAF. Additionally, with the adoption of the 2016 Parks Plan, the City has committed .75 fte to support the City's Arts program beginning in 2017. This critically-needed staffing will allow us to move ahead more quickly with projects planned or underway, take better care of our existing art inventory, and feed the healthy creative appetite and cultural demands of a growing community.

Our five year outlook is positive. It gives us the confidence to propose launching a multi-year project to study, plan for, and then implement a City Gateways project coordinating with the City Planning Commission and following the vision expressed in the Comprehensive Plan. We are venturing into new programs, with proposals for rotating exhibits in City Hall, a City Poet Laureate, and Music Out Loud performances in sidewalk spaces that call out our City's musical legacy. We also continue our support for popular and ongoing programs such as the Percival Plinth Project and Arts Walk, which are signature events for Olympia and a source of pride and tradition.

## 5. Summary Spreadsheet

### FIVE YEAR MUNICIPAL ART PLAN

	2015	2016	2017	2018	2019	Total
<b>INCOME</b>						
Available balance	284,950					284,950
\$1 per capita	50,000	50,000	50,000	50,000	50,000	250,000
Capital projects % for art	180,000	6,500	60,000		0	246,500
<b>5-year projected total</b>						<b>781,450</b>
<b>Projects</b>						
Traffic Box Wrap	11,000	11,000	11,000	11,000	11,000	55,000
Music Out Loud - Artwork		37,800				37,800
Music Out Loud - Performance		6,433	6,433	6,433	6,433	25,732
Percival Plinth Project	22,100	22,100	22,100	22,100	22,100	110,500
Tree Guards		23,000				23,000
Olympia Artspace Alliance		50,000				50,000
City Gateways		50,000	75,000	60,000	50,000	235,000
City Hall Rotating Exhibit Support		6,000				6,000
Eastside/22nd Sidewalk			43,764			43,764
Poet Laureate (biennial)			1,000	1,000	1,000	3,000
<b>Subtotal</b>	<b>33,100</b>	<b>206,333</b>	<b>159,297</b>	<b>100,533</b>	<b>90,533</b>	<b>589,796</b>
<b>Balance</b>						<b>191,654</b>

Projected 1%: Boulevard/Morse Merriman Roundabout

Projected 1%: Sidewalk Construction

Pending Council Approval

## 6. Other Activities

Maintenance and conservation efforts are necessary to preserve the integrity of the City's collection for the benefit of the community. Funding for conservation and maintenance is provided from interest drawn on the MAF. Commissioners visit each piece in the collection on a yearly basis, both to get to know the collection and to flag issues for staff review. Interest earned on the MAF will continue to provide a fund source for needed treatment and conservation care.

Public Works Tribute – Estimated \$4,000 - Provide repair and pedestals for City-owned artwork to be installed in City Hall. In 1990, as a tribute to his co-workers, former Parks Maintenance employee Charlie Mitchell created a set of painted wood sculptures of Public Works employees in action: emerging from hatch covers, tending to solid waste and sweeping the pathway in a small green space near the City's maintenance buildings. Due to environmental deterioration, the sculptures were removed, and stabilized. Conserved artwork will be installed at City Hall near Public Works offices, to be unveiled during Public Works Week in May.





## City Council

### Approval of Proposed Poet Laureate Program Policy and Proposed Call for Art

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.H  
**File Number:** 15-1198

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**Type:** decision   **Version:** 6   **Status:** Passed

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**Title**

Approval of Proposed Poet Laureate Program Policy and Proposed Call for Art

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve proposed Poet Laureate Program policy and Call for Art.

**Report**

**Issue:**

Whether to approve the proposed Poet Laureate Program policy and Call for Art.

**Staff Contact:**

Stephanie Johnson, Arts Program Manager, Olympia Parks, Arts & Recreation, 360.709.2678

**Presenter(s):**

Stephanie Johnson, Arts Commission Staff Liaison

Stacy Hicks, Vice Chair, Olympia Arts Commission

**Background and Analysis:**

On Tuesday, June 7, Council moved to approve the development of a Poet Laureate program in Olympia, with the following schedule.

**June 9** - Poet Laureate DRAFT policy/Call for Artists to Arts Commission

**July 27** - Poet Laureate policy/ Call for Artists to General Government

**August 2** - Poet Laureate policy/ Call for Artists to City Council

**August 5** - Poet Laureate Applications out

**September 30** - Poet Laureate Applications/Nominations due

**Week of October 24** - Poet Laureate jury

**November 10** - Poet Laureate recommendation goes to Arts Commission

**November 22** - Poet Laureate approval to Council

**January 3, 2017** - Poet Laureate present at the first Council meeting of the year

Attached are the proposed Poet Laureate program policy and Call for Art, as reviewed and edited by the Olympia Arts Commission at their June 9 meeting.

**Options:**

1. Recommend the proposed Poet Laureate Program policy and Call for Art to Council for approval.
2. Do not recommend the proposed Poet Laureate Program policy and Call for Art to Council for approval.
3. Recommend an alternative approach to creating a Poet Laureate.

**Financial Impact:**

**Attachments:**

- Proposed Poet Laureate Program policy
- Proposed Call for Poet Laureate
- Poet Laureate Referral from Council
- Poetry Reading by Natasha Tretheway, National Poet Laureate (video)
- Spoken Word Performance by Brian McCracken of Olympia's Old Growth Poetry Collective (video)

# City of Olympia Arts Program

## Olympia Poet Laureate

Policy No. \_\_\_\_\_

**BACKGROUND:** In November 2015, Olympia City Council made a referral to the Olympia Arts Commission to investigate the creation of a Poet Laureate Program for Olympia.

**PURPOSE:** To celebrate and expand upon poetry in our community.

**“POET LAUREATE”:** Historically, a Poet Laureate was appointed by a government to compose or recite poems for special occasions. Poet Laureates also conduct workshops and readings, activities and events. The City wishes to pursue a Poet Laureate program in order to:

- Promote poetry as an art form
- Expand access to the literary arts
- Connect the community to poetry
- Promote poetry as a community voice that contributes to a sense of place

**AUTHORITY:** Policy of the Olympia Arts Commission, Olympia Parks, Arts & Recreation, and the Olympia City Council.

### 1.0 Policy:

1.1 The Olympia Arts Commission is responsible for providing Poet Laureate recommendations to the Olympia City Council. The Olympia Arts Commission, using an inclusive jury process, will evaluate the applicants according to stated criteria.

### 2.0 Selection Process:

2.1 A 5-member jury, selected by the Arts Commission and composed of two Arts Commission members, one representative of the literary poetry community, one representative of the spoken word poetry community, and one citizen at large shall be convened to review the poet laureate submissions. The Arts Program Manager shall serve as facilitator to this panel.

2.2 Prior to the submission deadline, the Arts Commission will offer a free workshop to prospective applicants, clarifying the application and selection process. In future years this panel will include former Olympia Poets Laureate, who can share their individual experiences.

- 2.3 Applicants must be Olympia residents (within city limits or in the Urban Growth Area) over 18 years of age. A residency verification process will be conducted prior to approval.
- 2.4 Submissions require a resume and samples of work, from published and self-published volumes and/or video recorded readings and performances.
- 2.5 Each Poet Laureate shall serve a term of two years.
- 2.6 The selected Poet Laureate will offer a minimum of 2 instructional workshops per year, and participate in Arts Walk spring or fall of each year.
- 2.7 Each submission must include a proposal for a minimum of 6 additional hours of contact time with the public per year, that actively contributes to and advances Olympia's literary community.
- 2.8 The jury recommends to the full Arts Commission one Poet Laureate and an alternate. The Commission's recommendation will be communicated to the City Council for formal acceptance or rejection.
- 2.9 For their term of service in the community, each Poet Laureate will receive a stipend of \$1,000 per year (\$2,000 total) from the Municipal Art Fund.

### 3.0 Selection Criteria:

The jury reviews each application for aesthetic quality, community involvement, and capacity for public engagement in the literary arts, all equally weighted.

#### 3.0(a) ***Aesthetic Quality***

- Do the written or recorded work samples exhibit strong aesthetic merit?
- Are the works consistently strong? Does the applicant produce poetry on a regular basis?

#### 3.0 (b) ***Community Involvement***

- Does the applicant demonstrate a history of involvement and activity within the literary arts?

#### 3.0 (c) ***Potential for Engagement***

- Does the proposal support the poet's ability to engage Olympia's citizens in meaningful ways to further the literary arts in our community?

### 4.0 Administration

- 4.1 Each selected Poet Laureate will enter into an agreement with the City.

- 4.2 Each Poet Laureate will manage their own schedule, be the point of contact for all programming inquiries from the public, arrange details for their programs and coordinate press releases with the City's Arts Program staff.
- 4.3 If a poetry reading at an official City occasion is one item on the agreed scope of work, the Mayor reserves the right to review the proposed poem(s) beforehand (either their own or the work of another poet(s)), and accept or decline the reading. If the reading is declined, the Poet Laureate will replace the event in their schedule.
- 4.4 Each Poet Laureate will help to choose and transition the successor Poet Laureate.

# DRAFT

## Call for Art

# Olympia Poet Laureate

**The City of Olympia is seeking a Poet Laureate to engage our community in the literary arts.**

**DEADLINE: Receipt of Entries - Friday, September 2, 2016, 5pm**

- 2 year appointment.
- \$1000 stipend per year.
- In coordination with City Arts Program staff, the appointed Poet Laureate will have the flexibility to shape a scope of work that reflects their interests, skills and abilities.
- Applicant must be a practicing poet, dedicated to producing poetry (in any form, genre or style) on a regular basis.
- Applicant must be an Olympia resident (within city limits or in the Urban Growth Area) over 18 years of age.

A residency verification process will be conducted prior to approval.

### SUBMISSION CALENDAR

August 31, 2016, 7pm -	<b>Submission workshop (location).</b> The workshop will address questions about the application and selection process.
September 30, 2016, 5pm -	<b>DEADLINE</b> for Submissions
Week of October 24, 2016 -	Jury ( <b>time and place</b> )
November 10, 2016 -	Arts Commission reviews jury recommendation.
November 22, 2016-	Arts Commission recommendation goes to Council for approval
January 3, 2017 -	Poet Laureate appointed at Olympia City Council

*The City reserves the right not to select any artist at all, and reserves the right to change the process or schedule.*



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*The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of goods and services.*



# Olympia Poet Laureate - Submission Form

## Eligibility

- Olympia resident 18 years or older.
- Applicant must be a practicing poet, dedicated to producing poetry (in any form, genre or style) on a regular basis.

## Jury

- 2 members Olympia Arts Commission
- 1 representative of the literary poetry community
- 1 representative of the spoken word poetry community
- 1 citizen at large

## Poet Laureate

The intent of Olympia's Poet Laureate designation is to:

- Promote poetry as an art form
- Expand access to the literary arts
- Connect the community to poetry
- Promote poetry as a community voice that contributes to a sense of place
- 

## Selection Criteria

Artists should bear in mind that the audiences will be broad-based and of all ages, and will use discretion when acting in the capacity of the City's Poet Laureate.

### *Aesthetic Quality*

- Do the written or recorded work samples exhibit strong aesthetic merit?
- Are the works consistently strong? Does the applicant produce poetry on a regular basis?

### *Community Involvement*

- Does the applicant demonstrate a history of involvement and activity within the literary arts?

### *Potential for Engagement*

- Does the proposal support the poet's ability to engage Olympia's citizens in meaningful ways to further the literary arts in our community?

## Term

The Poet Laureate appointment is a two year term, from January 1, 2017 - December 31, 2018.

## Stipend

The Poet Laureate will be paid a \$1,000 honoraria per year (\$2,000 total). To receive funds, the Poet Laureate must purchase a City of Olympia Business license. Please see <http://bls.dor.wa.gov/cities/olympia.aspx> for business license information.

## Submission Guidelines

Applicants will need to provide a resume, 5 written poetry work samples (published or self-published) and one video recording sample of a poetry reading or performance of one of the written work samples. In addition, applicants will need to provide a one-page proposal of how they would engage with the public as the City's Poet Laureate, including audience, community engagement strategy, and samples of workshops or projects that would support the focus or theme of their appointment.

## Scope of Work

- Each selected Poet Laureate will enter into an agreement with the City, and work with City Staff to determine a final scope of work.
- The selected Poet Laureate will offer a minimum of 2 instructional workshops per year, and participate in Arts Walk spring or fall of each year.
- In addition, each Poet Laureate will work with the City's Arts Program Staff to plan 6 additional hours of contact time with the public per year, that actively contributes to and advances Olympia's literary community.
- If a poetry reading at an official City occasion is one item on the agreed scope of work, the Mayor reserves the right to review the proposed poem(s) beforehand (either their own or the work of another poet(s)), and accept or decline the reading. If the reading is declined, the Poet Laureate will replace the event in their schedule.
- Each Poet Laureate will manage their own schedule, be the point of contact for all programming inquiries from the public, arrange details for their programs and coordinate press releases with the City's Arts Program staff.
- Each Poet Laureate will help to choose and transition the successor Poet Laureate.

## Recognition

The Poet Laureate will credit the City of Olympia at all official functions of the position.

# SUBMISSION FORM

1. **DEADLINE FOR RECEIPT OF APPLICATIONS: Friday, September 2, 2016, 5pm**

2. Submission packets should be sent, or hand-delivered to:

**Stephanie Johnson**  
City of Olympia Parks, Arts & Recreation  
Poet Laureate  
222 Columbia St NW  
Olympia, WA 98501

**Digital packets** may be downloaded to the City FTP site:  
<http://olympiawa.gov/ftp> Do not embed images in a Power  
Point, PDF, iPhoto or any other library files.  
"Recipient" is [sjohnso1@ci.olympia.wa.us](mailto:sjohnso1@ci.olympia.wa.us)

3. Poets agree that the City of Olympia may photograph them during their Poet Laureate workshops and projects.

4. Poets agree to sign a contract with the City regarding their scope of work. Artists also agree to responsibly handle administrative duties in association with the program.

5. For questions or further information contact: **Stephanie Johnson, Arts Program Manager,**  
[sjohnso1@ci.olympia.wa.us](mailto:sjohnso1@ci.olympia.wa.us) - 360.709.2678

**To be considered, applicants must meet all eligibility criteria and submit a packet including all materials listed below. Incomplete applications and extra material will not be considered.**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**DEADLINE FOR RECEIPT OF APPLICATIONS: Friday, September 2, 2016, 5pm SUBMISSIONS MUST INCLUDE:**

- This Submission Form**
- Resume:** Please include reference to involvement in Olympia's creative community.  
*No more than 2 pages.*
- Program Proposal:** Please describe how you would engage with the public as the City of Olympia's Poet Laureate if selected.
  - What would be the focus of your term as Poet Laureate?
  - Who would be your primary audience?
  - What would be your community engagement strategy?
  - Describe 2 instructional workshops that would support the focus or theme of your appointment.*Please frame your response within 1,000 words.*  
*\* The additional 6 hours of contact time described in the scope of work will be determined after appointment.*
- Proof of Residency:** A copy of your WA State ID, Driver's license, or current utility bill in your name with a current address.
- Written Work Samples:** Submit five (5) written poems of your own composition that represent the quality of your work. Please include your name at the top of each page.  
*Written work samples will not be returned, please keep your originals.*



# SUBMISSION FORM

- Recorded Poetry Work Sample(s):** Submit a DVD, *or* online sample which shows you reading or performing ONE of your submitted work samples.

**Recorded work samples will not be returned; please keep your originals.**

**DVD** - Please submit the portion of the work that you want the panel to view. If the DVD contains several pieces, please indicate which 'chapter(s)' and title(s) of the piece(s) you want to be viewed. The panel will review a minimum of 1 minute and a maximum of 3 minutes.

**Online** - Please submit the exact URL(s); if a webpage contains several pieces, please indicate which piece(s) you want to be viewed/heard. The panel will review a minimum of 1 minute and a maximum of 3 minutes.

- Work Sample Description Sheet:**

- Applicant's name
- Titles of pieces included in the Written and Recorded work samples
- Description/synopsis of the included work samples (optional)

**One page or less.**

- References:** Please list 2 professional references.

**Please include name, organization, title, primary telephone, email and brief description of how you know this person.**

- Assurances:**

-All statements made on this application are true to the best of my knowledge.

-I am eligible to apply for the Olympia Poet Laureate appointment based on the eligibility criteria outlined on page 2.

Signature \_\_\_\_\_

Date \_\_\_\_\_



# Olympia City Council Referral Request

Date of Referral	Nov. 10, 2015
Originator	Mayor Stephen Buxbaum
Referral To	The Arts Commission and a subsequent report and recommendation to the General Government Committee in early 2016.
Request	<p>Investigate the creation of a City of Olympia Poet Laureate.</p> <p>There is interest on the part of local poetry societies and the Library to support the designation of a City of Olympia Poet Laureate. This would be an unpaid, honorary designation. Volunteers in the community are willing to step forward to assist in helping research the development of such a position and a process for applications. In particular, the Olympia Poetry Network (OPN), has expressed their commitment and attention to the following issues and interests:</p> <ul style="list-style-type: none"><li>• A poet laureate for the city of Olympia</li><li>• Diversifying the poetry community, both in terms of poets and listeners/supporters. This could include doing outreach and events at schools, and various community organizations, such as CIELO, Nisqually NWR, etc.</li><li>• Connecting the various poetry groups in Olympia and doing some joint events, such as a city-wide poetry festival (in addition to OPN's monthly readings at Traditions, the Evergreen State College affiliated Old Growth Collective has weekly spoken word events and <i>poetry slams</i> at Ben Moore's that attracts a mostly younger crowd. There's beginning to be a little cross-pollination of the groups, which is hopeful in terms of fostering a wider poetry presence in Olympia)</li></ul> <p>Other cities, including Tacoma, have a poet laureate program. The Arts Commission, as reflected in our Comprehensive Plan, has interest and intent to expand interest in the arts - moving into performing arts was one of the expressed goals. Tapping into the interest and commitment of local associations, such as the members of the OPN and faculty from local colleges and universities is appropriate to help meet this goal.</p> <p>Any initial appointment of a poet laureate should have a clear vision for the position and plan for implementation. This is an exciting time for poets and poetry, ignited by the youth-driven spoken word movement and enlivening traditional literary poetry. Poetry has taken to the streets, the classroom, coffee houses and living rooms - it would be wonderful to see a more formal expansion and support of these developments in the State's Capital City.</p>

Options	<ol style="list-style-type: none"><li>1. Investigate and recommend the creation of a honorary, unpaid City of Olympia Poet Laureate</li><li>2. Investigate and recommend not creating a Poet Laureate</li><li>3. Investigate and recommend an alternative approach to creating a Poet Laureate</li></ol>
Timing	Creation of a report and recommendation to the General Government Committee in early 2016.
Attachments	None

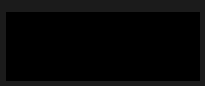
Poet laureate readings natasha trethewey vido

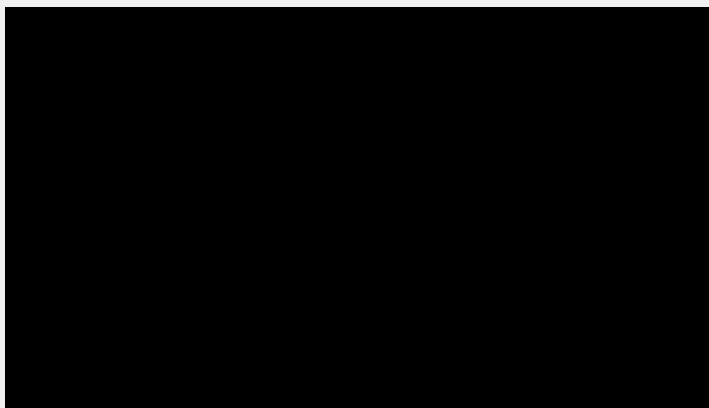


Weekly Poem by U.S. Poet Laureate Natasha Trethewey

YouTube · 549 views · 9/16/2012 · HD

Feedback





## Brian McCracken - "Origin Story" (Olympia Grand Slam 2015)



Old Growth Poetry Collective



118

365 views



Published on Jul 10, 2015  
Subscribe to Old Growth Poetry Collective!

Help Team Olympia get to the National Poetry Slam:

SHOW MORE

### Up Next

Autoplay



#### Brian McCracken - "Serenity" & "Avoiding Straitjackets"

Old Growth Poetry Collective  
271 views

5:09



#### Moth GrandSlam winning story on April 6, 2011

bklynrob11201  
62,049 views

8:05



#### Tucker Bryant - "Facts About Myself" (NPS 2015)

Button Poetry  
176,396 views

4:07



#### Kina Wolfenstein - "You're So Pretty" (Olympia Grand Slam)

Old Growth Poetry Collective  
550 views

3:13

#### James McCracken "I Hear You Calling Me"



Addiobelpassato  
1,011 views



Adam Wade The Moth StorySlam  
GrandSlam Winning Story #1

Adam Wade  
28,693 views



CABE 2015 - Dylan Garity -  
Poetry Slam

CABE Bilingual Education  
553 views



Kina Wolfenstein - "Down to Feel!"  
(Olympia Grand Slam 2016)

Old Growth Poetry Collective  
83 views

Daniel Fitterman - "Stories and  
Struggles" (Olympia Grand Slam

Old Growth Poetry Collective  
109 views

2:51

Aurielle Marie - "Names Other  
Than Black Bitch" (Olympia Grand

Old Growth Poetry Collective  
53 views

3:19

Smile: An Origin Story | Dante  
Basco & Shihan Van Clief |

TEDx Talks  
1,123 views

10:04

Rachel Greene - "Tikkun Olam"  
(Olympia Grand Slam 2016)

Old Growth Poetry Collective  
111 views

3:00

Brian Omni Dillon performs  
"Cannibal"

speakeasynyc  
7,822 views

3:57

Alex Dang - "Dear Mark  
Wahlberg" (NPS 2015)

Button Poetry  
48,943 views

3:16

Will Giles - "Deodorant" (NPS  
2015)

Button Poetry  
28,029 views

3:20

Jon Jay Read Moth GrandSLAM winner

Jon Read  
1,015 views

7:36

L'homme avec la voix la plus aigue du monde !!!

Guillaume Pley  
143,532 views

5:24

Noel Quiñones - "Shake" (CUPSI 2015)

Noel Quiñones  
1,594 views

3:14

"Concentration Closets" by Clutch (CUPSI 2015)

Lindsey Michelle Williams  
3,324 views

3:05

Dylan Garity - "Rigged Game" (NPS 2013)

Button Poetry  
894,533 views

3:19

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## City Council

### Approval of Amended Critical Areas Ordinance

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.1  
**File Number:** 16-0745

---

**Type:** ordinance **Version:** 2 **Status:** Passed

---

#### **Title**

Approval of Amended Critical Areas Ordinance

#### **Recommended Action**

##### **Committee Recommendation:**

The Planning Commission voted unanimously to recommend Council adoption of the proposed Amended Critical Areas Ordinance.

##### **City Manager Recommendation:**

Move to adopt the proposed amended Critical Areas Ordinance on second reading.

#### **Report**

##### **Issue:**

Whether to adopt the amended Critical Areas Ordinance.

##### **Staff Contact:**

Linda Bentley, Senior Planner, Community Planning & Development, 360.570.3746

##### **Presenter(s):**

Linda Bentley, Senior Planner, Community Planning & Development

##### **Background and Analysis:**

Background and analysis has not changed from first to second reading.

Under the Washington State Growth Management Act (GMA), the City is required to include Critical Areas in its development regulations and update the Critical Areas Ordinance periodically as part of the City's Comprehensive Plan update. The Olympia Critical Areas Ordinance (CAO), found primarily in Olympia Municipal Code (OMC) Chapter 18.32, is the main set of development regulations that protects critical areas in the City of Olympia.

Other protections for critical areas include: Frequently flooded areas in OMC 16.70, marine and freshwater shorelines as defined by the Shoreline Management Act in OMC 18.20, and Storm and Surface Water Utilities in OMC 13.16.

There are two substantive statutory requirements in this CAO update:



Critical Areas Review for Best Available Science - The city hired ESA Associates to do a Best Available Science (BAS) review to ensure that our policies and development regulations are based on the most current science and best management practices for designating and protecting critical areas.

Anadromous Fish - Cities are required to give special consideration in their development regulations to preserve or enhance anadromous fish population and habitat. Anadromous fish, such as salmon, are those that spawn and rear in fresh water and mature in marine waters.

In addition to the changes for BAS, we also proposed amendments to some sections for improved clarity, better organization and stronger consistency with GMA requirements.

The Land Use and Environment Committee directed that the CAO update should also include a review of potential additional protections for locally important species and habitats. To ensure we could complete the BAS updates by the deadline required by state statute and to allow more time for an in-depth look at the locally important species and habitats issue, we divided the tasks into Phase 1 (BAS) and Phase 2 (species and habitats).

Phase 3 involves amendment of the City's Shoreline Master Program (SMP) to adopt the new CAO by reference, which must be approved by the Department of Ecology before the SMP is effective.

#### Phase 1 Status

The Planning Commission held a public hearing on June 6, 2016, to receive comments on the Phase 1 proposed updates to the CAO. Three written comments were received by the June 10 deadline. On June 20, the Planning Commission reviewed the additional amendments to the CAO recommended by staff, based on comments received, and unanimously voted to recommend to Council approval of the proposed amendments. Council adoption of the amended Critical Areas Ordinance before you tonight would complete Phase 1.

#### Phase 2 Status

Work has begun on Phase 2 wherein the City and consultant ESA will look at options to protect our locally important species and their habitats. This work will identify:

- gaps in current federal, state and local regulatory protections
- legal bases for protecting species and habitats
- current best practices in comparable cities
- recommendations for best ways to protect our species and habitat

Some species and habitats are known; others may be identified and considered through a technical working group meeting, public workshops and other meetings or hearings.

#### **Tentative Phase 2 Schedule**

Consultant "technical memo"	July 2016
Working group meeting	July 2016
Public information meeting	August 2016

Planning Commission/LUEC briefings   July-September 2016  
Final recommendations   October 2016

### Phase 3

Under provisions of the Washington State Shoreline Management Act, all amendments to the City's CAO must also be adopted into the City's Shoreline Master Program (SMP) and approved by the Department of Ecology (DOE) before the amended CAO is effective within designated shoreline areas (generally the land area within 200 feet of the water).

### Legal Process

Because any amendments to our CAO require adoption into our SMP and subsequent approval by DOE (which can be a 4-6 month process) and we did not want the confusion of having two critical area regulations - one for shorelines and one for uplands during that gap - we have structured the legal adoption process as follows:

1. Public hearing on Phase 1 - Planning Commission, (Completed June 6, 2016)
2. Council adoption of Phase 1 CAO amendments, with no publish date, i.e., no effective date at this time
3. Planning Commission or Council public hearing on Phase 2 (any further amendments to the CAO if regulatory solutions are determined to best protect locally important species and habitats)
4. Council adoption of Phase 2 CAO amendments, with no publish date

AND

5. Concurrent Council public hearing on and adoption of amendments to the SMP adopting Phase 1 (and 2 if applicable) CAO amendments, with no publish date
6. DOE approves SMP amendment
7. Upon DOE approval, Critical Area and Shoreline Master Program Ordinances are published and effective 5 days from publication

If the Phase 2 work on protecting locally important species and habitats does not result in additional amendments to the CAO, steps 3 and 4 may be eliminated.

As long as the above-referenced process is completed before June 2017, the City will be considered in compliance with the Growth Management Act and may continue to use the current CAO and SMP until the amended CAO and SMP become effective.

### **Neighborhood/Community Interests (if known):**

Olympia Coalition for Ecosystems Preservation, Wildfish Conservancy, and Black Hills Audubon Society submitted comments as part of the public hearing. Staff responded to each comment for Planning Commission's deliberations, agreed with many of the commenters' recommendations, and proposed further amendments as appropriate.

### **Options:**

1. Adopt the Critical Areas Ordinance as recommended.
2. Adopt the Critical Areas Ordinance with modifications.
3. Do not adopt the Critical Areas Ordinance and refer to the Planning Commission or Land Use Committee for further consideration.

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**Type:** ordinance **Version:** 2 **Status:** Passed

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**Financial Impact:**

Updating the CAO and SMP to meet the statutory requirements is already a budgeted work item for Community Planning and Development in 2016. Initial review of locally important species and habitats is also included; however, some approaches to this task may require additional resources.

**Attachments:**

Ordinance

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON RELATING TO CRITICAL AREAS AND AMENDING CHAPTER 18.32, AND SECTIONS 18.02.180 AND 18.37.070 OF THE OLYMPIA MUNICIPAL CODE.**

WHEREAS, the City of Olympia is required to plan under RCW 36.70A.040; and

WHEREAS, the Growth Management Act mandates that the City adopt development regulations to protect the functions and values of five (5) types of critical areas: wetlands, critical aquifer recharge areas, fish and wildlife habitat areas, frequently flooded areas, and geologically hazardous areas; and

WHEREAS, OMC 18.32 contains the City's development regulations pertaining to the protection of critical areas located within the City; and

WHEREAS, OMC 18.02.180 contains definitions pertaining, in part, to critical areas; and

WHEREAS, OMC 18.37.070 pertains to nonconforming structures and uses within critical areas; and

WHEREAS, pursuant to RCW 36.70A.130, the City is required to periodically review and, if needed, revise its development regulations, including its critical areas regulations, to ensure its regulations comply with the goals and requirements of the Growth Management Act; and

WHEREAS, RCW 36.70A.172 requires that when reviewing its Critical Areas Regulations the City must include Best Available Science in developing the regulations to protect the functions and values of critical areas and to give special consideration to conservation and protection measures necessary to preserve or enhance anadromous fisheries; and

WHEREAS, in performing this periodic review, the City hired a consultant who did extensive research on the standards and requirements for regulating critical areas, considered guidance available from state agencies including the Departments of Commerce and Ecology, consulted with experts in the disciplines covered by these regulations, and considered various sources of Best Available Science in developing its Critical Areas Regulations, giving special consideration to anadromous fisheries; and

WHEREAS, mines and volcanic hazards have not been included in this critical areas update as the City is not subject to these geological hazards; and

WHEREAS, the environmental impacts of the amendments to the Critical Areas Regulations resulted in the issuance of a Determination of Non-Significance (DNS) on May 26, 2016, with no appeals filed; and

WHEREAS, in developing these Critical Areas Regulations, the City provided for early and continuous public participation through a variety of means as demonstrated by the public record; and

WHEREAS, the City of Olympia Planning Commission considered the proposed Critical Areas Regulations amendments at a properly noticed public hearing on June 6, 2016, so as to receive public testimony; and

WHEREAS, at its June 20, 2016, meeting, the Planning Commission voted unanimously to recommend approval of the proposed amendment; and

WHEREAS, on July 19, 2016, the City Council discussed the proposed Critical Areas Regulations amendments at the properly noticed open public meeting; and

WHEREAS, pursuant to RCW 36.70A.370, the City utilized the process established by the Washington State Attorney General to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, on May 17, 2016, the City provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the City Council considered the entire public record, public comments, written and oral, the Best Available Science, and the Planning Commission's recommendation; and

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

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

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

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

WHEREAS, the City Council determined that the proposed amendments are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens and property owners of the City; and

WHEREAS, the City Council determined that the proposed amendments are necessary to ensure compliance with the goals and requirements of the Growth Management Act;

WHEREAS, it is the Council expectation that this Ordinance will not be published as required by law until it is approved by the Washington State Department of Ecology; and

WHEREAS, once the Department of Ecology approves the Ordinance, then it may be published as required by law; and

THEREFORE, THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON DO ORDAIN AS FOLLOWS:

**Section 1. Amendment.** OMC 18.32 Critical Areas is amended as set forth in Exhibit A to this Ordinance; OMC.18.02.180 Definitions is amended as set forth in Exhibit B to this Ordinance; and OMC 18.37.070 Nonconforming Structures and Uses Within Critical Area Buffers is amended as set forth in Exhibit C to this Ordinance.

**Section 2. Severability.** If any portion of OMC 18.32, OMC 18.02.180, or OMC 18.37.070 is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of OMC 18.32, OMC 18.02, or 18.37.070.

**Section 3. Codification of Amendments.** The City Council authorizes the City Clerk to correct any non-substantive errors in Exhibit A, codify the amendments to OMC 18.32, 18.02.180, and 18.37.070 and publish the amended code.

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

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

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

*Darren Dienaber*

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CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**

Exhibit A

Chapter 18.32  
CRITICAL AREAS

18.32.000 Chapter Contents

Sections:

- 18.32.100 General Provisions - Purpose and Intent.
- 18.32.105 General Provisions - Critical Area Development Regulations.
- 18.32.110 General Provisions - Application of Critical Area Regulations.
- 18.32.111 General Provisions - Exemptions.
- 18.32.112 General Provisions - Public Agency and Utility Exception.
- 18.32.115 General Provisions - Applicant Requirements.
- 18.32.120 General Provisions - Application Form for Critical Areas Review.
- 18.32.125 General Provisions - Department Requirements.
- 18.32.130 General Provisions - Hearing Examiner Role.
- 18.32.135 General Provisions - Mitigation-Priorities Sequencing and General Measures.
- 18.32.136 General Provisions - Mitigation Plan Requirements.
- 18.32.140 General Provisions - Critical Area Tracts.
- 18.32.145 General Provisions - Signs and Fencing.
- 18.32.150 General Provisions - Notice on Title.
- 18.32.155 General Provisions - Authorized Activity Time Period.
- 18.32.160 General Provisions - Application of Multiple Development Regulations.
- 18.32.165 General Provisions - Emergency Actions.
- 18.32.170 General Provisions - Critical Area Maps.
- 18.32.175 General Provisions - Unauthorized Alterations and Enforcement.
- 18.32.200 Drinking Water (Wellhead) Protection Areas - Purpose and Intent.
- 18.32.205 Drinking Water (Wellhead) Protection Areas - Applicability and Designation.
- 18.32.210 Drinking Water (Wellhead) Protection Areas - Exempt Uses and Activities.
- 18.32.215 Drinking Water (Wellhead) Protection Areas - Prohibited Uses and Activities.
- 18.32.220 Drinking Water (Wellhead) Protection Areas - Administratively Authorized Uses and Activities.
- 18.32.225 Drinking Water (Wellhead) Protection Areas - Minimum Mitigation Standards.
- 18.32.230 Drinking Water (Wellhead) Protection Areas - Hydrogeological Report.
- 18.32.235 Drinking Water (Wellhead) Protection Areas - Existing Uses.
- 18.32.240 Drinking Water (Wellhead) Protection Areas - Farm Conservation Plan.
- 18.32.300 Important Habitats and Species - Purpose and Intent.
- 18.32.305 Important Habitats and Species - Applicability and Definition.
- ~~18.32.310 Important Habitats and Species - Exempt, Prohibited, Administratively Authorized Uses, and Hearing Examiner Authorized Uses and Activities.~~
- 18.32.315 Important Habitats and Species - Authority.
- 18.32.320 Important Habitats and Species - Buffers.

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- ~~18.32.325~~ ~~Important Habitats and Species - Special Reports.~~
- 18.32.330 Important Habitats and Species - Management Plan.
- 18.32.400 Streams and ~~Important~~ Priority Riparian Areas - Purpose and Intent.
- 18.32.405 Streams and ~~Important~~ Priority Riparian Areas - Applicability and Definition.
- 18.32.410 Streams and ~~Important~~ Priority Riparian Areas - Typing System.
- ~~18.32.415~~ ~~Streams and Important Riparian Areas - Prohibited Alterations.~~
- 18.32.420 Streams and ~~Important~~ Priority Riparian Areas - Exempt Uses and Activities.
- 18.32.425 Streams and ~~Important~~ Priority Riparian Areas - Administratively Authorized Uses and Activities.
- 18.32.430 Streams and ~~Important~~ Priority Riparian Areas - Hearing Examiner Authorized Uses and Activities.
- 18.32.435 Streams and ~~Important~~ Priority Riparian Areas - Buffers.
- 18.32.440 Streams and ~~Important~~ Priority Riparian Areas - Special Reports.
- 18.32.445 Streams and ~~Important~~ Priority Riparian Areas - Biological Assessment.
- 18.32.500 Wetlands and ~~Small Lakes~~ - Purpose and Intent.
- 18.32.505 Wetlands and ~~Small Lakes~~ - Definition.
- 18.32.510 Wetlands and ~~Small Lakes~~ - Rating System.
- 18.32.515 Wetlands and ~~Small Lakes~~ - Small Wetlands.
- ~~18.32.518~~ ~~Wetlands and Small Lakes - Prohibited Alterations.~~
- 18.32.520 Wetlands and ~~Small Lakes~~ - Exempt Uses and Activities.
- 18.32.525 Wetlands and ~~Small Lakes~~ - Administratively Authorized Uses and Activities.
- 18.32.530 Wetlands and ~~Small Lakes~~ - Hearing Examiner Authorized Uses and Activities.
- 18.32.535 Wetlands and ~~Small Lakes~~ - Wetland Buffers.
- 18.32.540 Wetlands and ~~Small Lakes~~ - Compensating for Loss or Affected Functions Preference of Mitigation Actions.
- 18.32.545 Wetlands and ~~Small Lakes~~ - Compensation Projects Wetland Mitigation Requirements.
- 18.32.550 Wetlands and ~~Small Lakes~~ - Replacement Ratios.
- 18.32.555 Wetlands and ~~Small Lakes~~ - Increase and Reduction to Replacement Ratios
- ~~18.32.560~~ ~~Wetlands and Small Lakes - Type and Location of Compensation Mitigation.~~
- 18.32.565 Wetlands and ~~Small Lakes~~ - Mitigation Timing.
- 18.32.570 Wetlands and ~~Small Lakes~~ - Wetland Mitigation Banks and In-lieu Fee.
- 18.32.575 Wetlands and ~~Small Lakes~~ - Special Reports.
- 18.32.580 Wetlands and ~~Small Lakes~~ - Wetland Boundary Delineation.
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- 18.32.590 Wetlands and ~~Small Lakes~~ - Wetland Mitigation Report.
- 18.32.595 Wetlands and ~~Small Lakes~~ - Wetland Compensation Mitigation Report Plan.
- 18.32.600  ~~Landslide Hazard Areas - Purpose and Intent~~ Geological Hazard Areas - Purpose and Intent.
- 18.32.603 Geological Hazard Areas - Mapping.
- 18.32.605  ~~Landslide Hazard Areas - Applicability and Definition~~ Geological Hazard Areas - Alterations.



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- 18.32.610 Landslide Hazard Areas - ~~Prohibited Alterations~~Applicability and Definition.
- 18.32.615 Landslide Hazard Areas - Exempt Uses and Activities.
- 18.32.620 Landslide Hazard Areas - Administratively Authorized Uses and Activities.
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- 18.32.630 Landslide Hazard Areas - Buffers.
- 18.32.635 Landslide Hazard Areas - Special Reports.
- 18.32.640 Landslide Hazard Areas - Geotechnical Report.
- 18.32.645 Landslide Hazard Areas - Covenant.
- 18.32.650 Erosion Hazard Areas - Description.
- 18.32.655 Erosion Hazard Areas - Protection Measures.
- 18.32.660 Seismic Hazard Areas – Description.
- 18.32.665 Seismic Hazard Areas - Alterations.

### 18.32.100 General Provisions - Purpose and Intent

It is the intent of this Chapter to implement the State of Washington Growth Management Act and its guidelines, the Countywide Planning Policies, and the Olympia Comprehensive Plan by ~~accomplishing the following:~~

- A. Protecting critical areas and the functions they perform by regulating their development, associated buffers, and their functions, and values while allowing reasonable use of property by:-
  - 1. achieving no net loss of critical areas values and functions;
  - 2. directing activities not essential in such areas to other locations;
  - 3. providing for review of proposed uses and activities on properties containing critical areas or their buffers to achieve compliance with standards designed to minimize impacts to critical areas and associated buffers; and
  - 4. providing for mitigation of unavoidable impacts;
- B. Establishing enforcement tools and processes designed to deter activities in violation of this chapter and provide for remedial action for unauthorized impacts to critical areas and their buffers;
- ~~B~~C. Maintaining groundwater recharge and preventing the contamination of groundwater resources;
- ~~E~~D. Minimizing damage due to landslides, seismic events, erosion or flooding;
- ~~D~~E. Protecting natural flood control and stormwater storage from alterations to drainage or stream flow patterns;

## Exhibit A

- EE. Protecting wildlife habitat and species where possible throughout the City;
- FG. Controlling siltation, protecting nutrient reserves and maintaining stream flows and stream quality for fish and marine shellfish;
- ~~G. Protecting areas with high potential for marine aquaculture activities from degradation by other types of uses;~~
- H. Minimizing turbidity and pollution of wetlands, streams and fish-bearing waters and maintaining their associated wildlife habitat;
- I. Protecting the general public against avoidable losses from:
  - 1. Property damage and the cost of replacing public facilities,
  - 2. Subsidizing public mitigation of avoidable impacts, and
  - 3. The cost for public emergency rescue and relief operations;
- J. Identifying and mapping critical areas so that this information is available to appraisers, planners, assessors, owners, and potential buyers and lessees of property;
- K. Assisting property owners in developing their property consistent with this Chapter by promoting the use of innovative land use techniques; and
- ~~L. Achieving no overall net loss in acreage and functions of the City's remaining wetlands.~~

### **18.32.105 General Provisions - Critical Area Development Regulations**

- A. This Chapter shall constitute the City of Olympia development regulations for the following critical area categories:
  - 1. General Provisions and standards which apply to the critical area categories are contained in OMC 18.32.100,
  - 2. Critical Aquifer Recharge Areas are covered in Drinking Water (Wellhead) Protection Areas provisions ~~are~~ contained in OMC 18.32.200,
  - 3. Important Habitats and Species provisions are contained in OMC 18.32.300,
  - 4. Stream and ~~Important Priority~~ Riparian Areas provisions are contained in OMC 18.32.400,

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5. ~~Wetlands and Small Lakes~~ provisions are contained in OMC 18.32.500, and
  6. ~~Landslide-Geological Hazard Areas~~ provisions are contained in OMC 18.32.600.
- B. The development regulations for Frequently Flooded Areas are contained in OMC 16.70.
- C. The development regulations for Erosion Hazards Areas are contained in OMC 13.16 and OMC 18.32.650-660.
- D. The development regulations for Drinking Water (Wellhead) Protection Areas are contained in OMC 18.32.200 and 18.40.080.
- E. The development regulations for Marine Shorelines and Lake Shorelines as defined by the Shoreline Management Act are contained in ~~OMC 14.08~~ the City's Shoreline Master Program.

### **18.32.110 General Provisions - Application of Critical Area Regulations**

- A. ~~This Chapter contains general provisions which apply to all critical areas and their buffers. The city shall regulate all uses, activities, and development within critical areas and the corresponding buffers and setbacks.~~ Additional requirements specific to a particular critical area are found in the sections for that critical area category (e.g., Landslide Hazard Areas, Wetlands). Compliance is required for both the general provisions regulations and those contained within the particular critical area category.
- B. The particular critical area category may include limitations on uses and activities which are specific to that critical area. Listing of various uses or activities within the critical area category does not authorize these if prohibited by another provision of the Olympia Municipal Code.
- ~~C. Developments which include or lie within three hundred (300) feet of a landslide hazard area, stream, or wetland, and a distance of up to one thousand (1,000) feet of an important habitat or species location depending upon the type of habitat, shall be subject to the provisions found herein.~~
- ~~D.~~ No action shall be undertaken by any person, ~~which~~ that results in any alteration of a critical area or its buffer except in compliance with the requirements, purpose and intent of this Chapter.
- ~~E.~~ Each regulated use and activity requiring either an administrative review or permit shall obtain written authorization from the Department prior to undertaking the activity.
- ~~F.~~ Special reports shall be prepared pursuant to OMC Section 18.32.115~~(B)~~ prior to approval of development proposals in order to evaluate any potential adverse environmental impacts upon the critical area.

## Exhibit A

GF. Mitigation required by this Chapter shall be incorporated into the project except in cases where an alternative mitigation has been considered by the Department or the Hearing Examiner and found to be equal to or better than the requirements, and meets the purpose and intent of the Chapter.

HG. The Department may approve, approve with conditions or deny permits and approvals in order to carry out the purpose and intent of this Chapter.

HJ. Approval of or exemption of a development proposal pursuant to the provisions of this Chapter does not discharge the obligation of the applicant to comply with the procedural and substantive provisions of this Chapter.

I. These critical areas regulations shall be in addition to zoning and other regulations adopted by the City. Compliance with other regulations does not exempt the applicant from critical areas regulations. In the event of any conflict between these regulations and any other City regulations, those regulations which provide the greater protection to critical areas shall apply. Regulations can apply simultaneously and not be a conflict.

J. Any individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most protection to the critical areas involved. When any provision of this chapter or any existing regulation, easement, covenant, or deed restriction conflicts with this chapter, that which provides more protection to the critical areas shall apply.

K. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, shoreline substantial development or conditional use permits, shoreline variances, the Washington State Department of Fish and Wildlife hydraulic project approval (HPA), Army Corps of Engineers Section 404 permits, and National Pollution Discharge Elimination System (NPDES) permits). The applicant is responsible for complying with these requirements, apart from the process established in this chapter.

### **18.32.111 General Provisions – Exemptions**

The following activities and developments are exempt from the provisions of this chapter. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas, such as observing any seasonal moratorium on alterations. An exemption from this chapter is not an endorsement to degrade a critical area; ignore risk from natural hazards; or otherwise limit the ability of the Department to identify and abate such actions that may cause degradation to a critical area.

A. Operation, maintenance, or repair of existing public improvements, utilities, public or private roads, parks, trails, or drainage systems if the activity does not further alter or increase impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair, and no new clearing of native vegetation beyond routine pruning.

## Exhibit A

- B. Development involving or near artificially created wetlands or streams intentionally created from non-wetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities, and landscape features, except wetlands, streams, or swales created as mitigation or that provide habitat for salmonids.
- C. Normal maintenance and repair, reconstruction or remodeling, and additions to existing structures that do not increase the previously approved building footprint.
- D. Development within the footprint of existing paved surfaces that were previously approved.
- E. Educational and scientific research and investigative or exploratory activities such as wetland delineation or soil boring that do not require grading or placement of structures.
- F. Passive recreation such as fishing, hiking or bird watching.
- G. Removal by hand of invasive and noxious vegetation, which does not include using mechanical equipment or the use of herbicides. Invasive vegetation removal on steep slopes with the potential for erosion should use erosion control practices, followed by planting of native species to ensure slope stability.
- H. Non-commercial signs associated with critical areas, including interpretive signs, Critical Area boundary signs as provided in OMC 18.32.145, and survey markers.

### **18.32.112 General Provisions – Public Agency and Utility Exception**

- A. If the application of this Chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section.

## Exhibit A

B. An application for a public agency and utility exception shall be made to the City and shall include a critical area report including mitigation plan, if necessary; and any other related project documents such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act. The Department shall prepare a recommendation to the Hearing Examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with the criteria in OMC 18.32.112(D).

C. The Hearing Examiner shall review the application and Department recommendation, and conduct a public hearing pursuant to the provisions of OMC 18.82. The Hearing Examiner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the public agency and utility exception criteria in OMC 18.32.112(D).

D. The criteria for review and approval of public agency and utility exceptions follow:

1. There is no other practical alternative to the proposed development with less impact on the critical areas;
2. The application of this Chapter would unreasonably restrict the ability to provide utility services to the public;
3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
4. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and
5. The proposal is consistent with other applicable regulations and standards.

E. The burden of proof shall be on the applicant to provide sufficient information and bring forth evidence in support of the application.

### **18.32.115 General Provisions - Applicant Requirements**

The applicant requesting a critical areas review or approval for a development proposal on a site which includes or is near one or more critical areas shall submit a report containing the following:

A. Demonstrate that any proposed project submitted conforms to the purposes, standards and protection mechanisms of this Chapter; and The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;

## Exhibit A

B. ~~Include with the associated application a report which~~A copy of the site plan for the development proposal including:

- ~~1. Identifies and characterizes critical areas on the development parcel, and critical areas located on adjacent parcels to the extent feasible;~~A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and
- ~~2. Assesses the impact upon the critical areas both from activities outside the critical area and from any proposed alteration of the critical areas determined to be permitted under this Chapter, and~~A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations.~~3. Proposes adequate protection mechanisms for the specific critical areas which may include but not be limited to avoidance, mitigation, monitoring and financial measures.~~

C. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

D. Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;

E. A statement specifying the accuracy of the report, and all assumptions made and relied upon;

F. An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development;

G. A description of reasonable efforts made to apply mitigation sequencing pursuant to OMC 18.32.135 to avoid, minimize, and mitigate impacts to critical areas;

H. Plans for adequate mitigation, as needed, pursuant to OMC 18.32.136.

### **18.32.120 General Provisions - Application Form for Critical Areas Review**

A. Applications to undertake a use or activity within a critical area or its buffer which requires review by the Department shall be made on forms furnished by the Department and include information identified in the City of Olympia Application Content Lists, as amended.

B. Any person seeking to determine whether a proposed activity or an area is subject to this Chapter may request a written determination from the Department. Such a request for determination shall contain plans, data and other information as may be specified by the Department.

C. Any person intending to apply for authorization to undertake a regulated use or activity within a critical area is encouraged to meet with the Department as early as possible during the project planning stage. Efforts

## Exhibit A

put into pre-application consultations will help applicants create projects ~~which~~that require less time to review and are more easily processed.

- D. The Department may waive one or more of the reports of this Chapter:
1. If the information is contained in another form submitted to the City,
  2. If the Department already has adequate information regarding the critical area, or
  3. If the nature of the project and its impacts are generally known, or the impacts of the project have been mitigated.

### **18.32.125 General Provisions - Department Requirements**

In evaluating a request for a development proposal on a site which includes or lies near a critical area as described in OMC 18.32.110~~(C)~~, the Department shall:

- A. Confirm the nature and type of the critical areas by an on-site inspection and evaluate any special reports;
- B. Request that an interdisciplinary team evaluate a project if conditions warrant;
- C. Determine whether the development proposal is consistent with this Chapter, by granting, denying or conditioning projects;
- D. Make recommendations to the Hearing Examiner for projects requiring a Hearing Examiner review;
- E. Determine whether proposed alterations to critical areas are allowed by the standards contained in this Chapter or are necessary to allow reasonable use of the property as outlined in OMC 18.66.040; and
- F. Determine if any protection mechanisms, mitigation measures, monitoring plans, or financial surety measures are required to protect the public health, safety and welfare consistent with the purpose and intent of this Chapter, and if so, condition the permit or approval accordingly.

### **18.32.130 General Provisions - Hearing Examiner Role**

- A. Within all critical area categories, "a public project of significant importance" may be authorized only by the Hearing Examiner after a public hearing.
- B. The Hearing Examiner shall review other uses and activities as listed in the particular critical area category.



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C. Hearing Examiner approval may be conditioned upon the implementation of mitigating measures determined necessary to ensure adequate protection of the public, critical area category, and purpose and intent of this Chapter.

### **18.32.135 General Provisions - Mitigation Priorities Sequencing and General Measures**

A. ~~Mitigation shall be undertaken in the following order of preference~~ Applicants shall demonstrate that all reasonable alternatives have been examined with the intent to avoid and minimize impacts to critical areas. When alteration to a critical area is proposed, the alteration shall be avoided, minimized, or compensated in the following order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments;
6. Monitoring the impact and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the above measures.

B. Unavoidable impacts to critical areas often can and should be minimized by sensitive site design and deliberate actions during construction and implementation.

C. In addition to meeting the standards of the underlying zone, the Department may require the use of more restrictive mitigation techniques described as follows:

1. Limitation of building and development coverage;
2. Setbacks or buffers;
3. Size of lots and development sites;
4. Height limits;

## Exhibit A

5. Density limits;
6. Time limits;
7. Restoration of ground cover and vegetation;
8. Creation of critical area tracts;
9. Innovative design or construction methods;
10. Signing, fencing, and limitation of access;
11. Notice of conditions placed on the title of the property;
12. Provisions for access or rights-of-way;
13. Financial surety; and/or
14. Other measures for environmental protection.

### **18.32.136 General Provisions - Mitigation Plan Requirements**

When mitigation is required, the applicant shall submit for approval by the Department a mitigation plan as part of the critical area report. The mitigation plan shall include:

A. A written report identifying environmental goals and objectives of the mitigation proposed and including:

1. description of the anticipated impacts to the critical areas, the mitigating actions proposed and the purposes of the mitigation measures, including the site selection criteria; identification of mitigation goals; identification of resource functions; and dates for beginning and completion of site mitigation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area;
2. review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in restoring, enhancing, or creating the type of critical area proposed; and
3. analysis of the likelihood of success of the mitigation project.

B. Measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this Chapter have been met.

C. Written specifications and descriptions of the mitigation proposed, such as: \_\_\_\_\_

## Exhibit A

1. the proposed construction sequence, timing, and duration;
2. grading and excavation details;
3. erosion and sediment control features;
4. a planting plan specifying plant species, quantities, locations, size, spacing, and density; and
5. measures to protect and maintain plants until established.

These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

D. A program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years 1, 3, 5, and 7 after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not less than five (5) years.

E. Identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

F. Financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented, including fulfillment of the mitigation project, monitoring program, and any contingency measures.

G. Each critical area in this Chapter may require additional mitigation plan information.

### **18.32.140 General Provisions - Critical Area Tracts**

A. As a condition of a binding site plan, short plat, large lot subdivision, planned residential development, or subdivision, the applicant may be required to create a separate critical area tract or tracts containing critical areas or their buffers as defined by this Chapter.

B. Critical area tract or tracts shall be subject to either:

1. A conservation easement for the protection of native vegetation within a critical area and/or its buffer dedicated to the City or other appropriate public, nonprofit, or private entity (e.g., land trust) with a demonstrated record of land conservation and approved by the Department;

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2. A deed restriction recorded on the Chapter of all lots containing a critical area tract or tracts created as a condition of the permit; or

3. Limiting conditions on the face of the recorded plat or binding site plan.

C. The deed restriction language shall be substantially similar to the following:

"Note: Before beginning and during the course of any grading, building construction, or other development activity, on a lot or development site subject to this deed restriction, the common boundary between the area subject to the deed restriction and the area of development activity must be fenced or otherwise marked to the satisfaction of the Olympia Community Planning and Development Department."

D. Responsibility for maintaining the tracts shall be held by an entity approved by the Department, such as a homeowners' association, adjacent lot owners, the permit applicant or designee, or other appropriate entity.

E. A note substantially similar to the following shall appear on the face of all plats, short plats, planned residential developments, or other approved site plans containing separate critical area tracts, and shall be recorded on the title of all affected lots:

"Note: The \_\_\_\_\_ is responsible for maintenance and protection of the critical area tracts. Maintenance includes ensuring that no alterations occur and that all vegetation remains undisturbed unless the express written authorization of the Olympia Community Planning and Development Department has been received."

### **18.32.145 General Provisions - Signs and Fencing**

A. Permanent fences with signs or other access limiting features may be required on the perimeter of critical area buffers of hazardous or sensitive critical areas. Signs and fences must be maintained by the property owner in perpetuity.

B. The perimeter between the critical area buffer and those areas to be disturbed pursuant to a permit or authorization shall be marked in the field, and inspected by the ~~Director~~ Department prior to the commencement of permitted activities. This temporary marking shall be maintained throughout the duration of the permit.

C. Any sign shall be made of wood or metal and attached to a wood or metal post or another material of equal durability and posted at an interval of one per lot or every fifty feet, whichever is less, with the following or with alternative language approved by the Director:

“(Critical Area)

Protected by Law

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Contact City of Olympia Community Planning & Development

for Information"

D. The fence shall be visually open and constructed to allow animal passage.

### **18.32.150 General Provisions - Notice on Title**

A. The property owner shall record a notice approved by the ~~Director~~ Department with the Thurston County Auditor.

B. This notice will provide notice in the ~~public~~ public record of the presence of a critical area or its buffer, the application of this Chapter to the property, and limitations on uses and activities within or affecting this area.

### **18.32.155 General Provisions - Authorized Activity Time Period**

A. Authorization to undertake regulated activities within critical areas or their buffers shall be valid for a period of twelve (12) months from the date of issue unless a longer or shorter period is specified by the Department upon issuance of the permit.

B. For all administrative permits, an extension of an original permit may be granted upon written request to the Department by the original permit holder or the successor in title.

C. Prior to the granting of an extension, the Department may require updated studies and/or additional hearings if, in its judgment, the original intent of the permit would be altered or enlarged by the renewal, if the circumstances relevant to the review and issuance of the original permit have changed substantially, or if the applicant failed to abide by the terms of the original permit.

### **18.32.160 General Provisions - Application of Multiple Development Regulations**

A. In those cases where there are differences in the degree of environmental protection imposed by this Chapter and that of other city ordinances or state or federal laws, the more restrictive shall prevail.

B. Where two or more critical areas overlap, the requirements of the more restrictive critical area shall apply.

C. When a critical area is also defined by OMC 14.08 as a shoreline, all applicable regulations shall apply.

### **18.32.165 General Provisions - Emergency Actions**

A. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area or its buffer.

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- B. The person or agency responsible for the emergency action shall undertake good faith efforts to notify the Department prior to taking action and shall report to the Department ~~as soon as possible following commencement of the emergency activity, but in no case more than~~ within five one (51) working days after commencement.
- C. Within thirty (30) days, the Department will determine if the action taken was within the scope of the emergency actions allowed in this subsection.
- D. If the Department determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions ~~of~~ contained in OMC 18.73 and 4.44 shall apply.
- E. Within thirty (30) days of the decision in 18.32.165.C, the person or agency undertaking the action shall:
1. Submit all required applications and reports as would be required for a critical areas review. This application packet shall be reviewed in accordance with the review procedures contained within this Chapter; and
  2. Fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan.
- F. Restoration and/or mitigation activities must be initiated within and completed in a timely manner. Seasonal delays (such as not working in fish-bearing streams during spawning season) are acceptable.

### **18.32.170 General Provisions - Critical Area Maps**

- A. The Department shall maintain a set of critical area maps for each critical area category (e.g., landslide hazard area, wetlands).
- B. The boundaries of those critical areas shall be ~~those as~~ defined in this Chapter.
- C. Additions or corrections to those critical area maps shall be made as necessary when additional site specific information is available.
- D. ~~In the event that~~ If there is a conflict between a boundary on the map and the criteria set forth in this Chapter, the criteria shall control.
- E. Omission of a site from a critical area map does not and shall not exempt that site from complying with otherwise applicable provisions of this Chapter.

### **18.32.175 General Provisions - Unauthorized Alterations and Enforcement**

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A. When a critical area or its buffer has been altered in violation of this Chapter, the City shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this Chapter.

B. When a stop work order is issued by the City, the affected development work shall remain stopped until the owner prepares a restoration plan which is approved by the City. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in Subsection (C). The Department may, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

### C. Minimum Performance Standards for Restoration

1. For alterations to critical aquifer recharge areas, frequently flooded areas, wetlands, and habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

a. The historic structural and functional values shall be restored, including water quality and habitat functions;

b. The historic soil types and configuration shall be replicated;

c. The critical area and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration; and

d. Information demonstrating compliance with the mitigation plan requirements for a particular critical area shall be submitted to the Department

2. For alterations to flood and geological hazards, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

a. The hazard shall be reduced to a level equal to, or less than, the pre-development hazard;

b. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and

c. The hazard area and buffers shall be replanted with native vegetation, sufficient to minimize the hazard.

### **18.32.200 Drinking Water (Wellhead) Protection Areas - Purpose and Intent**

~~In order to~~Protection of groundwater and related critical aquifer recharge areas is necessary to prevent contamination of drinking water and to provide critical recharging effects on streams, lakes, and wetlands that provide critical fish and wildlife habitat. To protect the public health and safety, prevent the degradation of groundwater used for potable water, ~~and to provide for regulations that prevent and control risks to the degradation of groundwater, and to prevent negative effects on streams, lakes, and wetlands,~~ drinking water (wellhead) protection areas shall be subject to the standards described in OMC 18.32.205 through 18.32.240.

### **18.32.205 Drinking Water (Wellhead) Protection Areas - Applicability and Designation**

A. "Drinking Water (Wellhead) Protection Area" shall include the surface and subsurface area surrounding a water well or well field supplying a public water supply system with over one thousand (1,000) connections through which contaminants are reasonably likely to move toward and reach such well or well field within six (6) months, and one (1), five (5), and ten (10) years; for which the water purveyor has adopted a wellhead protection plan; and which said plan has been either formally proposed by the City to the Washington Department of Health pursuant to WAC 246-290-135 (3) and WAC 246-290-100 (2) or approved by the Washington State Department of Health.

The periods of time (six months and one, five and ten years) for movement of a contaminant toward a drinking water well define "time-of-travel zones." These zones establish areas around a drinking water source within which these wellhead protection measures apply.

An Extended Capture Zone can be designated outside the ten year zone if it is determined that surface water flows within that zone will discharge into the Wellhead Protection Area. All of the capture zones are considered part of the Drinking Water (Wellhead) Protection Zone.

Maps adopted pursuant to WAC 246-290-135 (3) and WAC 246-290-100 (2) which are hereby adopted by reference as though fully set forth herein, shall constitute the Drinking Water (wellhead) Protection Areas. Three copies of these maps shall be kept on file in the office of the City Clerk.

### **18.32.210 Drinking Water (Wellhead) Protection Areas - Exempt Uses and Activities**

The following activities shall be exempt from the review requirements of this critical area category:

- A. Agriculture, existing and ongoing; except in conditions described in OMC 18.32.240;
- B. Boundary line adjustments;
- C. Building projects for individual, single family residences or duplexes connected to a sanitary sewer;



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- D. Conservation or preservation of soil, water, vegetation and wildlife in consultation with the Natural Resources Conservation Service, Washington Department of Fish and Wildlife, or other appropriate federal or state agency;
- E. Grading permit for less than five hundred (500) cubic yards of material;
- F. Installation, replacement, alteration or construction and operation in improved city road right-of-way of all water or electric facilities, lines, equipment or appurtenances but excluding substations and the application of chemical substances;
- G. Installation, replacement, alteration or construction and operation in improved city road right-of-way of all natural gas, cable communications and telephone facilities, lines, pipes, mains, equipment or appurtenances, but excluding the application of chemical substances;
- H. Location of boundary markers;
- I. Passive noncommercial outdoor recreation activities that have no impact on aquifer recharge, such as bird watching or hiking;
- J. Nondevelopment educational activities and scientific research;
- K. Normal and routine maintenance or repair of existing utility structures or right-of-way, excluding the application of chemical substances; and
- L. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities.

### **18.32.215 Drinking Water (Wellhead) Protection Areas - Prohibited Uses and Activities**

- A. Expansion or development of the following uses shall be prohibited within a designated drinking water (wellhead) protection area:
  - 1. Landfills (municipal sanitary solid waste and hazardous waste, demolition (inert) and wood waste);
  - 2. Chemical/Hazardous waste reprocessing transfer, storage and disposal facilities;
  - 3. Wood and wood products preserving/treating;
  - 4. Chemical (including pesticides) manufacturing, processing, mixing, ~~manufacturing,~~ and storage;
  - 5. Gas stations without attendant;

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6. Pipelines - liquid petroleum projects or other hazardous liquid transmission;
7. Solid waste processing;
8. Electroplating, metal plating;
9. Manufacturing - electrical/electronic;
10. Petroleum products refining, reprocessing and related storage [except underground storage of heating oil or agricultural fueling in quantities less than one thousand one hundred (1,100) gallons for consumptive use on the parcel where stored];
11. Land spreading disposal facilities (as defined by WAC 173-304 and 173-308);
12. Cemeteries; and
13. Vehicle wrecking/junk/scrap/salvage yards.

B. Expansion or development of the following uses within the six (6) month and one (1) year time-of-travel zone of a designated drinking water (wellhead) protection area shall be prohibited:

1. Agriculture operations with over two hundred (200) animal units;
2. Gas stations with attendants,
3. Confined animal feeding operations including, but not limited to dairies, stables, horse boarding/training, auction facilities, feedlots, poultry raising;
4. Funeral facilities and taxidermy (~~without~~ not connected to a sanitary sewer);
5. Maintenance/fueling facilities including but not limited to municipal, county, school district, transit, airports, railroads, buses;
6. Hazardous waste transfer and storage facilities, including radioactive wastes as defined in Chapter 43.200 RCW;
7. Fertilizer storage facilities;
8. Storage tanks, underground;
9. Solid waste handling, transferring, recycling;

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10. Asphalt ~~plants~~/cement/-concrete plants;
11. Furniture staining/fabricating with hazardous materials;
12. Machine shops, metal finishing/fabricating.
13. Metal processing with etchers and chemicals;
- ~~14.~~ Wastewater reuse facilities/wastewater recycling satellite plant; and
- ~~15.~~ All other activities involving the use, handling, or storing of hazardous materials ~~of or~~ generating hazardous materials by their activities or action in quantities exceeding the threshold in 18.32.235 (B).

### **18.32.220 Drinking Water (Wellhead) Protection Areas - Administratively Authorized Uses and Activities**

- A. All other uses and activities (~~i.e.,~~ those not listed in OMC 18.32.210 Exempted Uses and Activities, and OMC 18.32.215 Prohibited Uses and Activities) are subject to minimum mitigation standards as outlined in OMC 18.32.225 and further review by the Department in consultation with the Thurston County Health Officer. The Department shall determine whether the use or activity will ensure adequate protection of the source water supply, after a review of the hydrogeological reports, if required, as outlined in OMC 18.32.230.
- B. Administrative approval may be conditioned upon the implementation of mitigating measures which the Department determines are needed to ensure adequate protection of the source water supply.

### **18.32.225 Drinking Water (Wellhead) Protection Areas - Minimum Mitigation Standards**

- A. Every application for a non-exempt development permit within a drinking water (wellhead) protection area shall meet these minimum standards for mitigation:
  1. If the development proposal indicates the use, storage, handling or disposal of hazardous materials above the minimum quantity thresholds listed in OMC 18.32.235, the applicant shall submit a hazardous materials management (spill) plan as outlined in OMC 18.32.235.
  2. Landscaping and irrigation plans that mitigate the leaching of soluble contaminants into groundwater. These plans shall meet the requirement of OMC 18.36 and in addition incorporate the following requirements:
    - a. Within the landscaping plans, the Agreement to Maintain Stormwater Facilities Operations and Maintenance Agreement, and the Conditions, Covenants and Restrictions regarding fertilizers, insert the following specific passage, "Only slow-release fertilizers shall be applied for the life of

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the development at a maximum amount of 4 lbs of nitrate as ~~N~~nitrogen annually and no more than 1 lb- per application for every 1,000 square feet of turf grass. Only fertilizer formulas with a minimum of 50% water-~~-~~insoluble form of nitrogen are permitted for use. Approved water-~~-~~insoluble forms of nitrogen include sulfur-coated and/or polymer-coated coated fertilizers, ~~I~~isobutylidene ~~D~~diurea (IBDU), ~~M~~methylene ~~U~~rea and ~~U~~reaform, and organic fertilizers registered with the Washington Department of Agriculture."

b. The total turf area of the development will be limited to 25% of the total regulated landscaped area. All additional plantings will include native and/or drought tolerant plants as listed in the Thurston County Common Sense Gardening Plant List or a similar list approved by the ~~above~~ department Washington Department of Agriculture.

c. Irrigation systems shall be designed and managed to maximize efficient use of water. Lawns will not be watered more than ~~a depth of~~ 1 inch per week over the area of turf. An irrigation consultation will be required at the time the irrigation system is installed to determine ~~precipitation~~ application rates and system ~~uniformity of system~~. Consultations will be conducted by an Irrigation Association Certified Landscape Irrigation auditor.

d. Integrated Pest Management Plans as required by Thurston County for any land use projects located within a City of Olympia delineated well head capture zone.

3. A well inventory report. Any existing wells shall be identified on a map, with an assessment of their condition, photographs and well logs (if available). Wells that are not being used for ongoing domestic water use, irrigation or monitoring will be decommissioned by the applicant following the procedures in ~~WAC Chapter 173-160-381~~ WAC.

4. ~~A~~ gGrant to the Department permission to access the development for the purposes of:

a. Providing pollution prevention outreach to residents, employees, and contractors. ~~Access~~ Outreach may include but is not limited to: interpretive sign installation, model home displays, demonstration sites, conducting interviews and surveys, observing practices, and distributing informational materials.

b. Ensuring compliance with items described under this section OMC 18.32.225, ~~section A above~~.

c. The grant of access shall be included in the Stormwater Operations and Maintenance Agreement and the Conditions, Covenants, and Restrictions for the project.

B. A dedicated groundwater monitoring well ~~is~~ or wells may be required in situations where infiltration of stormwater is proposed, or where other groundwater contamination risks or water quality or water level monitoring needs are identified by the Department. The wells will be installed and equipped with a dedicated

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pump and dedicated groundwater level pressure transducer and data logger by the applicant to eCity standards. Within 60 days after installation, the developer must demonstrate to the satisfaction of the Department that installed equipment functions as intended, consistent with Chapter 6 of the Engineering Design and Development Standards for groundwater monitoring wells. The developer must submit a report to the Department within 60 days of well completion with detailed information about the well including location, name of drilling company, date drilled and completed, borehole log, well construction log, depth to groundwater, any water quality sample results, and copies of documents required by the Washington State Department of Ecology as related to the well. Once the well passes City inspection, it will become part of the City's groundwater monitoring network of wells, to be monitored as needed by the City

C. The city may allow alternatives to the minimum mitigation standards described in this section in unique conditions and on a case-by-case basis when the applicant demonstrates that: the proposed alternative mitigation measure(s) will be adequate to protect the drinking water source.

1. The alternative mitigation measure(s) must be based on the best available science; and

~~2.~~ 2. The project ~~has been~~ must be evaluated by a Hydrogeological Report as described in OMC 18.32.230, if required by the Department. ~~and~~

~~2.~~ ~~Based upon the Hydrogeological Report and the best available science the proposed alternative mitigation measures will be adequate to protect the drinking water source.~~

### **18.32.230 Drinking Water (Wellhead) Protection Areas - Hydrogeological Report**

A. If the ~~d~~Department determines that where risks from on-site activities within a drinking water protection area are not well known, or where site specific assessment is necessary to determine mitigation levels above the minimum standards outlined in OMC 18.32.225, a ~~n~~Hydrogeological ~~r~~Report shall be required. This report shall identify the proposed development plan and the risks associated with on-site activities which may degrade the groundwater within a designated wellhead protection area.

B. This report shall be prepared, signed, and dated by a ~~state~~-licensed geologist or hydrogeologist, consistent with Chapter 18.220 RCW.

C. A Hydrogeological Report shall contain:

1. Information sources;
2. Geologic setting, including well logs or borings;
3. Background water quality;
4. Groundwater elevations;

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5. Location and depth of perched water tables and water-bearing aquifers;
6. Recharge potential of ~~facility-site~~ soils (~~permeability/transmissivity~~);
7. Groundwater flow direction and gradient;
8. Available data on wells located within 1/4 mile of the site;
9. Available data on ~~any~~ springs within 1/4 mile of the site;
10. Permanent and seasonal surface water body locations and recharge potential;
11. Any proposed monitoring or sampling schedules;
12. Analysis of the possible effects on the groundwater resource ~~of by~~ the proposed project including the storage or use of any hazardous materials;
13. Discussion of potential mitigation measures, should it be determined that the proposed project will have an adverse impact on groundwater resources;
14. Information required under Washington Department of Ecology Publication 05-10-028, as amended; and
15. Any other information as required by the Department.

### **18.32.235 Drinking Water (Wellhead) Protection Areas - Existing Uses**

A. The Department in consultation with the Thurston County Health Officer shall request that an owner of any existing use which is located within a designated drinking water protection area, which uses, stores, handles or disposes of hazardous materials above the minimum cumulative quantities listed within this section submit a hazardous materials management (spill) plan that will ensure adequate protection of the aquifer and any domestic water supply. This plan shall be reviewed and updated as needed, and conditions under this plan shall be met on an ongoing basis.

Hazardous materials management (spill) plans shall include, at a minimum, the following:

1. A brief description of business activities and a list and map of the locations, amounts, and types of hazardous materials, hazardous waste and petroleum products, used or stored on site;
2. A description of inspection procedures for hazardous material storage areas and containers and the minimum inspection intervals. An inspection logbook shall be maintained for periodic review by the county;

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3. Provision of an appropriate spill kit with adequate spill supplies and protective clothing;
  4. Detailed spill cleanup and emergency response procedures identifying how the applicant will satisfy the requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC, in the event that hazardous material is released into the ground, ground water, or surface water;
  5. Procedures to report spills immediately to the Department of Ecology and the Environmental Health Division of the Thurston County Public Health and Social Services Department, in that order;
  6. A list of emergency phone numbers (e.g., the local fire district and ambulance);
  7. Procedures to ensure that all employees with access to locations where hazardous materials are used or stored receive adequate spill training. A training logbook shall be maintained for periodic review by the county;
  8. A map showing the location of all floor drains and any hazardous material and petroleum product transfer areas; and
  9. Additional information determined by the approval authority to be necessary to demonstrate that the use or activity will not have an adverse impact on ground water quality.
  10. Liquid, soluble, or leachable hazardous materials, shall be stored in a secondary contaminant device or system that will effectively prevent discharge on-site. ~~(See Chapter 15.54 and 17.21 RCW regarding pesticide storage.) (Refer to Chapter 14.32 TCC, International Fire Code, regarding seismic standards).~~
- B. Any existing use ~~which that~~ uses, stores, handles or disposes of ~~hazardous~~ hazardous materials above these minimum cumulative quantities will meet requirements described in A-OMC 18.32.235(A) above:
1. Chemical substances that are ignitable, corrosive, reactive or toxic, consistent with WAC 173-303-090, as amended, except as provided for below. Minimum cumulative quantity: 160 pounds or the equivalent of 20 gallons.
  2. Cleaning substances for janitorial use or retail sale in the same size, packaging and concentrations as a product packaged for use by the general public. Chlorinated solvents and nonchlorinated solvents which are derived from petroleum or coal tar will not be considered a cleaning substance under this subsection, but rather a chemical substance under subsection (B)(1) of this section. Minimum cumulative quantity: eight hundred (800) pounds [or the equivalent one hundred (100) gallons], not to exceed fifty-five (55) gallons for any single package.
  3. Businesses which use, store, handle or dispose of chemicals listed in WAC 173-303-9903 as "P" chemicals. Minimum cumulative quantity: two and two tenths (2.2) pounds.

### **18.32.240 Drinking Water (Wellhead) Protection Areas - Farm Conservation Plan**

- A. The Department, upon request of the Thurston County Health Officer, or based upon good cause and with reasonable expectations of risk to groundwater, shall request that the owner of an existing agricultural use located within a designated drinking water protection area develop and implement a ~~f~~Farm ~~e~~Conservation ~~p~~Plan.
- B. Where a ~~f~~Farm ~~e~~Conservation ~~p~~Plan has been requested, such plan shall be prepared in conformance with the Natural Resources Conservation Service - Field Office Technical Guide. The Department may solicit advice from the Thurston Conservation District with regard to consistency of a ~~f~~Farm ~~e~~Conservation ~~p~~Plan with the Technical Guide. Only those portions of the Farm Conservation Plan which are related to groundwater protection must be implemented to comply with this standard.
- C. The Farm Conservation Plan shall include the following:
1. A resource inventory which includes livestock types/numbers, soil types, surface water and groundwater issues and location of wells;¿
  2. ~~An approved~~ management plan for manure storage on site, or manure export off-site;
  3. Adequate setbacks from surface water and wells;¿
  4. Heavy use protection in confinement areas;¿ and
  5. A management plan that addresses if and when fertilizers, manure, pesticides and/or herbicides may be applied.

### **18.32.300 Important Habitats and Species - Purpose and Intent**

In order to preserve and protect important habitats and ~~important~~ species which are known to occur in Thurston County and which may be found within the City of Olympia, and which are not already protected by another critical area category, appropriate protection ~~shall be provided on lands which lie within one thousand (1,000) feet of an important habitat or species location~~ shall be subject to the standards in OMC 18.32.305 through OMC 18.32.330. Protection in lake and marine shorelines is regulated under the City of Olympia Shoreline Master Program.

### **18.32.305 Important Habitats and Species - Applicability and Definition**

"Important habitats and species" are habitats or species known to occur within Thurston County and which may be found within the City of Olympia and which are not receiving habitat protection by another critical area category (e.g. Streams, Wetlands, or Landslide Hazard Areas) in this Chapter and:



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- A. Are designated as endangered or threatened species identified under the Endangered Species Act; or
- B. Are state ~~designated endangered, threatened, or sensitive species identified by the Washington Department of Fish and Wildlife and the habitat primarily associated with those~~ priority species identified on the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) List and their habitats of primary association. (Consult the state WDFW for the current PHS list); or
- C. Are areas in Olympia that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness.
- D. Small lakes, defined as naturally existing bodies of standing water less than twenty acres in size that exist on a year-round basis in a depression of land or expanded part of a stream and not defined as "Shorelines of the State" by RCW 90.58 (Shoreline Management Act), are considered an "important habitat." This term does not apply to constructed ponds.

### **~~18.32.310 Important Habitats and Species – Exempt, Prohibited, Administratively Authorized Uses, and Hearing Examiner Authorized Uses and Activities~~**

~~Within one thousand (1,000) feet of an important habitat or important species location there are no specific limitations on uses and activities, except those imposed by the Department based upon its review of the Important Habitat and Species Management Plan provided in OMC 18.32.330.~~

### **18.32.315 Important Habitats and Species - Authority**

- A. No development shall be allowed in an important habitat and species area where local, state or federally endangered, threatened or sensitive species have a primary association without approval from the Department. The Department may restrict the uses and activities of a development proposal, such as construction restrictions during breeding season, which lie within one thousand (1,000) feet of an important habitat or species location.
- B. The minimum performance standards ~~which will that~~ apply to a development proposal shall be those contained within provided by the Washington Department of Fish & Wildlife's Management Recommendations for Washington's Priority Habitat and Species Management Recommendations (1991), as amended, and the requirements in OMC 18.32.115, except as modified on the basis of the an Important Habitat and Species Management Plan described in OMC 18.32.330.

### **18.32.320 Important Habitats and Species – Buffers**

Buffers shall be established on a case-by-case basis as described in an Important Habitats and Species Management Plan per OMC 18.32.325 and 18.32.330. The Department shall establish buffers for the habitat or species on a case-by-case basis, in consultation with the WDFW or others with expertise if needed, based on the critical area report outlined in OMC 18.32.115 and the WDFW management recommendations for Washington's priority habitats and species, if available. The buffers shall reflect the sensitivity of the specific habitat(s) and/or species to be protected.

### **~~18.32.325 Important Habitats and Species – Special Reports~~**

~~When a development proposal lies within one thousand (1,000) feet of an important habitats and species location an Important Habitats and Species Management Plan shall be submitted by the applicant, provided the Department may waive the submittal when consultation with the Washington Department of Fish and Wildlife staff indicates that such a plan is not needed.~~

### **18.32.330 Important Habitats and Species - Management Plan**

When a development proposal lies within an important habitats and/or species location, an Important Habitats and Species Management Plan shall be submitted by the applicant. The Department may waive the submittal when consultation with the Washington Department of Fish and Wildlife staff indicates that such a plan is not needed.

An Important Habitats and Species Management Plan shall:

- A. Identify how the development impacts from the proposed project will be mitigated. The Washington Department of Fish and Wildlife's Management Recommendations for Washington's Priority Habitat and Species Management Recommendations (1991), as amended, shall be the basis for this plan.
- B. Be prepared by a person who demonstrates sufficient experience and education as a wildlife biologist, habitat management consultant or botanist.
- C. Contain, but not be limited to:
  1. A description of the nature, density and intensity of the proposed development in sufficient detail to allow analysis of such land use change upon the important species and its habitat;
  2. An analysis of the effect of the proposed development, activity or land use change upon the important species and its habitat, based upon Washington Department of Fish and Wildlife management guidelines;

## Exhibit A

3. A mitigation plan by the applicant which shall explain how any adverse impacts to the important species or its habitat created by the development will be minimized or avoided, such as:

- a. Establishment of buffer zones;
- b. Preservation of important plants and trees;
- c. Limitation of access;
- d. Seasonal restriction of construction and other activities; and
- e. Provisions for periodic review of the plan.

and

4. A map(s) to-scale, showing:

- a. The location of the proposed development site, to include a boundary survey;
- b. The relationship of the site to surrounding topographic features;
- c. The nature and density of the proposed development or land use change
- d. Proposed building locations and arrangements;
- e. Existing structures and landscape features including the name and location of all streams, ponds and other bodies of water;
- f. The extent and location of the important species habitat;
- g. A legend with: Title, scale and north arrows, and date, including revision dates if applicable.

### **18.32.400 Streams and ~~Important~~ Priority Riparian Areas - Purpose and Intent**

In order to preserve the natural functions of streams and "~~important~~ priority riparian areas" by controlling siltation, minimizing turbidity, protecting nutrient reserves, maintaining stream flows, providing a source of large woody debris, preserving natural flood storage capacities, protecting fish bearing waters, preserving overhanging vegetation, providing groundwater recharge, and protecting the wildlife habitat associated with streams and intact riparian areas of marine and lake shorelines, all areas within three hundred (300) feet of such waters shall be subject to the standards in OMC 18.32.405 through OMC 18.32.445. (Note: Further information regarding development along marine shorelines, lakes over 20 acres in size, and streams can be found in the City's Shoreline Master Program).

### **18.32.405 Streams and ~~Important~~ Priority Riparian Areas - Applicability and Definition**

A. "Streams" means an area where surface waters flow sufficiently to produce a defined channel or bed, i.e., an area which demonstrates clear evidence of the passage of water including but not limited to bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used to convey streams naturally occurring prior to construction.

B. "~~Important~~ Priority Riparian Areas" means those marine and lake shorelines, as measured from the ordinary high water mark, in the following locations:

1. The eastern shore of Budd Inlet from the southern property line of Priest Point Park northward to the city limits;
2. The western shore of Budd Inlet (in the Port Lagoon) from 4th Avenue NW northward to the extension of Jackson Avenue NW, but not including the BNSF railroad causeway and trestle or their western or eastern shores; West Bay Drive NW; Olympic Way NW; and parcels west of the rights-of-way of West Bay Drive NW and Olympic Way NW;
3. The western shore of Budd Inlet (north of West Bay Drive) from the extension of 24th Avenue NW northward to the city limits, being approximately six hundred and fifty (650) feet from the end of the fill to the city limits;
4. The eastern shore of Capitol Lake (in the Middle Basin) from the extension of 13th Avenue SE (Olmsted Brothers Axis) southward to the right of way of Interstate 5;
5. The eastern shore of Capitol Lake (in the South Basin) from the right of way of Interstate 5 southward to the city limits; and
6. The western shore of Capitol Lake (in Percival Cove) from the intersection of Lakeridge Drive SW and Deschutes Parkway SW westward to the mouth of Percival Creek (a point due north of the terminus of Evergreen Park Court SW).

### **18.32.410 Streams and ~~Important~~ Priority Riparian Areas - Typing System**

Streams are grouped into categories according to the Washington Department of Natural Resources Water Typing System. The criteria, definitions and methods for determining the water type of a stream are found in WAC 222-16-030 and 031, and the Stream Type Conversion Table below.

Exhibit A

STREAM TYPE CONVERSION TABLE

Stream Typing (per WAC 222-16-031)	Stream Typing (per WAC 222-16-030)
Type 1 stream	Type "S"
Type 2 stream	Type "F"
Type 3 stream	Type "F"
Type 4 stream	Type "Np"
Type 5 stream	Type "Ns"

A. "Type 1S streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 and 031, as a Type 1S Water and those inventoried as "Shorelines of the State" under the Shoreline Master Program for the Thurston Region (1990), TCC 19.04, pursuant to RCW Chapter 90.58. Type 1S streams contain salmonid fish habitat.

B. "Type 2E streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 and 031, as a Type 2E Water. Type 2E streams contain salmonid fish habitat.

~~C. "Type 3 streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 and 031, as a Type 3 Water. Type 3 streams contain salmonid fish habitat.~~

~~D. "Type 4Np streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 and 031, as a Type 4Np Water. Type 4Np streams do not contain salmonid fish habitat.~~

~~E. "Type 5Ns streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 and 031, as a Type 5Ns Water. These streams are areas of perennial or intermittent seepage, and ponds and drainage ways having short periods of spring or storm runoff. Type 5Ns streams do not contain salmonid fish habitat.~~

E. Waters having any of the following characteristics are presumed to have fish use:

## Exhibit A

1. Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington, and having a gradient of 16 percent or less;

2. Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size based on hydrographic boundaries;

3. Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to a fish stream;

4. Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water.

### **~~18.32.415 Streams and Important Riparian Areas – Prohibited Alterations~~**

~~The following alterations or commencement of the following activities shall be prohibited within a stream or "important riparian area" and its associated buffer, except as specified in 18.37.070, 18.32.420 Exempt Uses and Activities, 18.32.425 – Administratively Authorized Uses and Activities, or 18.32.430 Hearing Examiner Authorized Uses and Activities:~~

~~Any human action which changes the existing condition including, but not limited to:~~

~~A. Grading;~~

~~B. Dredging;~~

~~C. Channelizing;~~

~~D. Cutting;~~

~~E. Clearing;~~

~~F. Filling;~~

~~G. Paving;~~

~~H. Building of structures;~~

~~I. Demolition of structures;~~

~~J. Relocating or removing vegetation;~~

~~K. Introduction of invasive plant species;~~

## Exhibit A

- ~~L. Application of herbicides, pesticides, or any hazardous or toxic substance;~~
- ~~M. Discharging pollutants;~~
- ~~N. Grazing domestic animals;~~
- ~~O. Modifying for surface water management purposes; or~~
- ~~P. Any other human activity that changes the existing vegetation, hydrology, wildlife, or wildlife habitat.~~

### **18.32.420 Streams and ~~Important~~ Priority Riparian Areas - Exempt Uses and Activities**

In addition to the exemptions in OMC 18.32.111, the following activities shall be exempt from the review requirements of this Chapter:

- A. Activities within an Improved Right-of-Way, except those activities that alter a stream or wetland, such as a bridge or culvert, or result in the transport of sediment or increased stormwater.
- B. Forest Practices Class I, II, and III, as defined in and conducted pursuant to the provisions of RCW 76.09.050, as amended.
- C. Construction and/or maintenance of a trail in the stream buffer, four (4) feet or less in width, not paved, and involving less than fifty (50) cubic yards of cut or fill.
- ~~D. Non-commercial Signs Associated with streams or "important riparian areas," including interpretive signs, Critical Area boundary signs, and survey markers.~~
- ~~E. Normal Maintenance or Repair.~~
- ~~F. Passive Recreation Activities.~~

### **18.32.425 Streams and ~~Important~~ Priority Riparian Areas - Administratively Authorized Uses and Activities**

After evaluation and consideration of mitigation sequencing requirements in OMC 18.32.135, the Department may authorize the following uses and activities within a stream or "important-priority riparian area" or its buffer following guidelines in OMC 18.32.115 and OMC 18.32.125 and provided that appropriate erosion control best management practices are implemented during construction (if applicable) and any areas cleared of vegetation are replanted with native species:

- ~~A. Bank Stabilization.~~ Bank stabilization may be ~~an~~ allowed on a case-by-case basis when needed to protect the following:

## Exhibit A

1. An existing structure where relocation of the structure away from the channel is not feasible within the same parcel, or
2. The pier or foundation of ~~either~~ a railroad, road, or trail.

Bioengineering (the use of plant materials to stabilize eroding stream channels and banks) shall be employed when possible in lieu of designs which contain rip rap or concrete revetments.

B. Beach or ~~S~~shoreline ~~A~~access.

C. Dock/~~F~~float.

D. ~~Fencing~~The Department shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, the Department shall condition any permit or authorization issued pursuant to this Chapter to require the applicant to install a permanent fence, as described in OMC 18.32.145 at the edge of the critical area or buffer, when fencing will prevent future impacts to the critical area.

The applicant shall be required to install a permanent fence around the critical area or buffer when domestic grazing animals are present or may be introduced on site.

Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

E. ~~Forest Practices~~. Forest practices may be allowed pursuant to the provisions of OMC 16.60 and RCW 76.09.050, as amended.

F. ~~Minor Enhancement~~. Minor enhancement projects may be allowed for streams or stream buffers not associated with any other development proposal in order to enhance stream functions. Such enhancement shall be performed by a qualified professional, as defined in OMC 18.02.180, under the direct supervision of a fisheries biologist according to a plan approved by the department for the design, implementation, maintenance and monitoring of the project. ~~prepared by a civil engineer and a fisheries biologist with experience preparing riparian enhancement reports.~~

G. ~~Minor Restoration~~. Minor restoration project may be allowed when the minor stream restoration projects for fish habitat enhancement ~~when is~~ conducted by a public agency whose mandate includes such work and when the work is not associated with mitigation of a specific development proposal and does not ~~to~~ exceed twenty-five thousand (\$25,000) dollars in cost. Such projects are limited to placement of rock weirs, log controls, spawning gravel and other specific salmonid habitat improvements and shall involve use of hand labor and light equipment only.

H. ~~Nondevelopment Educational Activities and Scientific Research~~.



## Exhibit A

### ~~I. Noxious Weed Control.~~

### ~~JH. Road/Street - Expansion of Existing Corridor and New Facilities.~~

1. Crossings of streams shall be avoided to the extent possible;
2. Bridges or open bottom culverts shall be used for crossing of ~~Types 1-3~~ S and F streams;
3. Crossings using culverts shall use super span or oversize culverts;
4. Crossings shall be constructed and installed between June 15th and September 15th;
5. Crossings shall not occur in salmonid spawning areas;
6. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative exists;
7. Crossings shall not diminish flood carrying capacity; and
8. Crossings shall serve multiple properties/purposes whenever possible.

### ~~KI. Stormwater Facilities.~~ Stormwater facilities may be allowed ~~only in the outer half of~~ Types 4Np and 5Ns stream buffers, ~~and~~ only when:

1. The facility ~~does not exceed~~ is located in the outer twenty-five (25) percent of the buffer on site; ~~and~~
2. The functions of the buffer and the stream are not significantly adversely impacted; and.
3. Habitat for anadromous fish will not be adversely impacted.

### J. Stormwater retrofit facilities may be allowed in Types S, F, Np, and Ns stream buffers.

~~LK.~~ Trail construction or maintenance of a trail located immediately adjacent to a stream or "~~important~~ priority riparian area," greater than four (4) feet wide, with a paved surface, and/or involving more than fifty (50) cubic yards of cut or fill, but only when the Department determines that there are no practicable or reasonable alternatives.

1. Public and private trails and trail-related facilities such as picnic tables, benches, interpretive centers and signs, viewing platforms and campsites shall be allowed, but use of impervious surfaces shall be minimized.

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2. Trail planning, construction, and maintenance shall adhere to the following additional criteria:

a. Trails and related facilities shall, to the extent feasible, be placed on previously disturbed areas such as: existing or abandoned levees, or road, railroad, or utility corridors; and

b. Trails and trail related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat.

~~ML~~. Utility lines may be allowed within streams or "~~important~~priority riparian area" and their buffers when it is demonstrated that:

1. There are no practicable upland alternatives for the utility corridor;

2. The corridor alignment follows a path of least impact to the functions of the stream and buffer including maintaining and protecting the hydrologic and hydraulic functions of wetlands and streams;

3. The corridor avoids cutting trees greater than six (6) inches in diameter at breast height when possible; and

4. Any access to the corridor for maintenance is provided as much as possible at specific points rather than by parallel roads.

M. Emergency actions as provided in OMC 18.362.165+.

### **18.32.430 Streams and ~~Important~~Priority Riparian Areas - Hearing Examiner Authorized Uses and Activities**

~~After review~~As provided for in OMC 18.32.130, the Hearing Examiner may authorize the following uses and activities within a stream or "~~important~~priority riparian area" or its buffer:

A. ~~Bank Stabilization. The Department may allow b~~Bank stabilization when the design is consistent with the ~~Integrated Streambank Protection Guidelines (2002), published by the Washington State Aquatic Habitat Guideline Program~~Washington Department of Fish and Wildlife Integrated Streambank Protection Guidelines (Cramer et al., 2002), as amended or revised.

B. ~~Stormwater Facilities. The Department may allow s~~Stormwater facilities in the outer half of Types ~~1, 2S~~1, 2S and ~~3-F~~3-F stream buffers subject to the performance standards in OMC 18.32.425(~~KI~~), and in the buffer of Types ~~4-Np~~4-Np and ~~5-Ns~~5-Ns streams provided that the facility will have a net positive benefit on the functions of the stream and its buffer and habitat for anadromous fish will not be adversely impacted.

C. Stream Relocation.

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1. Streams which support salmonids shall not be relocated except as necessitated by public road projects which have been identified as a "public project of significant importance."
2. Streams may be relocated under a mitigation plan or restoration for the purpose of enhancement of in-stream resources and/or appropriate floodplain protection. Such relocations shall include:
  - a. The natural channel dimensions replicated, including substantially identical depth, width, length and gradient at the original location and the original horizontal alignment (meander lengths);
  - b. Bottom restored with identical or similar materials;
  - c. Bank and buffer configuration to as close as feasible to the original and/or natural conditions;
  - d. Channel, bank and buffer areas replanted with native vegetation which replicates the original in species, size and densities; and
  - e. Recreation of the original and/or natural habitat value.
3. An applicant must demonstrate, based on information provided by a civil engineer and a qualified biologist, that:
  - a. The equivalent base flood storage volume and function will be maintained;
  - b. There will be no adverse impact to groundwater;
  - c. There will be no increase in velocity;
  - d. There will be no interbasin transfer of water;
  - e. Performance standards as set out in the mitigation plan will be met;
  - f. The relocation conforms to other applicable laws; and
  - g. All work will be carried out under the direct supervision of a qualified biologist.

### **18.32.435 Streams and ~~Important~~ Priority Riparian Areas - Buffers**

A. Buffers shall be required as set forth for each stream type or "priority riparian area." The required buffers shall be delineated, both on a site plan or plat and on the property, prior to approval of any regulated activity.

Exhibit A

B. The required buffer shall be extended to include any adjacent regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers.

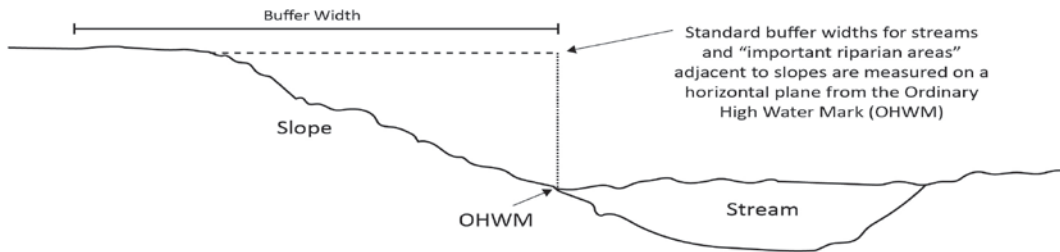
C. Stream buffers shall be based on the water type classification as established by the Department of Natural Resources Stream Typing Classification System and required by OMC 18.32.410. The table below includes detail differentiating stream types based on fish habitat presence, stream widths, and mass wasting potential:

<b><u>Stream Type and Description</u></b>	<b><u>Buffer</u></b>
<u>Type S – Shorelines of the State</u>	<u>250 feet</u>
<u>Type F streams greater than 5 feet wide (bankfull width) that provide habitat for fish</u>	<u>250 feet</u>
<u>Type F streams less than 5 feet wide (bankfull width) that provide habitat for fish</u>	<u>200 feet</u>
<u>Type Np and Ns streams (no fish habitat) with high mass wasting potential</u>	<u>225 feet</u>
<u>Type Np and Ns streams (no fish habitat) without high mass wasting potential</u>	<u>150 feet</u>

1. Stream buffers shall be measured on a horizontal plane, outward from the ordinary high water mark (OHWM) on each side of the stream. (See Figure 32-1).

2. For streams that occur within ravines (which are not designated as a landslide hazard area) and where the standard buffer extends onto a slope of 30% or greater that is at least 10 feet in height, the buffer shall extend a minimum of 25 feet beyond the top of the slope to protect the stream channel from sediment loading from mass wasting events (e.g., landslides, earth/debris flows and slumps, and rock falls/earth topples) and reduce the risk to structures and human safety.

Exhibit A



**FIGURE 32-1**

A. For streams maintain the existing vegetation along both sides of a stream channel to whichever distance is greater:

1. In ravines greater than ten (10) feet in depth, the existing vegetation within the ravine and within a strip fifty (50) feet from the top of the slope (refer to Figure 3).
2. Where there is no ravine or where a ravine is less than ten (10) feet in depth, the existing vegetation on both sides of the stream for the distance set forth below for the applicable stream type, using the stream rating system in OMC 18.32.410 (refer to Figure 2):
  - a. Type 1 and 2 streams: 250 feet,
  - b. Type 3 streams: 200 feet,
  - c. Type 4 and 5 streams: 150 feet.

**BD.** Maintain a buffer of existing vegetation for "important-priority riparian areas:" as defined in OMC 18.32.405.

1. 250 feet along the eastern shore of Budd Inlet from the southern property line of Priest Point Park northward to the city limits;
2. 200 feet along the western shore of Budd Inlet (in the Port Lagoon) from 4th Avenue NW northward to the extension of Jackson Avenue NW, but not including the BNSF railroad causeway and trestle or their western or eastern shores, West Bay Drive NW, Olympic Way NW, and parcels west of the rights-of-ways of West Bay Drive NW and Olympic Way NW;

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~~3.—150 feet along the western shore of Budd Inlet (north of West Bay Drive) from the extension of 24th Avenue NW northward to the city limits, being approximately six hundred and fifty (650) feet from the end of the fill to the city limits;~~

~~4.—250 feet along the eastern shore of Capitol Lake (in the Middle Basin) from the extension of 13th Avenue SE (Olmsted Brothers Axis) southward to the right of way of Interstate 5;~~

~~5.—250 feet along the eastern shore of Capitol Lake (in the South Basin) from the right of way of Interstate 5 southward to the city limits; and~~

~~6.—250 feet along the western shore of Capitol Lake (in Percival Cove) from the intersection of Lakeridge Drive SW and Deschutes Parkway SW westward to the mouth of Percival Creek (a point due north of the terminus of Evergreen Park Court SW).~~

~~C.—All stream and "important riparian area" buffers shall be measured from the ordinary high water mark.~~

~~D.E.~~ The stream or "important priority riparian area" buffer widths contained in OMC 18.32.435 ~~AC and B~~ presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. If the vegetation and other buffer elements are inadequate, then the buffer shall be planted ~~to~~ with a density and species composition a density of four hundred (400) tree units per acre pursuant to OMC 16.60 and with an understory of native plants commonly found in comparable but healthy riparian areas of Thurston County and as approved by the City of Olympia Urban Forester.

~~E.—The Department may allow modification of the required stream buffer width by averaging buffer widths. Averaging of buffer widths, which can include the shifting the buffer from one side of the stream to the opposite bank, may be allowed in accordance with a Biological Assessment described in OMC 18.32.445 only if:~~

~~1.—It will not reduce stream functions or values;~~

~~2.—The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;~~

~~3.—The buffer width is not reduced by more than twenty-five percent (25%) of the required width; and~~

~~4.—The stream buffer has been placed in a critical areas tract or a conservation easement.~~

F. The Department may reduce the required stream or "important priority riparian area" buffer widths up to twenty five percent (25%) on a case-by-case basis in accordance with a Biological Assessment described in OMC 18.32.445 when it can be demonstrated that:

## Exhibit A

1. The existing buffer area is not a high functioning buffer but instead is currently providing reduced functions due to existing land uses or previous alterations ~~well-vegetated with native species, as described in OMC 18.32.435-D;~~
2. Protection of the stream or "~~important~~ priority riparian area" buffer using a fence and sign have been provided, as described in OMC 18.32.145;
3. Topographic conditions of the site and the buffer are protective of the stream;
4. The intensity and type of the land uses adjacent to the buffer will minimize potential adverse impacts upon the stream and wildlife habitat; [e.g., publicly owned parks, designated open space areas in plats and binding site plans, or lands with a recorded conservation easement];
5. The site design and building layout will minimize potential adverse impacts upon the stream and wildlife habitat; ~~and~~
6. The smaller buffer will be adequate to protect the functions of the stream based on the best available science-; and
7. Alternative mitigation measures as provided in "Land Use Planning for Salmon, Steelhead and Trout: A Land planner's guide to salmonid habitat protection and recovery," Washington Department of Fish and Wildlife, 2009, have been proposed by the applicant and approved by the Department.

G.—~~The Department may vary from the provisions of OMC 18.32.435-B up to fifty percent (50%) for Type 5 streams which have no fish usage and which discharge directly into Puget Sound when:~~

- 1.—~~A substantial buffer of native vegetation exists, or~~
- 2.—~~The buffer has been replanted to a density of four hundred (400) tree units per acre pursuant to OMC 16.60 including an understory of native plants commonly found in riparian areas of Thurston County, and~~
- 3.—~~Conservation measures have been taken to ensure the long-term protection of the stream buffer, such as those as described in OMC 18.32.435(F)(4).~~

H.—~~The Hearing Examiner may allow reductions greater than those described in OMC 18.32.435(F) & (G) to the required stream or "important riparian area" buffer width in unique conditions and on a case-by-case basis when it can be demonstrated that:~~

- 1.—~~The provisions of the required stream or "important riparian area" have been evaluated by a Biological Assessment described in OMC 18.32.445, and~~

Exhibit A

2.—Based upon the Biological Assessment and the best available science the proposed stream buffer width will be adequate to protect the functions of the stream or "important riparian area."

4G. If a stream segment is removed from a culvert it will not be required to meet the stream buffer requirements of OMC 18.32.435. It shall comply with the purpose and intent of this title to the degree possible, as determined by the Department.

4H. The required stream buffer widths shall be increased when the Department determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the stream and/or to protect habitat corridors between streams and other habitats.

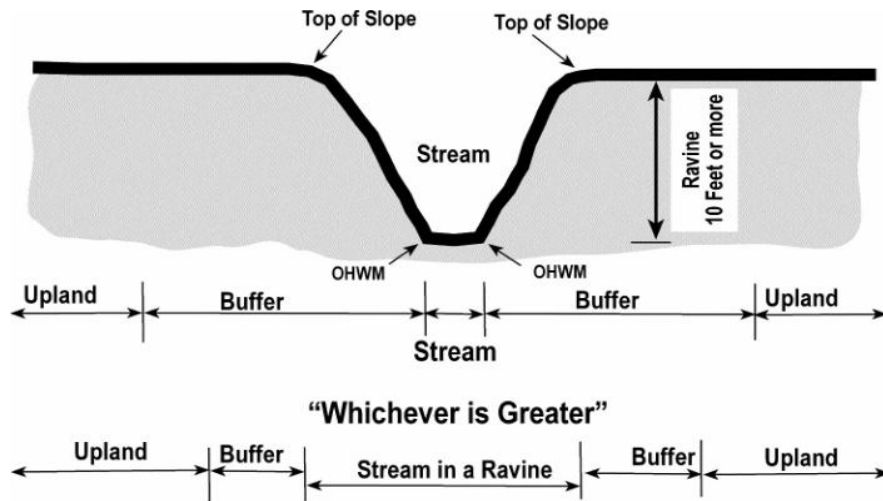


FIGURE 2

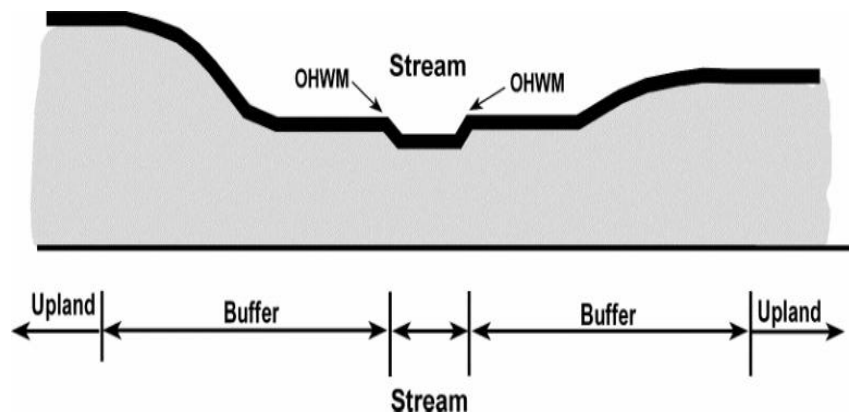


FIGURE 3



### **18.32.440 Streams and ~~Important~~ Priority Riparian Areas - Special Reports**

- A. Every application for development within a stream, or "~~important~~ priority riparian area" or ~~their~~ its buffer shall include a drainage and erosion control plan and a grading plan.
- B. For applications which propose a reduction of the buffer pursuant to OMC 18.32.435(F) ~~and (G)~~, or for uses and activities which require Hearing Examiner authorization in OMC 18.32.430, a Biological Assessment shall be submitted.

### **18.32.445 Streams and ~~Important~~ Priority Riparian Areas - Biological Assessment**

- A. Depending upon the species of salmon, the preparation of a Biological Assessment shall follow the provisions of:
1. National Marine Fisheries Service, 1996. Making Endangered Species Act Determinations of Effect for Individual or Grouped Actions at the Watershed Scale. National Marine Fisheries Service, Environmental and Technical Services Division, Habitat Conservation Division, Portland, Oregon, or
  2. U.S. Fish and Wildlife Service, 1998. A Framework to Assist in Making Endangered Species Act Determinations of Effect for Individual or Grouped Actions at the Bull Trout Subpopulation Watershed Scale (draft). Prepared by United States Fish and Wildlife Service (adapted from the National Marine Fisheries Service).
- B. The Biological Assessment shall be prepared by a ~~person who has sufficient experience and education in fish biology, as determined by the Department~~ qualified professional as defined in OMC 18.02.

### **18.32.500 Wetlands ~~and Small Lakes~~ - Purpose and Intent**

In order to protect the natural function of wetlands and "~~small lakes~~" for floodwater storage, floodwater conveyance, sediment control, pollution control, surface water supply, aquifer recharge, wildlife habitat, and recreation, those lands with wetlands ~~and "small lakes"~~ or which lie within three hundred (300) feet of wetlands ~~and "small lakes"~~ shall be subject to the standards in OMC 18.32.100(L) and OMC 18.32.505 through OMC 18.32.595.

### **18.32.505 Wetlands ~~and Small Lakes~~ - Definition**

~~A.~~—"Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1,

## Exhibit A

1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

~~B. "Small Lakes" means naturally existing bodies of standing water less than twenty acres in size, which exist on a year-round basis in a depression of land or expanded part of a stream and not defined as "Shorelines of the State" by RCW 90.58 (Shoreline Management Act). This term does not apply to constructed ponds.~~

### **18.32.510 Wetlands and Small Lakes- Rating System**

A. The Washington State Wetland Rating System for Western Washington (~~2004~~2014 update) as amended or revised, shall be used to determine if the wetland is a Category I, II, III or IV wetland. These documents contain the criteria, definitions and methods for determining if the criteria below are met.

1. ~~Category I:~~ Category I wetlands are (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands with high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.~~those that 1) represent a rare wetland type; 2) are highly sensitive to disturbance; 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; 4) provide a very high level of functions; or are designated as high value wetlands of local significance.~~

2. ~~Category II:~~ Category II wetlands are (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring between 20 and 22 points).~~those that 1) are sensitive to disturbance; 2) are difficult to replicate; 3) wetlands with a moderately high level of functions or are designated as wetlands of local significance. These wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a high level of protection.~~

3. ~~Category III:~~ Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands. ~~These wetlands generally have been altered in some ways, or are smaller, less diverse and/or more isolated in the landscape than Category~~

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~~II wetlands. For the purpose of this chapter, all "small lakes" shall be considered to be Category III wetlands.~~

4. ~~Category IV.~~ Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree, and often have been heavily altered. These are wetlands where it may be possible to replace, and in some cases be able to improve. These wetlands do provide some important functions, and should to some degree be protected.

B. Wetland rating categories shall be applied as the wetland exists on the date of application. However, wetland ratings shall not recognize alterations resulting from illegal activities.

### **18.32.515 Wetlands and Small Lakes - Small Wetlands**

A. Wetlands ~~and "small lakes"~~ less than one thousand (1,000) square feet shall be exempt from the requirements of OMC 18.32.135.A; wetland buffers in OMC 18.32.535, compensation projects in OMC 18.32.545 and replacement ratios in OMC 18.32.550 provided that the wetland or pond:

- ~~1.~~ 1. Is an isolated Category III or IV wetland;
- ~~2.~~ 2. Is not associated with a riparian corridor;
- ~~3.~~ 3. Is not part of a wetland mosaic; and
- ~~4.~~ 4. Does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.

B. Wetlands ~~and "small lakes"~~ between one thousand (1,000) and four thousand (4,000) square feet shall be exempt from the requirements of OMC 18.32.135.A, provided that the wetland ~~or small lake~~:

1. Is rated as a Category III or IV wetland,
2. Is not associated with a riparian corridor,
3. Is not part of a wetland mosaic,
4. Does not score ~~20~~ 5 points or greater for habitat in the Washington State Wetland Rating System for Western Washington (~~2004~~ 2014),

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5. Does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife, and
6. A wetland mitigation report is provided as required by OMC 18.32.590.

**~~18.32.518 Wetlands and Small Lakes – Prohibited Alterations~~**

~~The following alterations or commencement of the following activities are prohibited within a wetland and its associated buffer, except as specified in OMC 18.37.070, 18.32.520 – Exempt Uses and Activities, OMC 18.32.525 – Administratively Authorized Uses and Activities, or OMC 18.32.530 – Hearing Examiner Authorized Uses and Activities:~~

~~Any human action which changes the existing condition including but not limited to:~~

- ~~A. — Grading;~~
- ~~B. — Dredging;~~
- ~~C. — Channelizing;~~
- ~~D. — Cutting;~~
- ~~E. — Clearing;~~
- ~~F. — Filling;~~
- ~~G. — Paving;~~
- ~~H. — Building of structures;~~
- ~~I. — Demolition of structures;~~
- ~~J. — Relocating or removing vegetation;~~
- ~~K. — Introduction of invasive plant species;~~
- ~~L. — Application of herbicides, pesticides, or any hazardous or toxic substance;~~
- ~~M. — Discharging pollutants;~~
- ~~N. — Grazing domestic animals;~~
- ~~O. — Modifying for surface water management purposes; or~~

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~~P. Any other human activity that changes the existing vegetation, hydrology, wildlife, or wildlife habitat.~~

### **18.32.520 Wetlands and Small Lakes - Exempt Uses and Activities**

In addition to the exemptions in OMC 18.32.111, the following activities shall be exempt from the review requirements of this Chapter:

A. Activities within an ~~Improved Right-of-Way~~, except those activities that alter a stream or wetland, such as a bridge or culvert, or result in the transport of sediment or increased stormwater.

B. Forest Practices Class I, II, and III, as defined in and conducted pursuant to the provisions of RCW 76.09.050, as amended.

C. Construction and/or maintenance of a trail in the wetland buffer, four (4) feet or less in width, not paved, and involving less than fifty (50) cubic yards of cut or fill.

~~D. Non-commercial Signs Associated with wetlands, including interpretive signs, Critical Area boundary signs, and survey markers.~~

~~E. Normal Maintenance or Repair.~~

~~F. Passive Recreation Activities.~~

### **18.32.525 Wetlands and Small Lakes - Administratively Authorized Uses and Activities**

The following uses and activities may be authorized within a wetland or its buffer after an evaluation by the Department following the provisions in OMC 18.32.115 and OMC 18.32.125.

A. Beach or ~~S~~shoreline ~~A~~access.

B. Dock/~~F~~loat in Category III and IV ~~W~~wetlands only.

C. Compensation ~~M~~itigation ~~S~~ite in Category III and IV Wetlands only, and the buffer only of Category II ~~W~~wetlands.

D. ~~Fencing~~If fencing is necessary to protect the functions and values and/or to prevent future impacts of the critical area, the Department shall condition any permit or authorization issued pursuant to this Chapter to require the applicant to install a permanent fence, as described in OMC 18.32.145, at the edge of the critical area or buffer.

The applicant shall be required to install a permanent fence around the critical area or buffer when domestic grazing animals are present or may be introduced on site.

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Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

E. ~~Forest Practices~~: Forest practices may be allowed pursuant to the provisions of OMC 16.60 and RCW 76.09.050, as amended, in Category III and IV ~~W~~wetlands.

F. ~~Minor Enhancement~~: Minor enhancement may be allowed of wetlands or wetland buffers not associated with any other development proposal in order to enhance wetland functions, as determined by the Department and any state agency or tribal entity with jurisdiction. Such enhancement shall be performed under a plan for the design, implementation, maintenance and monitoring of the project prepared by a ~~civil engineer and a fisheries biologist with experience preparing riparian enhancement reports, under the direct supervision of a wetland scientist~~ qualified professional, as defined in OMC 18.02.180.

G. ~~Minor Restoration~~: Minor ~~R~~estoration may be allowed but shall be limited to Category II, III and IV ~~W~~wetlands and the buffer of Category I ~~W~~wetlands.

H. ~~Noxious Weed Control~~

I. ~~Nondevelopment Educational Activities and Scientific Research~~

J. ~~Road/Street Expansion of Existing Corridor and New Facilities in Category III and IV W~~wetlands only as follows:

1. Crossings of wetlands or other critical areas shall be avoided to the extent to the extent possible
2. Crossing of wetlands shall follow all applicable local, state and federal laws and the following criteria to ensure the least impact to wetlands:
  - a. ~~3.~~ Bridge-type structures are required for new crossings of wetlands;
  - b. ~~4.~~ Crossings using culverts shall use super span or oversize culverts.
  - c. ~~5.~~ Crossings shall be constructed and installed during periods of time when there will be the least impact on the adjacent fish and wildlife habitat;
  - ~~6.~~ Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;
  - d. ~~7.~~ Crossings shall not diminish flood carrying capacity;
  - e. ~~8.~~ Crossings shall provide for maintenance of culverts, bridges and utilities; and

## Exhibit A

~~f.~~ 9.—Crossings shall serve multiple properties whenever possible.

~~K.~~ Stormwater Facilities may be allowed ~~only in the outer half of in~~ Category III and IV wetland buffers ~~only, and only~~ when:

1. The facility ~~does not exceed~~ is located in the outer twenty-five (25) percent of the buffer on site; and
2. The location of such facilities will not degrade or have a significant, adverse impact on the functions or values of the wetland or buffer.

J. Stormwater retrofit facilities may be allowed in Category I, II, III and IV wetland buffers provided the facility does not negatively impact the wetland's functions or values.

~~L.~~ Trail construction or maintenance of a trail greater than four (4) feet wide, with a paved surface, and/or involving more than fifty (50) cubic yards of cut or fill located in a Category II, III or IV wetland, but only when the department has determined that there are no practicable or reasonable alternatives:

1. Public and private trails and trail-related facilities, (such as picnic tables, benches, interpretive centers and signs and, viewing platforms and campsites) shall be allowed, but use of impervious surfaces shall be minimized.
2. Trail planning, construction and maintenance shall adhere to the following additional criteria:
  - a. Trails and related facilities shall, to the extent feasible, be placed on previously disturbed areas such as: existing or abandoned levees, or road, railroad, or utility corridors; and
  - b. Trails and trail related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat.

~~M.~~ Utility lines may be allowed within Category II, III and IV wetlands and their buffers when it is demonstrated that:

1. There are no practicable upland alternatives for the utility corridor;
2. The corridor alignment follows a path of least impact to the functions of the stream and buffer critical areas including maintaining and protecting the hydrologic and hydraulic functions of wetlands and streams;
3. The utility provider avoids cutting trees in the corridor greater than six (6) inches in diameter at breast height when possible; and

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4. Any access to the corridor for maintenance is provided as much as possible at specific points rather than by parallel roads.

~~NM.~~ Wildlife Blind.

N. Emergency actions as provided in OMC 18.32.165.

### **18.32.530 Wetlands and Small Lakes- Hearing Examiner Authorized Uses and Activities**

The following uses and activities may be authorized within a wetland or its buffer after a review by the Hearing Examiner as provided in OMC 18.32.130:-

- A. Communication Towers in the buffers of Category III and IV ~~W~~wetlands only.
- B. Compensation ~~M~~mitigation ~~S~~site in Category II ~~W~~wetlands only.
- C. Dock/~~F~~float in Category II ~~W~~wetlands only.
- D. Road/~~S~~street only:
  - 1. In Category II wetlands subject to the performance standards ~~for Road/Street Expansion of Existing Corridor and New Facilities~~ in OMC 18.32.525(~~JH~~).
  - 2. In Category I wetlands subject to the performance standards ~~for Road/Street Expansion of Existing Corridor and New Facilities~~ in OMC 18.32.525(~~JH~~), and being processed as a "public project of significant importance."
- E. Stormwater Facilities in Category III or IV wetlands only, and in the outer half only of a Category II standard wetland buffer, provided that if the placement of such a facility in a wetland results in elimination of an area's wetland status, then mitigation will be required to compensate for the loss of that wetland as provided in OMC 18.32.550.
- F. Trail construction or maintenance of a trail greater than four (4) feet wide, with a paved surface, and/or involving more than fifty (50) cubic yards of cut or fill located in a Category I wetland, but only when the Hearing Examiner has determined that there are no practicable or reasonable alternatives. Trails shall be subject to the performance standards for ~~T~~trails in OMC 18.32.525(~~LK~~).
- G. Utility Facility only in Category I, II, III and IV wetlands.



**18.32.535 Wetlands and Small Lakes - Wetland Buffers**

A. Wetlands buffer areas shall be maintained between all regulated activities and wetlands to retain the wetland's natural functions and values. The required width of the wetland buffer shall be determined as provided in the tables below. Wetland buffers are based upon the rating of the wetland pursuant to OMC 18.32.585575.

B. The required width of the wetland buffer shall be determined as provided in the table below.

**Table ~~X32-1~~: Wetland Buffer Widths**

<b>Wetland Characteristics</b>	<b>Wetland Buffer Width</b>
Natural Heritage Wetlands	Not less than 250 feet
Bogs	Not less than 250 feet
Estuarine - Category I	250 feet
Estuarine - Category II	150 feet
Habitat score: <del>31 pts and more</del> <u>3 pts</u>	<del>300-100</del> feet
Habitat score: <del>30-4</del> <u>pts</u>	<del>280-100</del> feet
Habitat score: <del>29-5</del> <u>pts</u>	<del>260-140</del> feet
Habitat score: <del>28-6</del> <u>pts</u>	<del>240-180</del> feet
Habitat score: <del>27-7</del> <u>pts</u>	220 feet
Habitat score: <del>26-8</del> <u>pts</u>	<del>200-260</del> feet
Habitat score: <del>25-9</del> <u>pts</u>	<del>180-300</del> feet
Habitat score: <del>24</del> <u>pts</u>	<del>160</del> feet
Habitat score: <del>23</del> <u>pts</u>	<del>140</del> feet
Habitat score: <del>22</del> <u>pts</u>	<del>120</del> feet
Habitat score: <del>21</del> <u>pts</u>	<del>100</del> feet
Habitat score: <del>20</del> <u>pts</u>	<del>100</del> feet
Habitat score: <del>19</del> <u>pts</u>	<del>100</del> feet
Water Quality Improvement Score: <del>24-8 - 32-9</del> <u>pts</u> , and Habitat score: <del>19</del> <u>4</u> pts or less	100 feet
Category I or II Wetland - Not meeting any of the above criteria	100 feet
Category III Wetland - Not meeting any of the above criteria	80 feet

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**Table ~~32-1~~: Wetland Buffer Widths**

<b>Wetland Characteristics</b>	<b>Wetland Buffer Width</b>
Category IV Wetland - Score for all three wetland functions is less than <del>30</del> <u>16</u> pts	50 feet

- C. All wetland buffers shall be measured from the wetland boundary.
- D. The wetland buffer widths contained in OMC 18.32.535(B) ~~Table 32-1~~ presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation and other buffer elements are inadequate, then the buffer shall be planted ~~to a density of four hundred (400) tree units per acre~~ with native trees to a density common in the specific buffer area and ~~pursuant to OMC 16.60 including~~ an understory of native plants commonly found in riparian areas of Thurston County.
- E. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.
- F. The Department may allow modification of the required wetland buffer width by either allowing a reduction pursuant to OMC 18.32.535(G) or by allowing averaging of buffer widths when all of the following conditions are met:
1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower rated area,
  2. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion,
  3. The total area of the buffer after averaging is equal to the area required without averaging, and
  4. The buffer at its narrowest point is never less than seventy five percent (75%) of the required width.
- G. If buffer averaging has not been used, ~~the~~ Department may reduce the required wetland buffer widths by twenty five percent (25%) under the following conditions:
1. For wetlands that score ~~twenty five (205)~~ twenty five (205) points or more for the habitat functions, if both of the following criteria are met:

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a. A relatively undisturbed, vegetated corridor at least one hundred (100) feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the priority habitat by legal protection such as a conservation easement.

b. Measures to minimize the impacts of different land uses on wetlands, such as those described on Table 8c-11, Appendix 8-C, of Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands (2005) Ecology publication #05-06-008, as amended or revised, are applied. Examples of these measures include directing lighting away from wetland, locating noise generating activities away from the wetland, and densely planting the buffer to act as barrier to pets and human disturbance.

2. For wetlands that score ~~nineteen-four (194)~~ points or less for habitat function, apply the provisions of OMC 18.32.535(G)(1)(b).

~~H. The Hearing Examiner may allow:~~

~~1. Reductions to the required wetland buffer width greater than those described in OMC 18.32.535-G on a case-by-case basis when it can be demonstrated that:~~

~~a. The provisions of OMC 18.32.535(G) have been evaluated by a Wetland Mitigation Report described in OMC 18.32.590, and~~

~~b. The proposed wetland buffer width will protect the wetlands' functions and values based upon the Wetland Mitigation Report and the best available science.~~

~~2. Buffer averaging up to fifty percent (50%) of the required width, except for a Category IV wetland, when it can be demonstrated that:~~

~~a. It will not reduce wetland functions or values according to a Wetland Mitigation Report described in OMC 18.32.590;~~

~~b. Measures to minimize the impacts of different land uses on wetlands, such as those described on Table 8c-11, Appendix 8-C, of Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands (2005) Ecology publication #05-06-008, as amended or revised, are applied;~~

~~c. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and~~

~~d. The wetland buffer has been placed in a critical areas tract or a conservation easement.~~

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H. The Department or Hearing Examiner, as appropriate, shall require increased buffer widths in accordance with the recommendations of an experienced, qualified wetland scientist, and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:

1. A larger buffer is needed to protect other critical areas;
2. The buffer or adjacent uplands has a slope greater than fifteen percent (15%) or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland; or
3. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to project the wetland functions and values, implementation of a buffer planting plan may substitute. Where a buffer planting plan is proposed, it shall include densities that are not less than three (3) feet on center for shrubs and eight (8) feet on center for trees and require monitoring and maintenance to ensure success. Existing buffer vegetation is considered "inadequate" and will need to be enhanced through additional native plantings and (if appropriate) removal of non-native plants when:
  - a. non-native or invasive plant species provide the dominant cover,
  - b. vegetation is lacking due to disturbance and wetland resources could be adversely affected, or
  - c. enhancement plantings in the buffer could significantly improve buffer functions.

### **18.32.540 Wetlands – Preference of Mitigation Actions**

Mitigation for lost or diminished wetland and buffer functions shall rely on the types below in the following order of preference:

#### A. Restoration (re-establishment and rehabilitation of wetlands):

1. The goal of re-establishment is returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
2. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

B. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. Establishment results in a gain in wetland acres. This should be

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attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the Department may authorize creation of a wetland and buffer upon demonstration by the applicant's qualified wetland scientist that:

1. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;
2. The proposed mitigation site does not contain invasive plants or noxious weeds or that such vegetation will be completely eradicated at the site;
3. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and
4. The proposed land and buffer will eventually be self-sustaining with little or no long-term maintenance.

C. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement should be part of a mitigation package that includes replacing the altered area and meeting appropriate ratio requirements. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Applicants proposing to enhance wetlands or associated buffers shall demonstrate:

1. How the proposed enhancements will increase the wetland's/buffer's functions;
2. How this increase in function will adequately compensate for the impacts; and
3. How all other existing wetland functions at the mitigation site will be protected.

### **18.32.5405 Wetlands and Small Lakes - Compensating for Loss or Affected Functions** **Wetland Mitigation Requirements**

A. Property development that may result in the loss of wetlands or "small lake" or adversely affect wetland values and/or functions shall provide compensatory mitigation in accordance with the order of ~~priority~~ preference set forth in OMC 18.32.135540.

B. Compensatory mitigation shall provide functional equivalency or improvement of the wetland functions lost, except when either:

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1. The lost wetland provides minimal functions as determined by a site specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington State watershed assessment plan or protocol; or
2. Out-of-kind replacement of wetland type or functions will best meet watershed goals, such as replacement of historically diminished wetland types.

C. Compensatory mitigation shall be conducted on the site of the alteration except when all of the following apply:

1. There are no reasonable on-site or in sub-drainage basin opportunities (e.g., on-site options would require elimination of high-functioning upland habitat), or on-site and in sub-drainage basin opportunities do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydro geomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity); and
2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland.

D. Off-site compensatory mitigation shall be provided in the same drainage sub-basin unless:

1. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the Department and strongly justify location of mitigation at another site in a different drainage sub-basin; or
2. Credits from a state-certified wetland mitigation bank are used as compensation and the use of credits is consistent with the terms of the bank's certification.

E. The design for the compensatory mitigation project shall be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland is a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). It should not provide exaggerated morphology or require a berm or other engineered structures to hold back water.

### **~~18.32.545 Wetlands and Small Lakes - Compensation Projects~~**

~~AE.~~ Any wetland compensation project prepared pursuant to this Chapter and approved by the Department shall become part of the approved development project.

~~BG.~~ Critical area tracts or a conservation easement for any mitigation area created, restored or enhanced as a part of a wetland mitigation proposal will be required if necessary to provide a reasonable assurance that the mitigation or adverse impacts will not be lost after the completion of the project, or to provide a reasonable period of time for establishment of a functioning system. The ~~regulatory agency-Department~~ may accept a comparable use restriction such as, but not limited to, state or federal ownership.

~~EH.~~ The person proposing a wetland compensation project shall demonstrate to the Department that sufficient expertise, supervisory capability and financial resources exist to carry out the proposed compensation project. The needed expertise, supervisory capability and financial resources will be commensurate with the proposed compensation. At minimum, the project applicant must provide a description of the personnel who will be involved in carrying out and supervising the project including academic degrees, areas of experience and work experience to date.

~~D.~~ Compensation areas shall be determined according to function, acreage, type, location, time factors, ability to be self-sustaining and projected success. Wetland functions and values shall be determined by use of the Washington State Methods for Assessing Wetland Functions (1999), Ecology Publication #99-115 and 99-116, as amended. Multiple compensation projects may be proposed for one project in order to best achieve the goal of no net loss.

~~EJ.~~ A development project by a public entity, or a private development project with a wetland less than four thousand (4,000) square feet, may pay a fee to the Department to have the City construct a compensation project. Such a proposal shall be on a case by case basis, must have funds committed towards a project on property owned by the city, a public entity, or a nonprofit agency acceptable to the City and meets all other provisions of this Chapter.

~~FJ.~~ When loss or disturbance of wetland results from a violation of this Chapter or of any permit, order or approved mitigation plan issued pursuant thereto, penalties provided in OMC 18.73 may be imposed.

### **18.32.550 Wetlands and Small Lakes - Replacement Ratios**

~~A.~~—The wetland replacement ratios shall be those described on Table 8c-11, Appendix 8-C, of Wetlands in Washington State - Volume2: Guidance for Protecting and Managing Wetlands (2005) Ecology publication #05-06-008, as amended or revised.

~~B.~~—When the acreage required for compensatory mitigation is divided by the acreage of wetland adversely affected, the result is a number known variously as a replacement, compensation, or mitigation ratio.

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~~Compensatory mitigation ratios are used to help ensure that compensatory mitigation actions are adequate to offset unavoidable wetland impacts by requiring a greater amount of mitigation area than the area of impact.~~

### **18.32.555 Wetlands and Small Lakes - Increase and Reduction to Replacement Ratios**

A. The Department may increase the wetland replacement ratios contained in OMC 18.32.550 under any of the following circumstances:

1. Uncertainty as to the probable success of the proposed restoration or creation;
2. Significant period of time between destruction and replication of wetland functions;
3. Projected losses in functional value; or
4. The wetland impact was unauthorized.

B. The Department may decrease the wetland replacement ratios for Category II, III, and IV wetlands contained in OMC 18.32.550 to not less than a 1 to 1 acreage replacement ratio when a qualified wetlands specialist can document that:

1. The proposed mitigation actions have a very high likelihood of success, and either
2. The proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted, or
3. The proposed mitigation actions which are to be conducted in advance of the wetland impact have been shown to be successful.

### **~~18.32.560 Wetlands and Small Lakes - Type and Location of Compensation Mitigation~~**

~~A. Compensatory mitigation actions shall be conducted on the site of the alteration except when all of the following apply:~~

- ~~1. There are no reasonable on-site or in drainage of sub-basin opportunities (e.g., on-site options would require elimination of high-functioning upland habitat), or on-site and in sub-drainage basin opportunities do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydro geomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity); and~~



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~~2.—Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland.~~

~~B.—Off-site compensatory mitigation shall be provided in the same drainage sub-basin unless:~~

~~1.—Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the department and strongly justify location of mitigation at another site in a different drainage sub-basin; or~~

~~2.—Credits from a state-certified wetland mitigation bank are used as compensation and the use of credits is consistent with the terms of the bank's certification.~~

~~C.—The design for the compensatory mitigation project shall be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland is a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). It should not provide exaggerated morphology or require a berm or other engineered structures to hold back water.~~

### **18.32.565 Wetlands and Small Lakes - Mitigation Timing**

A. Where feasible, compensatory projects shall be completed prior to activities that will permanently disturb wetlands, and immediately after activities that will temporarily disturb wetlands.

B. In all cases compensatory projects shall be completed within one year after use or occupancy of the activity or development which was conditioned upon such compensation.

C. Construction of compensation projects shall be timed to reduce impacts to existing flora, fauna and fisheries.

D. The Department may authorize a one-time delay not to exceed twelve (12) months in the construction or installation of the compensatory mitigation. A written request shall be prepared by a qualified wetland professional and include the rationale for the delay. In granting a delay the Department must determine that it will not be injurious to the health, safety, and general welfare of the public.

### **18.32.570 Wetlands and Small Lakes - Wetland Mitigation Banks and In-lieu Fee**

~~A.—Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:~~

~~1.—The bank is certified under Chapter 173-700 WAC;~~

## Exhibit A

~~2.—The Department determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and~~

~~3.—The proposed use of credits is consistent with the terms and conditions of the bank's certification.~~

~~B.—Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.~~

~~C.—Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.~~

A. The city may approve mitigation banking or in-lieu fee mitigation as a form of compensatory mitigation for wetland and habitat conservation area impacts when the provisions of this chapter require mitigation and the use of a mitigation bank/in-lieu fee program will provide equivalent or greater replacement of critical area functions and values when compared to conventional permittee-responsible mitigation.

B. Mitigation banks and in-lieu fee programs shall only be used when it can be demonstrated that they provide significant ecological benefits including long-term conservation of critical areas, important species, and habitats or habitat linkages, and when they are documented to provide a viable alternative to the piecemeal mitigation for individual project impacts to achieve ecosystem-based conservation goals.

C. Mitigation banks and in-lieu fee programs shall not be used unless they are certified in accordance with applicable federal and state mitigation rules and expressly authorized through city legislative action.

### **18.32.575 Wetlands and Small Lakes - Special Reports**

Every application for development that proposed to be located within or adjacent to a regulated wetland or its buffer shall include the following special reports:

- A. Wetland boundary delineation,
- B. Wetland rating report (if the wetland is unrated),
- C. Wetland mitigation report, and
- D. Wetland compensatory mitigation plan (if the application includes wetland replacement).

### **18.32.580 Wetlands and Small Lakes - Wetland Boundary Delineation**

A. A wetland boundary delineation report shall establish the exact location of a wetland's boundary based on a field investigation by a qualified professional, ~~applying the Washington State Wetlands Identification and~~

## Exhibit A

~~Delineation Manual, (1997) Ecology Publication #96-94, as amended or revised. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements (WAC 173-22-035). Wetland data sheets shall be included in wetland reports.~~

~~B. The boundary delineation shall be prepared by a wetland biologist with experience preparing wetland reports, such as an individual certified by the Society of Wetland Scientists. Wetland delineations are valid for 5 years.~~

~~C. The wetland boundary, wetland buffer, and any critical area tract shall be identified on all grading, landscaping, site, utility or other development plans submitted on the project.~~

### **~~18.32.585 Wetlands and Small Lakes – Wetland Rating Report~~**

~~A. A wetland rating report shall categorize the wetland (e.g., I, II, III, or IV) based on the Washington State Wetland Rating System for Western Washington (2004) as amended or revised.~~

~~B. The applicant may elect to pay a fee to the Department in lieu of submitting the wetland rating report. The Department will hire a qualified individual or firm to prepare the wetlands rating report.~~

~~C. The Department will determine the wetland category and required buffer width.~~

### **~~18.32.587 Wetlands and Ponds – Wetland Rating Report~~**

~~A. The Washington State Wetland Rating System for Western Washington (2004) as amended or revised, shall be used to determine if the wetland is a Category I, II, III or IV wetland.~~

~~B. A wetland rating report shall categorize the wetland (e.g., I, II, III, or IV) based on the Washington State Wetland Rating System for Western Washington (2004 as amended or revised.~~

~~C. The applicant may elect to pay a fee (See OMC 4.) to the Olympia Community Planning and Development Department in lieu of submitting the wetland rating report. The Olympia Community Planning and Development Department will hire a consultant from a list of qualified individuals or firms to prepare the wetlands rating report.~~

~~D. The Department will determine the wetland category and required buffer width based on the wetlands rating report~~

### **~~18.32.590 Wetlands and Small Lakes - Wetland Mitigation Report~~**

~~A. A Wetland Mitigation Report shall include an evaluation of the functions and values of the wetland.~~

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- B. It shall be prepared by a wetland biologist with expertise in preparing wetlands reports.
- C. The report ~~may~~ shall include the wetland boundary delineation and the wetland rating.
- D. The report shall include a list of the mitigation measures proposed, based ~~upon~~ OMC 18.32.135.
- E. It shall include a to-scale map with conditions as appropriate to the site. Use OMC 18.32.595 (~~DC~~) as guidance for those features to be included on this map.

F. The applicant may elect to pay a fee to the Department in lieu of submitting the wetland rating report. The fee shall be sufficient to cover the cost to the Department to hire a qualified individual or firm to prepare the wetlands rating report, which will determine the wetland category and required buffer width.

### **18.32.595 Wetlands and Small Lakes - Wetland Compensation Mitigation Report Plan**

A. The Wetland Compensation Mitigation ~~Report~~ Plan must meet the general guidelines in OMC 18.32.136 in addition to the following specific guidelines. The Plan shall be prepared by a wetland biologist with experience preparing wetland reports, such as an individual certified by the Society of Wetland Scientists, must include a written report and map with the following elements: Full guidance can be found in the Guidance on Wetland Mitigation in Washington State - Part 2: Guidelines for Developing Wetland Mitigation Plans and Proposals, (2004) - Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10; Ecology Publication #04-06-013b, as amended or revised; and Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) – Ecology Publication No. 09-06-32.

~~B. The report shall be prepared by a wetland biologist with experience preparing wetland reports, such as an individual certified by the Society of Wetland Scientists.~~

~~B.~~ B. The written report must contain:

1. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland related permit(s) required for the project; and a vicinity map for the project;
2. Description of the existing wetland and buffer areas proposed to be impacted including: acreages (or square footage) based on professional surveys of the delineations; Cowardin classifications including dominant vegetation community types (for upland and wetland habitats); hydro geomorphic classification of wetland(s) on and adjacent to the site; the results of a functional assessment for the entire wetland and the portions proposed to be impacted; wetland rating based upon OMC 18.32. 585;

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3. An assessment of the potential changes in wetland hydroperiod from the proposed project and how the design has been modified to avoid, minimize, or reduce adverse impacts to the wetland hydroperiod;
4. An assessment of existing conditions in the zone of the proposed compensation, including: vegetation community structure and composition, existing hydroperiod, existing soil conditions, existing habitat functions. Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e., how would this site progress through natural succession?);
5. A description of the proposed actions to compensate for the wetland and upland areas affected by the project. Describe future vegetation community types for years one (1), three (3), five (5), ten (10), and twenty five (25) post-installation including the succession of vegetation community types and dominants expected. Describe the successional sequence of expected changes in hydroperiod for the compensation site(s) for the same time periods as vegetation success. Describe the change in habitat characteristics expected over the same twenty five (25) year time period;
6. The field data collected to document existing conditions and on which future condition assumptions are based for hydroperiod (e.g., existing hydroperiod based on piezometer data, staff/crest gage data, hydrologic modeling, visual observations, etc.) and soils (e.g., soil pit data - hand dug or mechanically trenched, and soil boring data. Do not rely upon soil survey data for establishing existing conditions.);
7. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands);
8. The estimated total cost for the bond for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice/year for up to five (5) years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring. The estimate shall be in sufficient detail to permit issuance of a bond to guarantee performance of the work; and
9. Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.

DC. The map must contain:

1. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions;
2. Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also

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existing cross-sections of on-site wetland areas that are proposed to be impacted, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation;

3. Surface and subsurface hydrologic conditions including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions;
4. Proposed conditions expected from the proposed actions on site including future hydro geomorphic types, vegetation community types by dominant species (wetland and upland), and future hydrologic regimes;
5. Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Title;
6. A plant schedule for the compensatory area including all species by proposed community type and hydrologic regime, size and type of plant material to be installed, spacing of plants, "typical" clustering patterns, total number of each species by community type, timing of installation; and
7. Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each year.

### **18.32.600 ~~Landslide~~ Geological Hazard Areas - Purpose and Intent**

In order to minimize damage to health and property due to landslide, erosion, seismic hazard or other naturally occurring events; control erosion, siltation, and stream health which affect fish and shellfish resources; and safeguard the public from hazards associated with landslides, mud flows and rock fall, landslide-geological hazard areas shall be subject to the standards described in OMC 18.32.605-603 through OMC 18.32.645665. The Department may also restrict the uses and activities of a development proposal located within 300 feet of a geological hazard area.

### **18.32.603 Geological Hazard Areas - Mapping**

A. The approximate location and extent of geologically hazardous areas are shown on the following maps:

1. U.S. Geological Survey landslide hazard, seismic hazard, and volcano hazard maps;
2. Washington State Department of Natural Resources seismic hazard maps for Western Washington;
3. Washington State Department of Natural Resources slope stability maps;

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4. Federal Emergency Management Administration flood insurance maps; and

5. Locally available maps.

B. These maps are a reference and do not provide a final critical area designation. They may be used as a guide for the City, project applicants, and property owners and may be continuously updated as new critical areas are identified.

### **18.32.605 Geological Hazard Areas - Alterations**

A. Alterations of geological hazard areas or associated buffers may occur only for activities that meet the following criteria:

1. Will not increase the existing threat of the geological hazard to adjacent properties;

2. Will not decrease the factor of safety within the landslide area below the limits of 1.5 for static conditions and 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the Washington State Building Code.

3. Will not adversely impact other critical areas;

4. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and

5. Are certified as safe as designed under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.

The department may condition or deny proposals as appropriate to achieve these criteria. Conditions may include limitations of proposed uses, modification of density, alteration of site layout, and other appropriate changes to the proposal.

B. Public emergency, health, and safety facilities, and public utilities, shall not be sited within geologically hazardous areas, or in areas that could be affected by geologic hazards, such as landslide run out zones, unless there is no other practicable alternative.

### **18.32.605-610 Landslide Hazard Areas - Applicability and Definition**

A. "Landslide Hazard Area" means those areas which are potentially subject to risk of mass movement due to a combination of geologic, topographic and hydrologic factors; and where the vertical height is ten (10) feet or more. The following areas are considered to be subject to landslide hazards:

## Exhibit A

1. Steep slopes of forty (40) percent or greater (refer to Figure ~~632-2~~);
2. Slopes of fifteen (15) percent or greater, with:
  - a. Impermeable subsurface material (typically silt and clay), frequently interbedded with granular soils (predominantly sand and gravel), and
  - b. Springs or seeping groundwater during the wet season (November to February) ~~(Refer to Figure 7)~~.
3. Any areas located on a landslide feature which has shown movement during the past ten thousand years or which is underlain by mass wastage debris from that period of time.

B. Not included in the definition of "Landslide Hazard Area" are those man-made steep slopes which were created in conformance with accepted construction standards or which meet the requirement of 18.32.640(C).

### ~~18.32.610 Landslide Hazard Areas – Prohibited Alterations~~

~~The following alterations or commencement of the following activities shall be prohibited within a landslide hazard area and its associated buffer, except as specified in OMC 18.37.070, 18.32.415 – Exempt Uses and Activities, OMC 18.32.420 – Administratively Authorized Uses and Activities, or OMC 18.32.425 – Hearing Examiner Authorized Uses and Activities:~~

~~Any human action which changes the existing condition including but are not limited to:~~

~~A. Grading;~~

~~B. Dredging;~~

~~C. Channelizing;~~

~~D. Cutting;~~

~~E. Clearing;~~

~~F. Filling;~~

~~G. Paving;~~

~~H. Building of structures;~~

~~I. Demolition of structures;~~



## Exhibit A

- ~~J.—Relocating or removing vegetation;~~
- ~~K.—Introduction of invasive plant species;~~
- ~~L.—Application of herbicides, pesticides, or any hazardous or toxic substance;~~
- ~~M.—Discharging pollutants;~~
- ~~N.—Grazing domestic animals;~~
- ~~O.—Modifying for surface water management purposes; or~~
- ~~P.—Any other human activity that changes the existing vegetation, hydrology, wildlife, or wildlife habitat.~~

### **18.32.615 Landslide Hazard Areas - Exempt Uses and Activities**

In addition to the exemptions in OMC 18.32.111, the following activities shall be exempt from the review requirements of this Chapter provided that appropriate erosion control best management practices are implemented during construction (if applicable) and any areas cleared of vegetation are replanted with native species:

- A. Activities within an ~~improved~~ ~~Right-of-Way~~, except those activities that alter a stream or wetland, such as a bridge or culvert, or result in the transport of sediment or increased stormwater.
- B. Fencing.
- C. Forest Practices Class I, II, and III, as defined in and conducted pursuant to the provisions of RCW 76.09.050, as amended.
- D. Construction and/or maintenance of a trail in the stream buffer, four (4) feet or less in width, not paved, and involving less than fifty (50) cubic yards of cut or fill.
- ~~E.—Non-commercial Signs Associated with Streams, including interpretive signs, Critical Area boundary signs, and survey markers.~~
- ~~F.—Normal Maintenance or Repair.~~
- ~~G.—Passive Recreation Activities.~~
- ~~HE. Wildlife Nesting Structure.~~

### 18.32.620 Landslide Hazard Areas - Administratively Authorized Uses and Activities

The Department may, after evaluation, authorize the following uses and activities within a landslide hazard area or its buffer:

A. Beach or ~~S~~shoreline ~~A~~access.

B. Existing ~~S~~structure - ~~R~~remodel and ~~R~~replacement.

C. Forest ~~P~~practices, pursuant to the provisions of OMC 16.60 and RCW 76.09.050, as amended.

~~D. Nondevelopment educational activities and scientific research.~~

~~E. Noxious Weed Control.~~

~~FD.~~ Restoration/~~R~~revegetation of ~~S~~site.

~~GE.~~ Site ~~H~~investigation.

~~HF.~~ ~~Slope Stabilization. The Department may allow the e~~Elimination of a landslide hazard area less than twenty (20) feet in height to stabilize a slope. ~~subject to the provision of the IBC.~~

~~IG.~~ ~~Stormwater Facilities. The Department may allow s~~Stormwater facilities only in the outer half of the buffer at the toe of the slope, and only if the applicant demonstrates:

1. No practicable alternative exists;
2. The facility does not exceed twenty-five (25) percent of the buffer on site; and
3. The stability of the landslide hazard area will not be adversely impacted.

~~JH.~~ Trail construction or maintenance of a trail located immediately adjacent to a stream, greater than four (4) feet wide, with a paved surface, and/or involving more than fifty (50) cubic yards of cut or fill, but only when the Department determines that there are no practicable or reasonable alternatives.

1. Public and private trails and trail-related facilities such as picnic tables, benches, interpretive centers and signs, viewing platforms and campsites shall be allowed, but use of impervious surfaces shall be minimized.
2. Trail planning, construction, and maintenance shall adhere to the following additional criteria:

## Exhibit A

- a. Trails and related facilities shall, to the extent feasible, be placed on previously disturbed areas such as: existing or abandoned levees, or road, railroad, or utility corridors; and
- b. Trails and trail related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat.

~~K.I. Utility Line.~~ Utility lines may be allowed within landslide hazard areas when it can be determined that:

1. There are no practicable alternatives for the utility corridor,
2. The corridor alignment follows a path of least impact to the landslide hazard areas critical areas including maintaining and protecting and retaining the slope stability of streams in ravines and landslide hazard areas;
3. The corridor avoids cutting trees greater than six (6) inches in diameter at breast height when possible; and
4. Any access to the corridor for maintenance is provided as much as possible at specific points rather than by parallel roads.

### **18.32.625 Landslide Hazard Areas - Hearing Examiner Authorized Uses and Activities**

The Hearing Examiner may, after review, authorize the following uses and activities within a landslide hazard area or its buffer:

- A. Road/Street - Expansion of Existing Corridor and New Facilities.
  1. Crossings of landslide hazard areas or other critical areas shall be avoided to the extent possible.
  2. Crossings shall serve multiple properties/purposes, whenever possible.
- B. Utility Facility.

Refer to the performance standards for Utility Line in OMC 18.32.~~625(K)~~620(I).

- C. Elimination of a Landslide Hazard Area.

When the landslide hazard area has a vertical dimension greater than twenty (20) feet in height and the landslide hazard could be eliminated through site grading.

- D. Other uses and activities.

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Other uses and activities may be allowed within a landslide hazard area on a case-by-case basis when it can be demonstrated that:

1. A Geotechnical Report described in OMC 18.32.640 has been provided, and
2. The applicant has demonstrated to the Examiner's satisfaction that legally enforceable commitments, such as bonds, letters of credit, and/or covenants, guarantee the use of development practices that will render the development as safe as if it were not located in a landslide hazard area.

### 18.32.630 Landslide Hazard Areas - Buffers

A. In order to minimize damage to personal health and property due to landslides, a buffer of undisturbed vegetation as provided in this Section shall be maintained between all regulated activities and landslide hazard areas. Development must maximize the retention of existing vegetation and retains all vegetation outside of the developed building area. Vegetation, in the form of ground cover, shrubs or trees, assists in stabilizing the ground surface. Damage to existing vegetation through removal or disturbance can have significant impacts on slope stability. Any removal of vegetation, therefore, must be minimized in steep slope areas. Where removal of vegetation cannot be avoided in order to accommodate a permitted development or to stabilize a slope, an acceptable plan to fully revegetate and restabilize affected areas must be provided.

B. The minimum required buffer widths ~~is are the greater amount of~~ the following distances measured from the edges of the landslide hazard area ~~(except for Subsection B.4 below):~~

1. ~~From all sides of the landslide hazard area limits: the distance recommended by the engineering geologist or geotechnical engineer.~~ The minimum distance recommended by the engineering geologist or geotechnical engineer;

2. If no recommendation by an engineering geologist or geotechnical engineer, then (See Figure 32-3):

2a. At the top of the landslide hazard area: a distance of one-third (1/3) the height of the slope or 50 feet, whichever is greater;:

3b. At the bottom of the landslide hazard area a distance of one-half (1/2) the height of the slope or 50 feet, whichever is greater; or

4c. Fifty (50) feet in all directions from a seep; or,

~~5. The minimum distance recommended by the engineering geologist or geotechnical engineer (Refer to Figures 6 and 7).~~

C. All landslide hazard area buffers shall be measured from the landslide hazard area as located in the field.

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D. The landslide hazard area, its buffer, and any critical area tract shall be identified on all grading, landscaping, site, utility or other development plans submitted on the project.

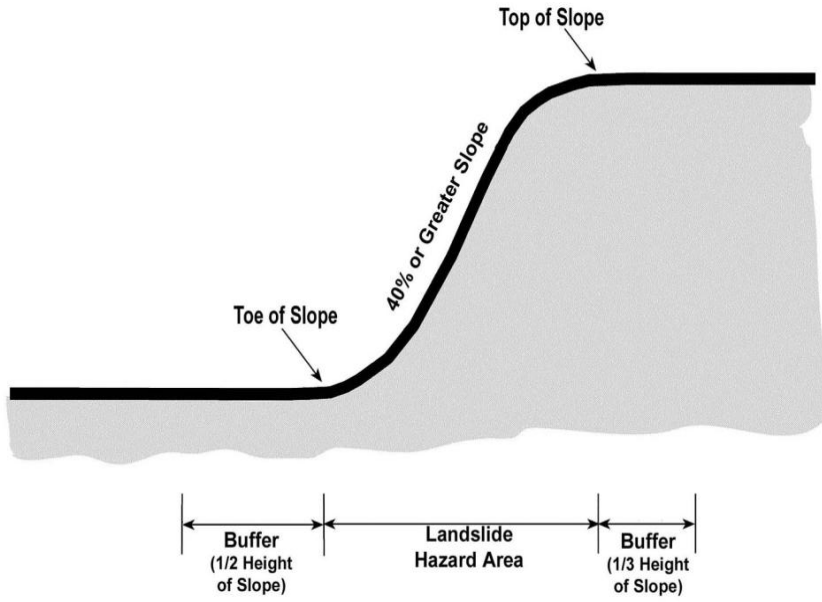
E. The Department may reduce the required landslide hazard areas buffer widths except buffers recommended pursuant to OMC 18.32.630 B ~~5~~1, up to fifty (50) percent on a case-by-case basis when supported by a Geotechnical Report including the following:

1. Buffer width reduction is supported by a Geotechnical Report described in OMC 18.32.640 ~~that evaluates the criteria in OMC 18.32.630(E)~~;
2. The existing buffer area is well-vegetated;
3. The protection of the landslide hazard area buffer using a fence and sign have been evaluated, as described in OMC 18.32.145;
4. Topographic conditions of the site and the buffer have been evaluated;
5. The intensity and type of the land uses adjacent to the buffer have been evaluated with respect to minimizing potential adverse impacts upon the landslide hazard area; [e.g. publicly owned parks, designated open space areas in plats and binding site plans, or lands with a recorded conservation easement];
6. The site has been evaluated with respect to its site design and building layout to minimize potential risks with landslide hazard areas; and
7. A smaller buffer will be adequate to protect property from the landslide hazard based on the best available science.

F. The Hearing Examiner may allow reductions greater than those described in OMC 18.32.630(E) to the required landslide hazard area buffer width on a case-by-case basis when it can be demonstrated that:

1. The provisions of OMC 18.32.630(E) have been evaluated by a Geotechnical Report described in OMC 18.32.640, and
2. Based upon the Geotechnical Report and the best available science it is demonstrated that the proposed landslide hazard area buffer width will be adequate to protect personal health and property from a landslide from this site.

Exhibit A



**FIGURE 632-2**

Exhibit A

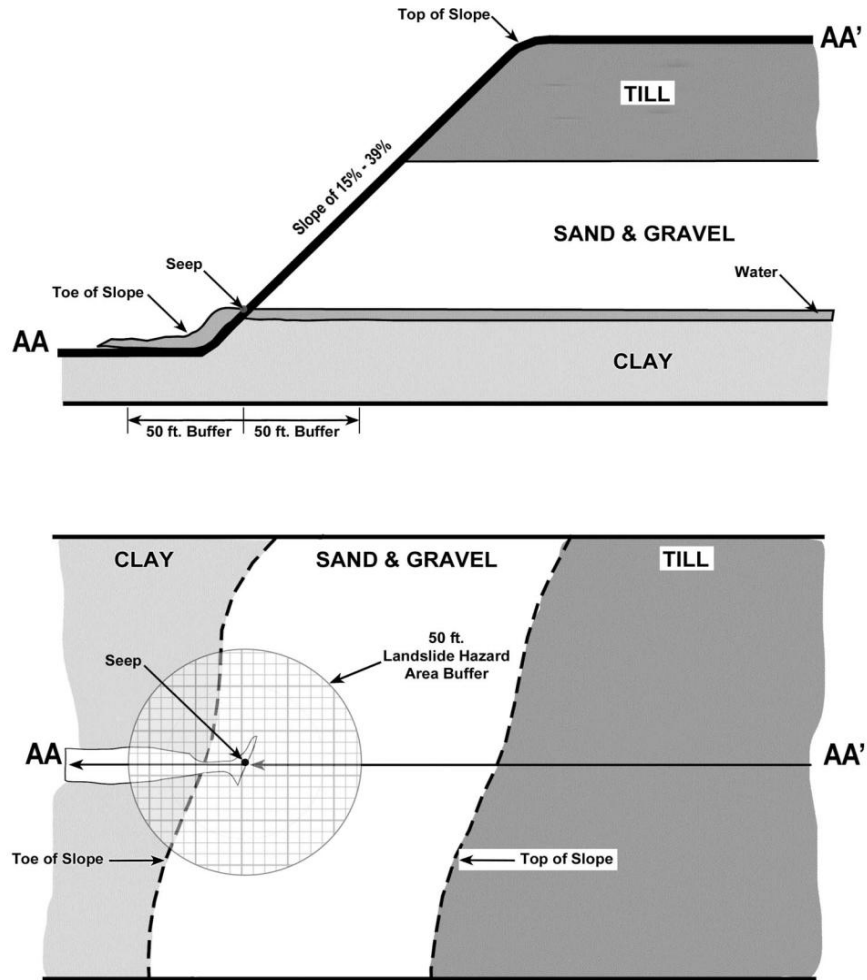


FIGURE 7

**18.32.635 Landslide Hazard Areas - Special Reports**

A. Every application for development within a landslide hazard area or its buffer shall provide the following special reports:

1. Drainage and erosion control plan;
2. Grading plan;
3. Geotechnical Report, and
4. Landscape Plan.

B. The Department may waive the submittal of any or all of these special reports when:

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1. The proposal increases the impervious surfaces within the subject parcel or parcels by less than ten (10) percent,
2. The removal of vegetation is minimal and is not likely to cause erosion or slope instability,
3. Less than fifty (50) cubic yards of material is excavated upslope from the steep slope,
4. The surface water flow is directed away from the face of the steep slope, or
5. The proposed project or activity will not substantially affect the natural integrity of the steep slope.

### **18.32.640 Landslide Hazard Areas - Geotechnical Report**

A. The Geotechnical Report shall be prepared and sealed by either an engineering geologist as defined by RCW 18.220, as amended, or a ~~geotechnical-licensed~~ engineer as defined by RCW 18.22043, as amended and in accordance with the Washington State Geologist Licensing Board's "Guidelines for Preparing Engineering Geologist Reports in Washington, 2006."

B. The Geotechnical Report shall indicate if:

1. A potential landslide hazard is either present or highly likely; or
2. A potential landslide hazard is present or that it is highly unlikely; or
3. Available information to evaluate a potential landslide hazard is inadequate.

C. Any area in which the Geotechnical Report investigation indicates a potential landslide hazard shall not be subject to development unless the report demonstrates one of the following:

1. The site specific subsurface conditions indicate that the proposed development is not located in a landslide hazard area or its buffer; or
2. The proposed development has been designed so that the risk on the site and to adjacent property have been eliminated or mitigated to such a degree that the site is determined to be safe;
3. Development practices are proposed that would render the development as safe as if it were not located in a landslide hazard area, or
4. The proposed development activity is so minor as not to pose a threat to the public health, safety, and welfare.

D. The Geotechnical Report shall be submitted for review by the Department and shall include:



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1. A detailed review of the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies,
2. A determination of potential landslide hazard area conditions on the site, and its immediate vicinity, which may affect development on the site,
3. Consideration of the run-out hazard to the proposed development posed by debris from a landslide starting upslope (whether part of the subject property or on a neighboring property) and/or the impacts of landslide run-out on down slope properties, and
4. Results, conclusions and recommendations including supporting analysis and calculations and a list of mitigation measures necessary in order to safely construct or develop within the landslide hazard area.

### **18.32.645 Landslide Hazard Areas - Covenant**

A. The Department may require a covenant between the owner(s) of the property and the City when development is to occur within a landslide hazard area. The covenant shall be signed by the owner(s) of the site and notarized prior to issuance of any permit by the City. The covenant shall not be required where the permit or approval is for work done by the City. The covenant shall include:

1. A legal description of the property;
2. A description of the property condition making this subsection applicable;
3. A statement that the owner(s) of the property understands and accepts the responsibility for the risks associated with development on the property given the described condition, and agrees to inform future purchasers and other successors and assignees that the property is located within a landslide hazard area, of the risks associated with development thereon, of any conditions or prohibitions on development imposed by the City, and of any features in this design which will require maintenance or modification to address anticipated soils changes;
4. The application date, type, and number of the permit or approval for which the covenant is required; and
5. A statement waiving the right of the owner(s), the owner's heirs, successors and assigns to assert any claim against the City for any loss or damage to people or property either on- or off-site resulting from soil movement by reason of or arising out of issuance of the permit or approval by the City for the development on the property, except only for such losses that may directly result from the sole negligence of the City.

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B. The covenant shall be filed by the Department with the Thurston County Auditor, at the expense of the owner, so as to become part of the Thurston County real property records.

### **18.32.650 Erosion Hazard Areas - Description**

Erosion hazard areas are those areas characterized by soil types that are subject to severe erosion when disturbed. These include, but are not limited to, those identified by the United States Department of Agriculture Soil Conservation Service Soil Classification System, with a water erosion hazard of "severe" or "high." These areas may not be highly erodible until or unless the soil is disturbed by activities such as clearing or grading.

### **18.32.655 Erosion Hazard Areas - Protection Measures**

A. Before approving any development under this subsection, the Department may require the applicant to submit any or all of the following information in addition to a critical areas report:

1. A geotechnical report prepared by a geotechnical engineer or engineering geologist licensed in the state that describes how the proposed development will impact or be impacted by each of the following on the subject property and nearby properties:

a. Slope stability, landslide hazard, and sloughing;

b. Seismic hazards;

c. Groundwater;

d. Seeps, springs and other surface waters; and

e. Existing vegetation

2. A site plan, in two-foot contours, that identifies the type and extent of geologically hazardous areas on site and off site that are likely to impact or be impacted by the proposal.

3. Recommended foundation design and optimal location for roadway improvements.

4. Recommended methods for mitigating identified impacts and a description of how these mitigating measures may impact adjacent properties.

5. Any other information the city determines is reasonably necessary to evaluate the proposal.

B. If the city approves any development under this section, it may, among other appropriate conditions, impose the following conditions of approval:

1. The recommendations of the geotechnical report are followed;

## Exhibit A

2. A geotechnical engineer or engineering geologist is present on site during all development activities. As an alternative, the city may require minimal site visits by the geotechnical engineer or engineering geologist to establish proper methods, techniques and adherence to plan drawings;

3. Trees, shrubs and groundcover are retained except where necessary for approved development activities on the subject property;

4. Additional vegetation is planted in disturbed areas; and

5. Submit a letter by the geotechnical engineer or engineering geologist stating that they have reviewed the project plan drawings and in their opinion the plans and specifications meet the intent of the geotechnical report.

### **18.32.660 Seismic Hazard Areas – Description**

Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by:

A. The magnitude of an earthquake;

B. The distance from the source of an earthquake;

C. The type of thickness of geologic materials at the surface; and

D. The type of subsurface geologic structure.

### **18.32.665 Seismic Hazard Areas - Alterations**

Alterations to seismic hazard areas may be allowed only as follows:

A. The evaluation of site-specific subsurface conditions shows that the proposed development site is not located in a seismic hazard area; or

B. Mitigation based on the best available engineering and geotechnical practices shall be implemented which either eliminates or minimizes the risk of damage, death, or injury resulting from seismically induced settlement or soil liquefaction. Mitigation shall be consistent with the requirements of OMC 18.32.135 and shall be approved by the Department.

Exhibit A

Exhibit A

Exhibit A

## 18.02.180 Definitions

### A. DEFINITIONS - SPECIFIC.

**Abandon.** To cease or suspend from developing or maintaining a building or use for a definite period of time.

**Abandoned Activity.** A business or activity with no reported sales or activity for a period of twelve (12) months, except temporary closures for repairs, alterations, or other similar situations. Land and/or buildings not in use for such period are considered vacant and unoccupied and may be subject to review including land use approval prior to renewal of use.

**Abutting.** Two or more parcels or buildings sharing a common boundary of at least one point.

**Access.** Safe, adequate, and usable ingress/egress (entrance/exit) to a property or use.

**Accessory Dwelling Unit.** See Dwelling, Conventional.

**Accessory Structure.** A structure detached from the principal building located on the same lot and customarily incidental and subordinate to the principal building. Any part of the main building which shares a common wall and roof is considered a part of that building. A building or portion thereof is not considered attached if the attachment is by a covered breezeway. (See also Subordinate.)

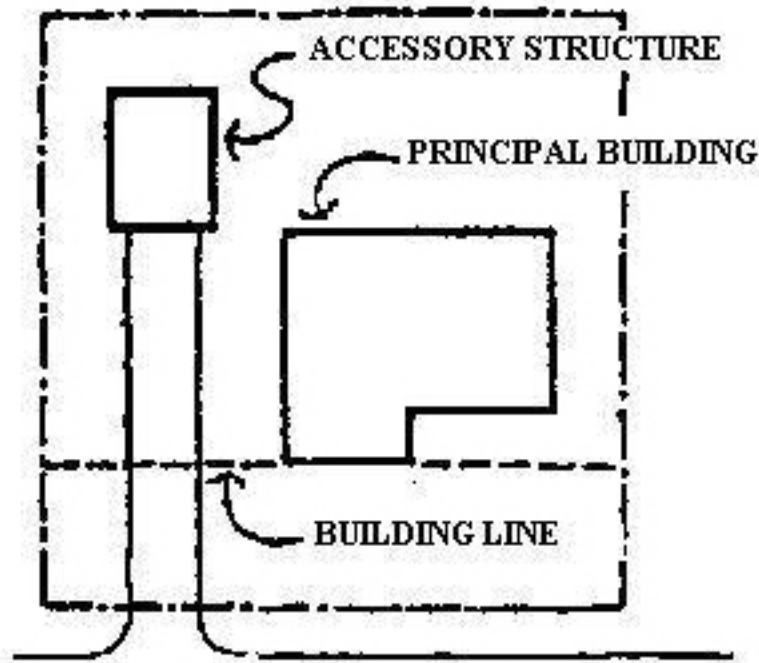


FIGURE 2-1

## Exhibit B

Accessory Use. A use of land or a portion thereof customarily incidental and subordinate to the principal use of the land and located on the same lot with the principal use, such as: garage sales; merchandise displays outside of a business; community oriented outdoor activity associated with schools, churches, and other non-profit organizations; and temporary contractor offices on a construction site.

Action. A decision made by the review authority(s) on a land use application, including any findings, environmental determination and conditions of approval.

Adult Day Care Home. See Dwelling, Assisted Living.

Adult Entertainment.

a. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely opaquely covered; or

b. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation of, or relation to, the following specified sexual activities:

i. Human genitals in a state of sexual stimulation or arousal;

ii. Acts of human masturbation, sexual intercourse, or sodomy; or

iii. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; provided, adult entertainment and specifically the "depiction, description, simulation of, or relation to" sexual activities described above, shall not be construed to include any form of actual sexual conduct as defined in this section.

c. Any exhibition, performance, or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance exhibition or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

Adult-Oriented Business. Shall mean the following businesses:



## Exhibit B

- a. Adult arcade. An establishment containing any individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines are used to show films, motion pictures, video cassettes, slides, or other photographic reproduction of sexual conduct, or adult entertainment.
- b. Adult cabaret. A night club, bar, restaurant, theater, or auditorium, or similar commercial establishment, whether or not alcoholic beverages are served, which presents adult entertainment.
- c. Adult motel. A hotel, motel, or similar commercial establishment which:
  - i. Offers sleeping accommodation to the public for any form of consideration and, as a significant purpose of its business, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of or description of sexual conduct or adult entertainment and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America; or
  - ii. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - iii. Allows a tenant or occupant of a sleeping room to sub rent the room for a period time that is less than ten (10) hours.
- d. Adult motion picture theater. A commercial establishment or drive-in theater where a significant portion of the films, motion pictures, video cassettes, slides, or similar photographic reproductions are characterized by the depiction or description of adult entertainment or sexual conduct and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America and are shown for any form of consideration.
- e. Adult book store. A business having as a significant portion of its volume of trade the display, barter, rental and/or sale of books, printed matter, video tapes, discs or cassettes, films, pictures or other material or paraphernalia distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual conduct or adult entertainment, as defined herein. For purposes of this ordinance, "portion of its volume or trade" means that portion of the store's display space devoted to such material, or that portion of its gross receipts received from the sale of such material, whichever is greater.
- f. Other adult entertainment facility. Any commercial establishment to which any patron is invited or admitted and where adult entertainment is presented as a substantial part of the premises' activity, including but not limited to escort agencies, seminude or nude modeling studios, or similar establishments.

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

## Exhibit B

**Affordable Housing.** Housing affordable to households with an income not greater than 80 percent of the median income for Thurston County as determined by the U.S. Department of Housing and Urban Development. Affordable housing should cost no more than 30 percent of gross household income (including utilities).

**Agriculture.** The use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment and onsite sales of agricultural products, but excluding stockyards, slaughtering or commercial food processing.

**Airport or Heliport.** Any area of land or structure designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration.

**Alley.** A public or private way, at the rear or side of property, permanently reserved as a means of vehicular or pedestrian access to a property.

**Alteration.** Any change, addition or modification in construction or occupancy.

Alteration, Critical Area. Any change to, addition to, or modification of an existing use, including any human activity that results or is likely to result in an adverse impact on the existing condition of a critical area or its buffer. "Alteration" does not include passive recreation such as walking, fishing or similar low impact activities.

**Amendment.** The action whereby the content of this title is revised, including additions, deletions, or clarification of language, maps, or diagrams.

**Amusement Activity.** An indoor, covered or outdoor facility or building that contains various devices for entertainment, including coin or token-operated machines, rides, booths to conduct games or the sale of souvenir items.

**Ancillary Structure, WCF.** Any form of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

**Animals.** Any living organism except a plant, fungus, virus, or bacterium. (See also Pet, Traditional.)

**Animal Hospital.** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment, including the accessory use of the premises as a kennel or a place where animals or pets are boarded for compensation.

**Animal Kennel.** See Kennel.

## Exhibit B

**Animal Unit.** One thousand pounds of live weight of any given livestock species or any combination of livestock species. For additional information, see the U.S. Department of Agriculture Natural Resource Conservation Service Animal Waste Field Handbook.

**Antenna.** Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including but not limited to: telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM and TV), yagi, or parabolic (dish) antennas.

**Antenna Array.** A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

**Antenna Element.** Any antenna or antenna array.

**Antenna Support Structure.** A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building. Types of support structures include the following:

**Guyed Structure.** A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

**Lattice Structure.** A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

**Monopole Structure.** A style of freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

**Anti-Climbing Device.** A piece or pieces of equipment, which are either attached to an antenna support structure, or which are freestanding and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excluding the use of barbed or razor wire.

**Apartment.** See Dwelling, Conventional.

## Exhibit B

Apparel and Accessory Stores. Stores primarily engaged in selling new or used clothing, shoes, jewelry, and related articles for personal wear and adornment and stores which rent clothing such as costumes or formal wear.

Applicant. Owner(s) or lessee(s) of property, including their agent(s) who submit an application for development, including person(s) who have contracted to purchase property.

Application Content Lists. That document entitled "City of Olympia Project Permit Application Content Lists" approved and adopted by the City Council setting forth the required content for project permit applications to be "completed" as that term is used in RCW 36.70B.080.

Arcade. A covered walk with shops along one side and a line of arches or columns on the other side.

Archaeological Sites. Any site or location of prehistoric or historic significance including, but not limited to, burial sites, camp sites, rock shelters, caves and their artifacts, implements and remains of preexisting native Americans.

Architectural Elements. Components that are part of a building, such as windows, doors, materials, details, and structural membrane.

Articulation. The giving of emphasis to architectural elements of a building (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces.

Ash, Incinerator. Particulate or solid residues resulting from the operation of incinerator or energy recovery facilities managing municipal solid waste, including solid waste from residential, commercial and industrial establishments, if the ash residues:

- a. Would otherwise be regulated as hazardous wastes under RCW 70.105; and
- b. Are not regulated as a hazardous waste under the Federal Resource Conservation and Recovery Act (RCRA), 42, U.S.C. Section 6910, et seq.

ASR. The Antenna Structure Registration Number as required by the FAA and FCC.

Attached Structure. Any structure that has an enclosed interior wall(s) and covered roof in common with another structure sufficient to constitute an occupiable room (i.e., seven feet wide or more). A structure connected to another structure only by a covered passageway is not considered attached. (See Detached Structure; note that structures conforming with neither definition must conform with requirements of this title for both types of structures.)

Auction. See Swap Meet.

## Exhibit B

Auditor. The Auditor of Thurston County, Washington.

Automobile Rental Agencies. This includes businesses primarily engaged in short-term rental or extended-term leasing of passenger cars, hearses, limousines, and the like, without drivers. Finance (equity or full-payout) leasing of automobiles is classified with Motor Vehicle Sales.

Automobile Wrecking. The wrecking, dismantling, or salvage of motor vehicles or trailers, or the storage of, sale of or recycling or disposal of dismantled, partly dismantled, or wrecked motor vehicles or their parts. (See also Junk or Salvage Facility.)

Awning. A structure affixed to a building which extends over windows, sidewalks or doors, principally as protection from sun and rain.

### B. DEFINITIONS - SPECIFIC.

Bank. See Office, Bank.

Bankfull Width (of Streams). Per WAC 222-16-010, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross section. Field determination of the bankfull channel edge generally relies on changes in topography, vegetation, and sediment texture. Bankfull width is used to assess stream types per the Department of Natural Resources Stream Typing Classification System as required under OMC 18.32.435(C).

Base Station. The electronic equipment utilized by the wireless providers for the transmission and reception of radio signals.

Bed and Breakfast House. See Dwelling, Transient Housing.

Berm. A mound or embankment of earth.

Bicycle, In Building Parking. A secure bicycle storage area located within a building where access is restricted to users only.

Bicycle Check-in Systems. A bicycle storage area providing long and short-term storage and which is managed by an attendant.

Bicycle Lockers. A box, cabinet or other storage device which individually protects a bicycle and its components, and which contains a see-thru window or view holes. Such lockers are typically coin operated, rented on a monthly basis or managed to ensure their proper use.

## Exhibit B

**Bicycle, Limited Access Fenced in Areas.** A restricted bicycle storage area that is protected from the weather and where access is supervised or limited to individual users.

**Binding Site Plan.** A drawing made and approved in accordance with the provisions of Title 17, Subdivision, and which contains inscriptions and attachments setting forth such appropriate limitations and conditions for the use of the land established by the city, and which contains provisions requiring any development to be in conformance with the site plan.

**Bioengineering.** The use of plant materials to stabilize and/or revegetate eroding stream channels and banks.

**Blank Wall.** Walls that meet the following criteria: A ground floor street wall or building wall or segment of a wall which is within 50 feet of the public rights-of-way and which is longer than 15 horizontal feet without having a ground level window door, or building facade modulation at least one foot in depth, or other architectural feature lying wholly or in part within that 15 feet length.

**Block.** Parcel(s) of land surrounded by public streets, highways, freeways, railroad rights-of-way, flood control channels, creeks, washes, rivers or unplatted acreage or any combination thereof.

**Block Face.** One complete side of a block, usually facing a public street.

**Boarding Home.** See Dwelling, Conventional.

**Boat Sales and Rentals.** A business primarily engaged in sales and/or rental of new and used motorboats, sailboats, and other watercraft. Businesses primarily engaged in the sale of supplies for recreational boating, such as sails, outboard motors, and marine hardware, are classified as Specialty Stores.

**Boat Storage Facility.** A facility meant to provide long-term shelter for watercraft and their accessories, e.g., canoes, sail boats, power boats, etc.; not including service, repair or sales.

**Breakpoint Technology.** The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

**Buffer.** An area or distance from the critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area; or is necessary to minimize risk to the public.

**Buildable Lot.** A lot meeting all minimum requirements of size, shape, frontage, and sanitation contained in this Title and other ordinances of the city.

## Exhibit B

**Building.** A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or property of any kind.

**Building Area.** The net portion of the lot remaining after deducting all required setbacks, public rights-of-way, critical area buffers and other required open space from the gross area of the lot.

**Building Coverage.** See Coverage, Building.

**Building Line.** A line parallel with the structural foundation located on the inside border of the required yard.

**Building, Main.** The principal building on a lot or building site designed or used to accommodate the primary use to which the premises is devoted. When more than one building on the premise is designed or used for the primary use, each such building is considered a main building.

**Building Materials, Garden and Farm Supplies Store.** This includes businesses primarily engaged in selling products such as lumber and other building materials; paint; glass; wallpaper; hardware; nursery stock; lawn and garden supplies including mowers and garden tractors; and farm supplies such as seeds, feeds, fertilizer, and farm tools. It includes such firms if they sell to the general public, even if they also sell to contractors; if they do not sell to the general public at all, they are classified as Wholesale Trade. Firms primarily selling plumbing, heating and air conditioning equipment, or electrical supplies are also classified as Wholesale Trade. Florists and other stores selling cut flowers and potted plants not grown on the premises are classified as Specialty Stores. (See also Greenhouse and Nursery.)

**Building Site.** A parcel of land occupied or intended to be occupied by a main building and its accessory buildings, together with all the open space and yards required by this Development Code.

### C. DEFINITIONS - SPECIFIC.

**Caliper.** The American Association of Nurserymen standard trunk measurement of nursery stock. Caliper of the trunk shall be 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.

## Exhibit B

**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 use of a building or land. If a particular land use is undefined by this Development Code, the most similar use listed in the Standard Industrial Classification (SIC) Manual shall be used. A change of ownership shall 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 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.



## Exhibit B

**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.)

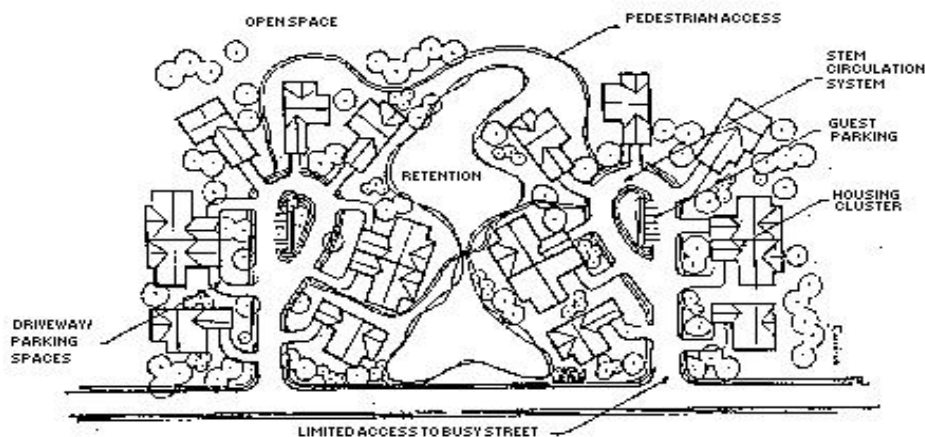
**Clearing.** The destruction or removal of vegetation from a site by physical, mechanical, chemical, or other means, not including landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of trees and vegetation.

**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.

## Exhibit B

Co-Housing. See Dwelling, Conventional.

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 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

## Exhibit B

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 insufficient 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.

## Exhibit B

**Contiguous Land.** Parcels adjoining and touching other land and having the same owner regardless of whether or not portions of the parcels have a 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 eaves.

**Coverage, Impervious/Development.** 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 also Net Site Area and Impervious Surface.)

**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.

## Exhibit B

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 Ponds~~, and
- e. ~~Landslide~~ 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.

### 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 workmanship 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 be evidenced by the owner by the

## Exhibit B

presentment for filing of a final plat, short plat or binding site plan which shows the dedication thereon. Acceptance by the public shall 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 constitute 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 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 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.)

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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. See Coverage, Development.

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 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.

## Exhibit B

- 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 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 or more aged persons not related by blood or marriage to the operator, under the provisions of Chapter 18.20 RCW. It shall 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 or more dwelling units, one 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 or more small, detached dwelling units sharing a commonly owned courtyard/common area and parking area.
- vii. Duplex. One building containing two single-family dwelling units totally separated from each other by a one-hour fire wall or floor.
- viii. 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.)
- ix. 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.
- x. 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.



## Exhibit B

xi. **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).

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

xiii. **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.

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

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

xvi. **Townhouse.** A single-family dwelling unit which is part of a group of two 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.

### 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 weeks for compensation and having at least one kitchen used to provide breakfast but no other meals. Such dwelling shall have no more than five such guest rooms for persons other than the immediate family of the operator occupying such dwelling. Any such dwelling having over five such guest rooms is a hotel.

ii. **Hotel.** Any building containing six 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 kitchen and used for the purpose of providing lodging, or lodging and meals, for compensation for no more than five persons other than the members of the immediate family of the operator occupying such dwelling. Any such dwelling having

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over five 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 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. 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 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 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 18.04.100(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 for one to five adults (at least 18 years of age) who are not related to the caregiver. 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 not include correctional facilities (except as authorized by Chapter 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:

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(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.

(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 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.

### E. DEFINITIONS - SPECIFIC.

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

Easement, Conservation. The grant of a property right stipulating that the described land will remain in its current state, precluding future or additional development.

Easement, Scenic. An easement the purpose of which is to limit development in order to preserve or enhance a view or scenic area.

Elder Care. See Dwelling, Assisted Living.

## Exhibit B

Electric Vehicle Infrastructure. Structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

- a. "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- b. "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process.
- c. "Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications:
  - i. Level 1 is considered slow charging. Level 1 is present in homes and businesses and typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit and standard outlet.
  - ii. Level 2 is considered medium charging. Typically, Level 2 is for home and public charging and operates on a 40-amp to 100-amp breaker on a 208 or 240-volt AC circuit.
  - iii. Level 3 is considered fast or rapid charging. Level 3 is primarily for commercial and public applications (e.g., taxi fleets and charging along freeways) and typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.
- d. "Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes any one of the following: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

Emergency. An imminent threat to health, safety, or welfare, or an imminent risk of substantial damage to public or private property.

Emergency Housing. A temporary shelter usually in the form of a mobile home which is occupied only during the period of reconstruction of a dwelling following damage sustained by fire, explosion, act of nature or act of public enemy.

Emergency Repair. Work necessary to prevent destruction or dilapidation of real or personal property or structures immediately threatened or damaged by fire, flood, earthquake or other disaster.

## Exhibit B

Entertainment Event. Includes any festival, sporting event, celebration, circus, carnival, fair, or other similar event open to the public.

Equipment Cabinet, WCF. Any structure above the base flood elevation (including cabinets, shelters, pedestals, and other similar structures) used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

Equipment Compound, WCF. The fenced area surrounding the ground-based wireless communication facility including the areas inside or under the following: an antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna on the WCF that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures.

Entertainment (Live). Any act, play, revue, pantomime, scene, dance act, or song and dance act, or any combination thereof, performed by one or more persons, whether or not they are compensated for the performance.

Equipment - Light. Machinery which a person does not ride such as chain saws, wheelbarrows, and hand-held tools.

Equipment Rental Service, Commercial. A business which rents or leases equipment for personal or household use, including but not limited to power and hand tools, yard and garden equipment, or party supplies such as dishware, glassware, and folding tables and chairs. This does not include rental of furniture or appliances, which is classified under Furniture, Home Furnishings, and Appliance stores. It also does not include rental or leasing of portable toilets, heavy equipment like bulldozers, or similar services to the construction trades. These are classified as Light Industrial uses.

Essential Public Facilities. Public facilities and privately owned or operated facilities serving a public purpose which are typically difficult to site. They include, but are not limited to, airports; state educational facilities; state or regional transportation facilities; prisons, jails, and other correctional facilities; solid waste handling facilities; inpatient facilities such as group homes and mental health facilities; sewage treatment facilities; and communication towers and antennas.

Examiner. The Hearing Examiner of the City of Olympia.

Excavation. Any digging, scooping or other method of removing earth material.

Ex Parte Communication. Any written or oral communication made outside of a public hearing and not included in the public record.

F. DEFINITIONS - SPECIFIC.

FAA. The Federal Aviation Administration.

## Exhibit B

Facade. The vertical side or sides of a building facing city streets or pedestrian plazas.

Family. An individual, or two or more persons related by blood, or marriage, or a group of not more than six persons (excluding servants) who are not related by blood or marriage, living together in a dwelling unit or a foster family home, or an adult family home, as defined under Washington State law or administrative code.

Farmers Market. See Swap Meet.

FCC. The Federal Communications Commission.

Feed Lines. Cables used as the interconnecting media between the transmission/receiving base station and the antenna of a WCF.

Fence. A physical barrier used to prevent entrance or exit, or to mark a boundary.

Filling or Fill. Any depositing or stockpiling of earth materials.

Final Approval. The final official action taken by the Review Authority on a proposed subdivision, short subdivision, binding site plan, large lot subdivision, dedication, or other application requiring City approval.

Flashing Sign. See Sign, Animated.

Flea Market. See Swap Meet.

Flood Hazard Area. Those lands having a one percent or greater chance of flooding in any one year.

Floor Area. See Gross Floor Area.

Floor Area Ratio (FAR). The ratio of floor area permitted on a zoning lot to the size of the lot. 1:1 means a one story building can cover the entire buildable area of the lot, except in the Urban Waterfront Housing District, 1 FAR of commercial is allowed, while the remainder of the building (up to the allowed zoning height) must be residential.

Flush-Mounted Antenna. Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Food Stores. Stores primarily engaged in selling food and beverages for home preparation and consumption. It includes grocery stores; meat and fish markets, including freezer provisioners; fruit and vegetable markets; candy, nut, and confectionery stores; dairy products stores; retail bakeries; wine and beer shops; liquor stores;

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and miscellaneous stores specializing in items such as spices, coffee, or health foods. As an accessory use, a food store may also sell prepared products for on-site or off-site consumption.

Fraternity House. 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.)

Fraternal Organization. A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements. [NOTE: This is not a Fraternity.]

Front Wall. The wall of a structure nearest to the street upon which the structure faces, excluding cornices, canopies, eaves, or any other architectural embellishments.

Front Yard. See Yard, Front.

Frontage. The side(s) of a lot abutting a public rights-of-way.

Frontage Improvements. See Improvements.

Functions, beneficial functions or functions and values. The beneficial roles served by critical areas including, but not limited to: water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation, groundwater recharge and discharge; erosion control; wave attenuation; historical and archaeological value protection; and aesthetic value and recreation.

Funeral Parlors and Mortuaries. Businesses primarily engaged in conducting funerals and preparing the dead for burial, but not including crematoriums.

Furniture, Home Furnishings, and Appliance Stores. Businesses primarily engaged in the retail sale of goods used for furnishing the home, such as furniture, floor coverings, draperies, lighting fixtures, woodstoves, domestic cookstoves, refrigerators, and other household electrical and gas appliances. This category also includes rental of furniture, appliances, and the like. Consumer electronics such as televisions, stereo equipment, and personal computers are classified under Specialty Stores. Mini-computers and mainframe computers are classified under Office Supplies and Equipment Stores. (See also Specialty Stores.)

### G. DEFINITIONS - SPECIFIC.

Gambling Establishment. A business primarily engaged in Class E and F (fee-charged and enhanced card room activities) and house-banked card games and similar activities as defined and regulated by the Washington State Gambling Commission.

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Garage. An enclosed detached or attached accessory building which is primarily used for the parking of vehicles. (See also Parking Facility.)

Garage, Commercial. A structure, or portion thereof, used primarily for the parking and storage of motor vehicles and available to the general public. (See also Parking Facility, Commercial.)

Garage, Private. Any building or portion thereof accessory to, or within, the principal building, and which is used or intended to be used by persons residing on the premises for the storage or parking of motor vehicles, boats and other permitted uses. (See also Carport.)

Gas Station. See Service Station.

General Merchandise Stores. Stores which sell a number of lines of merchandise in one store, such as department stores, warehouse buying clubs, variety stores, country general stores, drug stores, and the like. A store which primarily sells only prescription and over-the-counter drugs is defined as a Pharmacy.

Geographic Search Ring. An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Geologist. A person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.

~~Geotechnical engineer. A practicing, geotechnical/civil engineer licensed as a professional civil engineer with the State of Washington who has at least four years of professional employment as a geotechnical engineer evaluating landslides.~~

Golf Course. A private or public facility with extensive outdoor grounds designed for playing golf (typically 9 or 18 holes). Accessory uses may include a clubhouse, tennis and swim activities, and a driving range, but not to include riding stables. (See also Country Club).

Grade. The finished ground level adjoining the building at the exterior walls.

Grade Plane. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building between the structure and a point six feet from the building.

Grading. Any excavating or filling of earth materials or any combination thereof.

Greenhouse. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity may be regulated for the cultivation of delicate or out-of-season plants for sale or personal enjoyment. (See also Nursery.)



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**Grocery Store.** A subcategory of food store which is primarily engaged in the retail sale of a wide variety of fresh foods, packaged foods and household supplies for preparation and consumption in the home. Commonly known as a supermarket, grocery store, or minimarket, this type of store sells such goods as tea, coffee, spices, sugar, flour and packaged foods; fresh and/or frozen fruits and vegetables; fresh and/or prepared meats, fish, and poultry; domestic cleaning products and paper goods; and miscellaneous small items for home use. See also "food store." A store which also sells a wide variety of non-grocery items (such as automotive supplies, consumer electronics, hardware, building materials, apparel, sporting goods or the like) as a major part of its sales (i.e., 30 percent or more of its display area) is classified as a "general merchandise store."

**Gross Acreage.** The total area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

**Gross Floor Area.** The area included within the surrounding exterior finished wall surface of a building or portion thereof, exclusive of courtyards.

**Ground Area.** See Gross Acreage.

**Ground Cover.** A variety of grasses or other low growing plants often cultivated to reduce soil and wind erosion.

**Groundwater.** Water in a saturated zone or stratum beneath the surface of land or below a surface water body.

**Group Home.** See Dwelling, Assisted Living.

**Guest House.** See Dwelling, Conventional.

### H. DEFINITIONS - SPECIFIC.

**Handoff Candidate.** A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

**Hazardous Materials.** Those materials which are acutely toxic, ignitable, corrosive, reactive, persistent, carcinogenic, or which leach hazardous constituents, as described in Chapter 173-303 WAC. Examples include, but are not limited to, pesticides, acids, paint strippers and antifreeze.

**Hazardous Waste.** Those wastes which are acutely toxic, ignitable, corrosive, reactive, persistent, carcinogenic, or which leach hazardous constituents or are specifically listed as hazardous waste, as described in Chapter 173-303 WAC. Examples include, but are not limited to, pesticides, acids, paint strippers and antifreeze.

**Hazardous Waste, Extremely.** Any dangerous waste which:

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a. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form:

i. Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife, and/or

ii. Is highly toxic to man or wildlife;

b. Is disposed of at a disposal site in such quantities as would present an extreme hazard to people or the environment. (See also Ash, Incinerator and Off-Site Treatment and Storage Facility.)

Health Fitness Centers and Dance Studios. Health clubs, aerobics centers, athletic clubs and gymnasiums, indoor tennis and swim clubs, handball and racquetball clubs, weight-reducing centers, dance studios, and other businesses primarily engaged in indoor health and recreation activities, whether on a membership basis or for the general public. (See also Commercial Recreation, Golf Courses, Country Clubs, and Riding Stables.)

Health Officer. That person of the Thurston County Health Department described as such in Chapter of 70.05 RCW or a duly authorized representative.

Hearing Examiner. See Examiner.

Hedge. A row of shrubs or low-branching trees planted close together that forms a sight-obscuring or obstructing barrier below seven feet above the ground.

Height, Building. The vertical distance from grade plane to the average height of the highest roof surface.

Herbicide. Any substance used to kill plants, especially weeds.

Heritage Commission. A commission charged with historic planning and preservation, consisting of members appointed by the City Council.

Heritage Register or Register. The listing of properties having special historic significance and is listed on the Olympia Heritage Register, and including listings on the Washington Heritage Register, or National Register of Historic Places.

Heritage Review Committee. A sub-committee of the Heritage Commission charged with reviewing proposed changes to properties on the Heritage Register or within a historic district, and with making recommendations on permit approval to the Building Official.

Historic Building. A building listed on the Olympia Heritage Register, the National Register of Historic Places and/or the Washington Heritage Register.

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**Historic District.** A geographically defined area containing buildings, structures, sites, objects and spaces linked historically through location, design, setting, materials, workmanship, feeling, and/or association. The significance of a district is the product of the sense of time and place in history that its individual components collectively convey. This sense may relate to developments during one period or through several periods in history.

**Historic House Museum.** A home owned by a public or registered nonprofit organization that has been placed on the National, local or State Register of Historic Places, and which is open to the public.

**Historic Preservation Officer, Preservation Officer.** The person designated by the Director to respond to requests for review and information relating to historic preservation and to be the primary staff liaison to work with the Heritage Commission.

**Historic Resources.** Any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology or culture of this city, state, or nation, as identified by the Olympia Heritage Register, Washington Heritage Register, or the National Register of Historic Places.

**Historic Site.** A place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or the site may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined or now nonexistent building, structure, or object if the location itself possesses historic, cultural, or archaeological significance.

**Historic Sites (Registered).** Those buildings, structures, districts, sites and objects which are on the City Heritage Register or the State or National Register of Historic Places. (See also Archaeological Sites.)

**Home Occupation.** A commercial use within a residential dwelling unit which is clearly incidental and accessory to the residential use of the property and complies with applicable provisions of this Title.

**Hospice Care Center.** See Dwelling, Assisted Living.

**Hospital.** A medical institution or facility within an integrated campus setting for the purpose of diagnosis, care, and treatment of human illness, including surgery, long-term and emergency medical treatment. (See also Office, Medical.)

**Hotel.** See Dwelling, Transient.

**Human Scale.** The size or proportion of a building element or space, or an article of furniture, relative to the structural or functional dimensions of the human body. For example, a brick is approximately the size of a human hand.

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Hydric Soil. A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. (~~USDA - NRCS 1995, Federal Register, 7/13/94, Vol. 59, No. 133, pp 35680-83~~). Hydric soils that occur in areas having positive indicators of hydrophytic vegetation and wetland hydrology are wetland soils, as defined by the Regional Supplement to the Corps of Engineers Wetland Delineation Manual; Western Mountains, Valleys, and Coast Region (Version 2.0) May 2010. ~~Washington State Wetlands Identification and Delineation Manual (1997), Ecology Publication #96-94, as amended or revised.~~

### I. DEFINITIONS - SPECIFIC.

Impervious Surface. Pavement, including but not limited to, asphalt, concrete, and compacted gravel, roofs, revetments, and any other man-made surfaces which substantially impede the infiltration of precipitation. Exceptional pavements and other materials may be exempted in whole or in part by the Director.

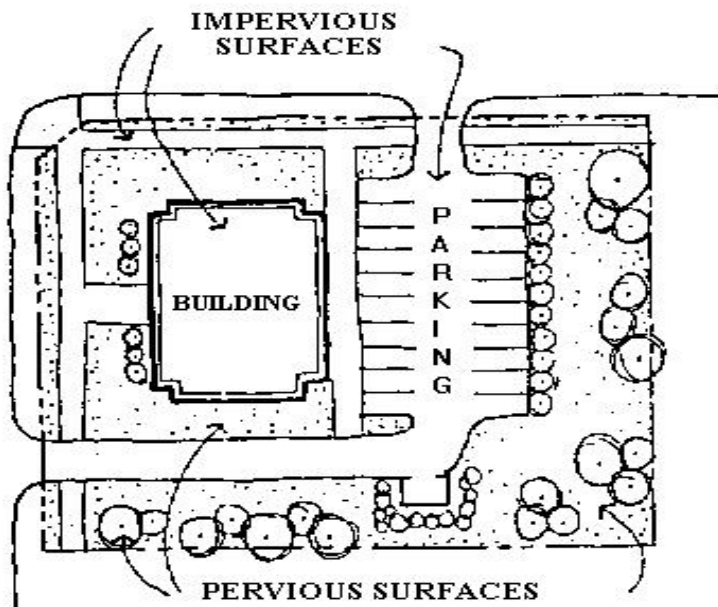


FIGURE 2-4

Important Habitat. See OMC 18.32.305.

Important Riparian Area. See OMC 18.32.405.

Important Species. See OMC 18.32.305.

Improvements. Any act which improves the value of public, real and personal property, or which is necessary as a condition of development, including but not limited to: streets and roads complying with the development standards and specifications adopted by the city; public utility and pedestrian facilities; street lights; landscape features; sewer and water lines; bridge structures; storm drainage facilities; and traffic control devices as are

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required to be installed as a part of subdivision, short subdivision, large lot subdivision, binding site plan, or commercial development. (See also Development.)

**Incentives.** A motivation or stimulus provided by government for public purposes, including but not limited to: compensation, rights or privileges or combination thereof which the City Council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of properties. Examples of economic incentives include but are not limited to tax relief, bonus densities, conditional use permits, rezones, street vacations, planned unit developments, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

**Industry, Heavy.** The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. This may include either Group F (factory and industrial) or Group H (hazardous) occupancies (types of buildings) under the Uniform Building Code. Other occupancies, such as Group M (mercantile) or Group S (storage), are allowed.

**Industry, Light.** A use engaged in the basic processing and manufacturing of materials or products predominantly from previously prepared materials or finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic processing of raw materials, except for food products. This also includes maintenance and service facilities for motor vehicle passenger transportation, such as for taxi fleets, public transit fleets, or school bus fleets. This may include Group F (factory and industrial)--but not Group H (hazardous)--occupancies (types of buildings) under the Uniform Building Code. Other occupancies, such as Group B (business) or Group S (storage), are allowed.

**Infill Development.** New development that occurs on vacant lots within areas already developed.

**Inpatient Facility.** A state-licensed facility providing board and room on a 24 hour per day basis as part of a treatment program for alcoholism, drug addiction, or other chemical dependency. The term includes shelters for qualified indigent alcoholics and/or drug addicts placed by chemical dependency assessment centers.

**Interdisciplinary Team.** A group of technical experts from the City of Olympia, other consulted agencies, and tribes which advises the Department on a specific development application.

### J. DEFINITIONS - SPECIFIC.

**Joint Review Committee.** The committee comprised of representatives from the Heritage Commission and Design Review Board.

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Junk Yard or Salvage Facility. Primary or accessory use of structures and/or land for storage, recycling, dismantling and/or selling of cast-off, unused, scrap or salvage material of any sort.

### K. DEFINITIONS - SPECIFIC.

Kennel. Any site where four or more dogs, cats, or other small animals over the age of four months are kept, whether such keeping is for pleasure, profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale, or hire.

Kitchen. Any room or area, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food.

### 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 for the Thurston Region in OMC 14.08.

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.

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;

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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 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 accord with applicable local, state or federal law on the date created. Separate descriptions of adjoining parcels within a single deed shall 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.

Lot. Lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall also include 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.

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c. Lot, Interior. A lot that has frontage on one 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.

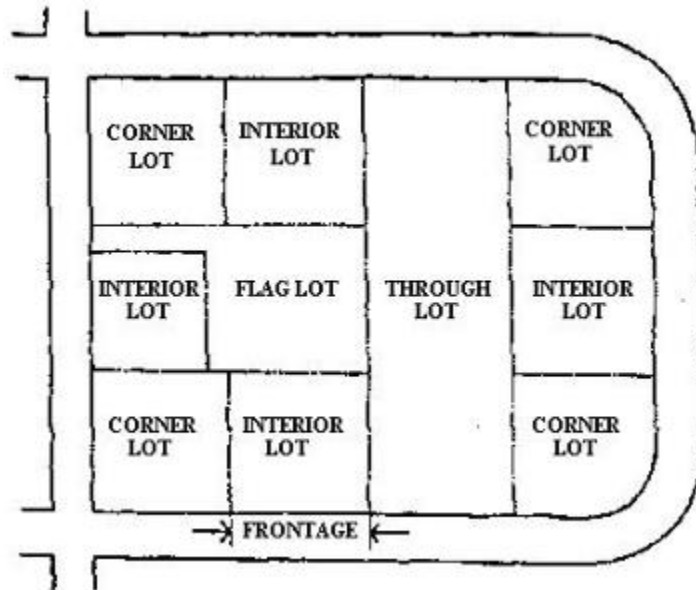
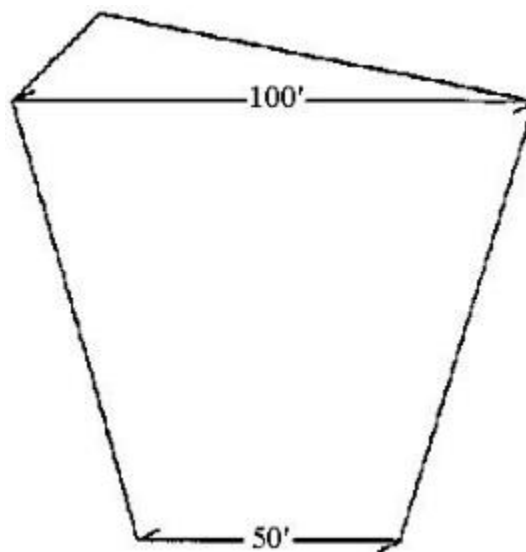


FIGURE 2-5



Example of a Wedge-Shaped Lot



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### FIGURE 2-5b

Lot Frontage. See Frontage.

Lot Line. A line dividing one lot from another lot or from a street rights-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 18.04.080(G)(1) and Table 4.04.)

Low Income Housing. See Affordable Housing.

M. DEFINITIONS - SPECIFIC.

Main Building. See Building, Maintenance.

Management Plan. See Specific or Management Plan.

Manufactured Home. See Dwelling, Conventional.

Marina/Boat Launching Facility. A facility for storing, servicing, fueling, berthing, launching and securing boats, which may include eating, sleeping, and retail facilities for owners, crews, and guests.

Marquee. A permanent covered structure, attached to and supported by a building, which protrudes outward.

Mass Wasting. A general term for a variety of processes by which large masses of rock or earth material are moved downslope by gravity, either slowly or quickly. Mass wasting can take the form of landslides, earth/debris flows and slumps, and rock falls/earth topples. The potential for mass wasting can be determined based on the surrounding topography, presence of slope-stabilizing vegetation and historical records.

Mean Sea Level Datum. The published mean sea level datum established by the U.S. Coast and Geodetic Survey (National Geodetic Survey).

Median. A paved or planted area separating a street or highway into two or more lanes of opposite direction of travel.

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**Mental Health Facility.** A private or public hospital, sanitarium, or other similar place which is licensed or operated under RCW 71.12 or RCW 72.23, and whose primary business is to receive or care for mentally ill or mentally incompetent persons.

**Micro Brewery.** A combination retail, wholesale and manufacturing business that brews and serves beer and/or food.

**Ministorage.** A building or group of buildings which may contain manager living quarters, office and individual, compartmentalized self-storage units, stalls, or lockers which are rented or leased for the storage of household or business goods, supplies or materials.

**Mitigation.** Methods used to alleviate or lessen the impact of development, including avoiding, minimizing, or compensating for adverse critical area impacts. Mitigation includes, but is not limited to, the following:

- a. **Compensatory.** The replacement of probable project-induced critical area losses including, but not limited to, restoration, creation or enhancement.
- b. **Creation.** A type of mitigation performed to intentionally establish a critical area (e.g. wetland) at a site where it does not currently exist.
- c. **Enhancement.** A type of mitigation performed to improve the condition of existing degraded critical areas (e.g. wetlands) so that the functions they provide are of a higher quality.
- d. **Restoration.** A type of mitigation performed to reestablish a critical area (e.g. wetland), or the functional characteristic and processes which have been lost by alterations, activities or catastrophic events within an area which no longer meets the definition of a critical area (e.g. wetland).

**Mitigation, WCF.** A modification of an existing antenna support structure to increase the height, or to improve its integrity, by replacing or removing one or several antenna support structure(s) located in proximity to a proposed new antenna support structure in order to encourage compliance with this ordinance or improve aesthetics or functionality of the overall wireless network.

**Mixed Use Development.** The development of a parcel or structure with two or more different land uses, such as a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

**Mobile Home.** See Dwelling, Conventional.

**Mobile, Manufactured and Modular Housing Sales.** The sale of new or used mobile, manufactured, or modular housing. Sale of recreational vehicles and motor homes is classified under Motor Vehicle Sales.

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**Mobile Vendor.** A vendor that sells food, goods or services from a non-permanent location, and that is unrelated to the primary use of the property and readily movable at all times. (Does not include accessory uses, uses listed under a Festival and Event permit, busking, or uses such as ice cream or home delivery trucks that operate in constant motion within the street.)

**Model Home.** A home or homes used for the purpose of advertising various floor plans and styles of architecture found within a residential subdivision. Model homes are usually located on-site and are occupied only by a sales representative.

**Modular Home.** See Dwelling, Conventional.

**Modulation.** The measured proportional inflexion (stepping back and stepping forward) of a building facade.

**Monitoring.** The collection and analysis of data by various methods for the purposes of understanding and documenting changes in systems and features. "Monitoring" includes gathering baseline data, evaluating the impacts of development proposals on the biological, hydrologic and geologic elements of such systems and assessing the performance of required mitigation measures.

**Motel.** See Dwelling, Transient.

**Motor Vehicle Dealer.** A business engaged in the buying, selling, exchanging, or otherwise dealing in motor vehicle sales and service at an established place of business (see motor vehicle sales).

**Motor Vehicle Franchise.** One or more agreements, whether oral or written, between a manufacturer and a new motor vehicle dealer, under which the new motor vehicle dealer is authorized to sell, service, and repair new motor vehicles, parts, and accessories under a common name, trade name, trademark, or service mark of the manufacturer. "Franchise" includes an oral or written contract and includes a dealer agreement, either expressed or implied, between a manufacturer and a new motor vehicle dealer that purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motor vehicles manufactured, distributed, or imported by the manufacturer; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the manufacturer; and (c) the dealer's business relies on the manufacturer for a continued supply of motor vehicles, parts, and accessories.

**Motor Vehicle Sales.** A business primarily engaged in the sale of new and used autos, trucks, motorcycles, recreational vehicles, utility trailers, aircraft, snowmobiles, and the like.

**Motor Vehicle Supply Stores.** Auto supply stores, tire dealers, and the like. Firms which salvage used parts from inoperable vehicles are classified as Junk Yards and Salvage Facilities. Businesses primarily engaged in both selling and installing such automotive parts as mufflers and brakes are classified as Service Stations.

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### 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.

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, 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

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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, 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 Rounding of Quantities.

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.

### O. DEFINITIONS - SPECIFIC.

Object. A thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Off-Site Treatment and Storage Facility. A facility that treats or stores hazardous wastes or special incinerator ash generated on properties other than the property on which the off-site facility is located. (See also current edition of "Zoning Guidelines for Hazardous Waste Treatment and Storage Facilities," prepared by the Solid and Hazardous Waste Program of the State Department of Ecology.)

Office. A building or portion thereof which is primarily used to transact the administrative or professional activities of a business. Such uses include, but are not limited to: medical (excluding veterinary), dental, chiropractic, optometric, legal, banking, insurance, real estate, security brokers, administrative, public, contractors, consultants, corporate, or manufacturers' offices. (See also Home Occupation.)

Office, Bank. Banks, savings and loans, credit unions, and other depository institutions.

Office, Business. The offices of real estate agencies, mortgage brokers, advertising agencies, credit agencies, mailing services and postal substations, employment agencies, insurance agencies, membership organizations except fraternal organizations, accountants, attorneys, security brokers, financial advisors, architects, engineers, surveyors, tax preparation services, computer software development, and other similar business

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services. This may also include the administrative offices for businesses whose primary activity may be construction, manufacturing, utility services, or some other non-office use conducted elsewhere.

Office, Government. The legislative, administrative, service delivery, or judicial offices of local, state, or federal agencies. It also includes federal post offices where mail processing takes place for local delivery. It does not include government land uses such as maintenance facilities for government-owned trucks, busses, or heavy equipment which are a Light Industrial use.

Office, Medical. This includes the offices of doctors, dentists, chiropractors, optometrists, and other health practitioners providing outpatient care. It also includes medical and dental laboratories, blood banks, and the like.

Office Supplies and Equipment Stores. Stores selling office products such as stationery, legal forms, writing implements, typewriters, computers, copiers, office furniture, and the like.

Office Uses, General. A room or group of rooms used for conducting the affairs of a business and generally furnished with desks, tables, files, and communication equipment.

Office, Veterinary/Clinic. A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use. (See also Animal Hospital.)

Olympia Coordinate System. The horizontal ground scale coordinate system referenced to the Washington Coordinate System as established by the City Public Works Department.

On-Site. Located on the same lot that is the subject of an application for development.

On-Site Treatment and Storage Facility. A facility that treats or stores hazardous wastes generated on the same property, see current edition of "Zoning Guidelines for Hazardous Waste Treatment and Storage Facilities," prepared by the Solid and Hazardous Waste Program of the State Department of Ecology.

Open Record Hearing. A hearing conducted by a single hearing body or officer that creates the City's record through testimony and submission of evidence and information under procedures prescribed by this Title. [See RCW 36.70B.020(3)].

Open Record Appeal Hearing. A form of open record hearing held on request in response to a notice of decision when no open record predecision hearing was held on the project permit. [See RCW 36.70B.020(3)].

Open Record Predecision Hearing. A form of open record hearing held prior to the City's decision on a project permit. [See RCW 36.70B.020(3)].

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Open Space, Common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and may include such complementary structures and improvements as are necessary and appropriate.

Open Space, Public. Undeveloped public land that is permanently set aside (as opposed to regulated) to protect the special natural character of a particular location. Open space may include, but is not limited to wetlands; wetland buffers; creek, stream or river corridors; forested areas; ravines, bluffs or other geologically hazardous areas; and undeveloped areas within parks.

Ordinary High Water Mark (OHWM). (Also referred to as Ordinary High Water Line OHWL) Per WAC 22-110-020, the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland, provided that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater shall be the line of mean higher high water, and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood. OHWM is used to determine the location of standard buffer widths of streams as required under OMC 18.32.435(C)(1).

Ordinary Repair and Maintenance. Work for which a permit issued by the City is not required by law, and where the purpose and effect of such work is to prevent or correct any deterioration or decay of or damage to the real property or structure appurtenant thereto and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

Outdoor Storage. The keeping of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 consecutive hours.

Over Water. Location above the surface of the water, including placement of buildings on piling or floats.

Overlay Zone. A zoning district or specific plan that encompasses one or more underlying zones or areas and which imposes requirements in addition to those required by the underlying zone. (See also Overlay Districts in Article III.)

Owner of Property. The fee simple owner of real property according to Thurston County Auditor records.

### 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

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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 devoted primarily to 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,



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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.

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, fraternal 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.

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,

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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 Title 17, 18 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.

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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 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 RCW 36.70B.020(4)].

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

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.

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

## Exhibit B

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 man-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 the public given an opportunity to talk and participate.

**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 citizens 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.

## Exhibit B

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.

### Q. DEFINITIONS - SPECIFIC.

Qualified Professional – A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience.

a) A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manuals and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

b) A qualified professional for habitat must have a degree in biology or a related degree and professional experience related to the subject species.

c) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

d) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

Quarry. A place where rock, ore, stone and similar materials are excavated and/or processed for sale or for off-site use.

Queue Lane. Area for temporary waiting of vehicles while obtaining a service or other activity such as drive-up windows.

### R. DEFINITIONS - SPECIFIC.

## Exhibit B

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, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

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.

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

## Exhibit B

**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.]

## Exhibit B

**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.

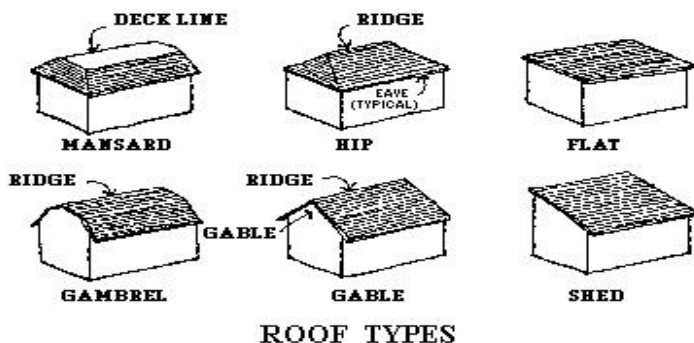
**Review Authority.** A person, committee, commission or council responsible for review and final action on a land use or development entitlement or permit.

**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**



## Exhibit B

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.

### S. DEFINITIONS – SPECIFIC.

Salmonid. A member of the fish family salmonidae, such as chinook, coho, chum, sockeye and pink salmon, rainbow, steelhead, cutthroat salmon, brown trout, bull trout, Brook and Dolly Varden char, kokanee and whitefish.

Sanitary Landfill. A site for solid waste (garbage) disposal.

Satellite Earth Station. A single or group of parabolic (or dish) antennas that are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Scale, Architectural. The perceived height and bulk of a building relative to that of neighboring buildings. A building's perceived height and bulk may be reduced by modulating facades.

Scenic Vistas. Those areas which provide, for significant numbers of people, outstanding views from public rights-of-way of Mt. Rainier, the Olympic Mountains, Budd Inlet, the Black Hills, the Capitol Building, and Capitol Lake or its surrounding hillsides.

School. An institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards required by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

Screening. A continuous fence or wall supplemented with landscaping, or an evergreen hedge or combination thereof, that effectively provides a sight-obscuring and sound-absorbing buffer around the property it encloses, and is broken only for access drives and walks.

## Exhibit B

Sculptured Building Top. A building top which has:

- a. Reduced floor area on the upper floors; and
- b. A distinctive roof form such as pitched roof, hip roof, dome, chateau roof, tower, turret, pediment, dormers, or other distinctive forms. Roofline embellishments such as medallions, statuary, cornices, brackets, finials, or similar ornament would not be considered sculptured building tops; and
- c. Upper floors which are set back from the street wall.

Secretary of the Interior's Standards for the Treatment of Historic Properties, The (as amended). Guidelines adopted by the Secretary of the Department of the Interior to guide the rehabilitation, restoration or reconstruction of a historic property.

Section of Land. Measured 640 acres, one square mile, or 1/36 of a township.

Secure Community Transition Facility. A residential facility for persons civilly committed and conditionally released from a total confinement facility operated by the Secretary of Washington Social and Health Services or under contract with the Secretary pursuant to RCW 71.09.020(10) as described in RCW 71.09.250. All secure community transition facilities located within the City of Olympia shall conform with Olympia Municipal Code Subsection 18.08.080(E).

Seep. A spot where groundwater oozes to the surface. A small spring.

Service and Repair Shop. An establishment providing major repair and/or maintenance of motor vehicles, equipment or major appliances, including, but not limited to: mechanical repair, replacement of parts, body repair, painting, engine overhaul, or other major repair or maintenance, including operations which may require open flame or welding.

Service Stations. Businesses which sell gasoline or alternative vehicle fuels, and/or which may perform minor vehicle maintenance or repair, and/or wash cars. "Minor maintenance or repair" is limited to the exchange of parts and maintenance requiring no open flame or welding. Service stations include self-service gas stations, full-service gas stations, diesel fueling stations, oil change and lubrication shops, auto detailing shops, and car washes. Businesses which provide major repair work such as engine overhauls, vehicle painting, or body repair are classified as Service and Repair Shops.

Servicing of Personal Apparel and Equipment. A business primarily engaged in the upkeep of personal or small household belongings. Such businesses include, but are not limited to: tailors, locksmiths, piano tuners, or businesses which repair shoes, cameras, small appliances, or consumer electronics.

Setback. The distance between the building and any lot line. See specific zone district for allowed projections into setback areas and point of measurement. (See also Yard.)

## Exhibit B

**Setback Line.** An imaginary line that establishes the required minimum distance from any lot line and defines the area where the principal structure must be erected. (See also Building Line, Yard, and Lot.)

**Sewer.** Any pipe or conduit used to collect and carry away sewage and sometimes stormwater runoff from the generating source to a treatment plant.

**Sexual conduct.**

- a. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
- b. Any penetration of the vagina or anus, however slight, by an object; or
- c. Any contact between persons involving the sex organs of one person and the mouth or anus of another; or
- d. Masturbation, manual or instrumental, of oneself or of one person by another; or
- e. Direct touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another; or
- f. Flagellation or torture in the context of a sexual relationship; or
- g. Sodomy.

**Shopping Center.** A commercial development with unenclosed pedestrian walks in which there are a number of separate commercial activities, with accessory shared facilities such as parking, and which is designed to provide a single area which the public can obtain varied products and services. Shopping centers are typically characterized by at least one large retail "anchor"store.

**Shopping Mall.** A shopping center with stores on one or both sides of a covered and enclosed pedestrian walkway.

**Sidewalk.** A paved, surfaced, or leveled area, paralleling and usually separated from the street and normally used as a pedestrian walkway.

**Sign.** Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. Such means may include words, letters, figures, design, movement, symbols, fixtures, colors, illumination, or projected images.

**Sign, Abandoned.** Any sign which:

## Exhibit B

- a. Is located on property which becomes vacant and unoccupied for a period of 12 consecutive months or more (excepting legal off-premise signs), or
- b. Relates to any occupant or business unrelated to the present occupant or their business (excepting legal off-premise signs), or
- c. Pertains to a time, event or purpose which no longer applies.

Sign, Animated. A sign with action or motion (including those that flash, oscillate or revolve) or one that involves color changes, illustrations or messages. This does not include wind activated elements such as flags or banners; nor does it include public service signs (such as time and temperature signs).

Sign Area. The entire background of a sign upon which advertising could be placed (counting all faces), including the frame but not other supporting structure, except that the area of advertising affixed directly to, or painted on a building without any background, other than the building, shall be the area contained in the smallest geometric figure enclosing all portions of the sign message (i.e., all letters, numbers, graphics, etc.).

Sign Awning. A sign which is on an awning. Awning signs are a type of building mounted sign.

Sign, Billboard. A rigidly assembled outdoor sign permanently affixed to the ground or permanently attached to a building or other permanent structure, unrelated to any use or activity on the property on which the sign is located, but not including directional signs as defined herein.

Sign, Building Mounted. A permanent sign which is attached to, or erected against or painted on, any exterior wall, fascia, or window of a building or structure. For the purpose of this Title, signs which shall be considered building mounted signs, include flush mounted signs, signs on marquees and awnings, projecting signs, and signs erected on the side of a mansard roof provided the sign does not project above the uppermost roof line or flashing.

Sign, Business Directory. A type of development identification sign which lists the names of the individual uses in a development.

Sign, Changeable Copy. See Sign, Readerboard.

Signs, Channel Letters. A flush mounted wall sign that consists of individual letters or characters not bound together in one complete structure. Channel Letter signs are signs in which each letter or character is mounted individually within its own area, with the total area of individual letters or characters comprising the sign.

Sign, Ground. A ground supported sign which is no greater than twelve (12) feet in height above grade.

Sign, Development Identification. A freestanding or building mounted sign which identifies the name of a development. For the purpose of sign standards, a development consists of multiple building complexes such

## Exhibit B

as shopping malls, industrial and business parks, residential subdivision developments, and multiple occupancy buildings.

Sign, Directional. A sign designed solely to guide or direct pedestrian or vehicular traffic to an area, place or convenience.

Sign, Flashing. See Sign, Animated.

Sign, Flush-Mounted. A type of building mounted sign which and is attached to, or erected against any exterior wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of the wall.

Sign, Freestanding. A permanent sign supported by one or more uprights, poles or braces in or upon the ground. For the purposes of this Title, freestanding signs include pole signs and signs otherwise known as ground signs or monument signs.

Sign Height. The vertical distance from ground level to the top of the sign.

Sign, Identification. A pole or ground sign which identifies the name of a shopping center.

Sign, Inflatable. Balloons or other gas-filled figures. For purposes of this section, inflatable signs shall be treated as temporary signs.

Sign, Marquee. Any sign which forms part or is integrated into a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.

Sign, Monument. See Sign, Freestanding.

Sign, Non-conforming. Any sign existing at the time of this Ordinance which does meet the provisions of Title 18.

Sign, On-Premises. A sign which carries advertisement related to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, name of business, name of the person, firm or corporation occupying the premises.

Sign, Out-of-Date. Signs for which the event, time, or purpose no longer applies.

Sign, Pole. A ground supported sign which is no less than twelve (12) and no greater than thirty (30) feet in height above grade.

Sign, Political. A sign for the purpose of advertising a candidate or candidates for public elective office, or a political party, or which promotes a position on a public or ballot issue.

## Exhibit B

Sign, Portable (Mobile). A sign made of any material which by its design is readily movable and which is not permanently affixed to the ground, a structure or a building.

Sign, Projecting. A sign which projects 12 inches or more from a building and is supported by a wall or structure.

Sign, Public Service. A sign which provides a service to the public (such as indicating the current time and temperature or a community bulletin board) but which includes no advertising other than the name of the sponsoring organization.

Sign, Readerboard. A sign with characters or letters that can be manually changed without altering the face of the sign. Electronic signs are not readerboards for the purposes of this Title, but are animated signs.

Sign, Revolving. See Sign, Animated.

Sign, Roof. A sign erected upon or above a roof or parapet of a building or structure. A sign shall be considered a building mounted sign if it is erected on the side of a mansard roof and does not project above the uppermost roof line or flashing.

Sign, Sandwich Board Sidewalk Sign. A type of portable sign.

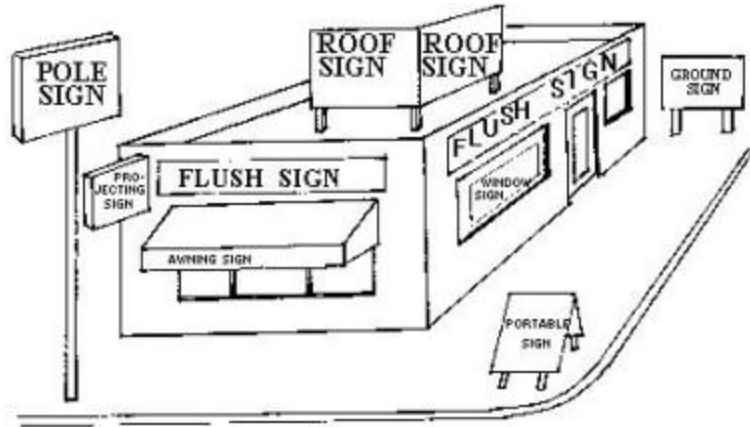
Sign, Structural Alteration. Any change or modification in the supporting members of the structure, such as the pole, cabinet, footing/foundation. Exceptions are new paint, rewiring, or face change.

Sign Structure. Any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may be an integral part of the building.

Sign, Temporary. Any sign, banner, pennant, valance or advertising display intended to be displayed for only a limited period of time.

Sign, Window. A sign permanently painted on or mounted to an exterior window (e.g., a neon sign). Window signs are a type of building mounted sign.

## Exhibit B



**FIGURE 2-7**

Significant. When used in the context of historic significance: A property which helps in the understanding of the history of the local area, state or nation (whichever is applicable) by illuminating the local, state-wide or nation-wide impact of the events or persons associated with the property, or its architectural type or style or information potential. The local area can include the City of Olympia, Thurston County, the region of Puget Sound or Southwest Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

Single-Family Dwelling. See Dwelling, Conventional.

Single-Room Occupancy (SRO). See Dwelling, Conventional.

Site Plan. The development plan which shows the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the reviewing authority.

Site Plan Review Committee. A technical development review group comprised of representatives from the Department of Community Planning and Development, the Fire Department and the Public Works Department, who provide technical assistance to the CP&D Director or his/her designee on land use issues. At a minimum this includes the Building Official, Planner, City Engineer, Fire Chief, and SEPA official, or their appointed designees.

Slope. The deviation of a surface from the horizontal, usually expressed in percent or degrees. (See also Grade.)

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[NOTE: Percentage of slope is calculated by dividing the vertical distance by the horizontal distance times one-hundred (100).]

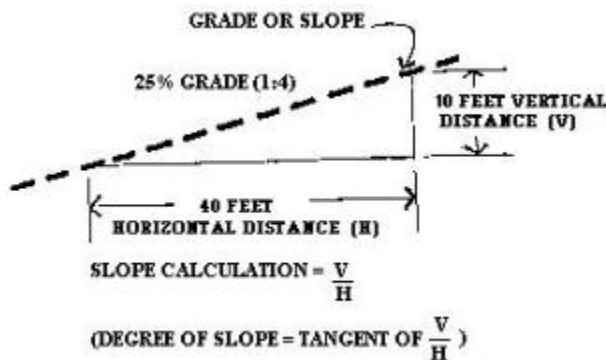


FIGURE 2-8

% GRADE	100	50	40	33.3	30	25	20	15	12	10	8	6
DEGREES	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
RATIO	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

Slope, Steep. An area which is equal to or in excess of 40 percent slope, or where the ground surface rises ten feet or more vertically within a horizontal distance of 25 feet. This can also include a slope of 15 to 39.9 percent if otherwise defined as a landslide hazard area.

Slope, Steep Toe, or Steep Top. A distinct topographic break in slope which separates slopes inclined less than forty (40%) percent from slopes equal to or greater than forty (40%) percent. Where no distinct break exists, this point shall be the limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet.

Small Lake. See OMC ~~18.32.505~~ 18.32.305 C.

Small Lot Review. A Director review of proposed construction on undersized legal lots of record approved prior to June 19, 1995.

Small Lot Subdivision. See Subdivision, Short.

Sorority House. A building, occupied by unrelated female members of a private educational organization, which contains sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room. (See Fraternity, Dormitory.)

Special Assessment District. A district with the power to levy taxes created by act, petition, or vote of property owners for a specific purpose.



## Exhibit B

Special Valuation for Historic Properties, Special Valuation. The process, pursuant to Chapter 84.26 Revised Code of Washington (RCW) and Chapter 3.60 OMC, under which the tax basis of an eligible, rehabilitated historic property may be reduced by the actual incurred cost of the rehabilitation for a period of up to ten years.

Specialty Stores. Stores selling antiques, sporting goods and bicycles, marine supplies, glassware and chinaware, books, videos (including rentals), music, cards and stationery, jewelry, toys, hobby supplies, cameras, gifts and souvenirs, sewing supplies, flowers, tobacco products, newspapers and magazines, art and art supplies, pets and pet supplies, religious supplies, consumer electronics, personal computers, or other miscellaneous goods. It also includes second-hand stores and pawnshops.

Specific or Management Plan. A plan consisting of text, maps, and other documents and exhibits regulating development within an area of special interest or which contains unique land use and development problems.

Spot Zoning. Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan. [NOTE: Spot zoning is usually invalid when all the following factors are present: (1) a small parcel of land is singled out for special and privileged treatment; (2) the singling out is not in the public interest but only for the benefit of the land owner; and (3) the action is not in accord with a comprehensive plan.]

Stables, Riding. A structure providing shelter for horses, mules or ponies which are boarded for compensation. This may include arenas, tracks, and other facilities for equestrian activities either for members of a private club or for the general public. This may also include accessory facilities such as a clubhouse.

Stable, Private. An accessory structure providing shelter for horses or ponies, for use by occupants of the premises.

Staff. Permanent or temporarily employed personnel of the City of Olympia, Washington.

Stepback. Additional setbacks of upper building floor levels.

Storage. Placement or retention of goods, materials and/or personal property in one location for more than 24 consecutive hours.

Stormwater Facility. A constructed stormwater system component, including but not limited to a detention, retention, sediment, or constructed wetland basin or pond, generally installed at the ground surface.

Stormwater Retention/Detention Basin. A facility, either above-ground or underground, that temporarily stores stormwater prior to its release to the ground (retention facility), to a surface water (detention facility), or some combination of the two. [NOTE: Retention basins differ from detention basins in that the latter are temporary storage areas. Retention basins have the potential for water recreation and water-oriented landscaping since

## Exhibit B

the water may remain. Both types of basins provide for controlled release of the stored water and groundwater recharge.]

Stormwater Retrofit Facilities. A stormwater treatment or flow-control facility that complies with the City of Olympia Drainage Design and Erosion Control Manual and is constructed by the City of Olympia for the purpose of providing treatment or flow-control in an area where little to none was previously provided.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade. Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is: more than six feet above grade plane, more than six feet above the finished ground level for more than 50% of the total building perimeter, or more than 12 feet above the finished ground level at any point.

Story First. The lowest above grade story in a building, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

Stream. See OMC 18.32.405.

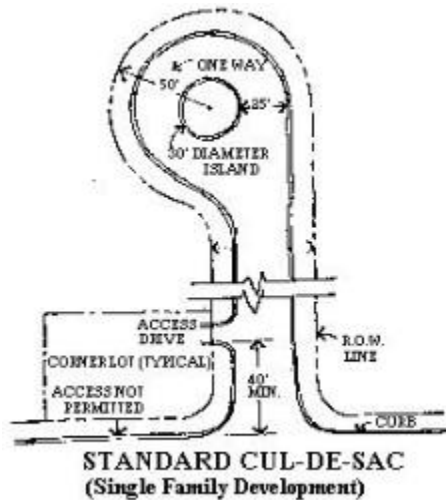
Stream Corridor. Any river, stream, pond, lake, or wetland, together with adjacent upland areas that support vegetation adjacent to the water's edge.

Street. A public or private rights-of-way which affords a primary means of vehicular access to abutting property.

Street, Arterial. An arterial street provides an efficient direct route for long-distance travel within the region and between different parts of the city. Streets connecting freeway interchanges to commercial concentrations are classified as arterials. Traffic on arterials is given preference at intersections, and some access control may be considered in order to maintain capacity to carry high volumes of traffic.

## Exhibit B

Street Cul-De-Sac. A street with a single common ingress and egress and with a circular turnaround at the end.



**FIGURE 2-9**

Street Frontage. The area between any lot lines which intersect, or area of a lot which directly abuts, the boundary of a public or private street rights-of-way.

Street Furniture. Constructed, above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public.

Street, Local Access. A street which provides access to abutting land uses and serves to carry local traffic to a collector.

Street, Major Collector. A street that provides connections between the arterial and concentrations of residential and commercial land uses. The amount of through traffic is less than an arterial, and there is more service to abutting land uses. Traffic flow is given preference over lesser streets.

Street, Neighborhood Collector. A street which distributes and collects traffic within a neighborhood and provides a connection to an arterial or major collector. Neighborhood collectors serve local traffic, provide access to abutting land uses, and do not carry through traffic. Their design is compatible with residential and commercial neighborhood centers.

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

Street Wall. A building wall that faces or is parallel to the street frontage.

## Exhibit B

**Streetscape.** The visual character of a street as determined by various elements such as structures, greenery, open space, and view.

**Structure.** An edifice or building of any kind which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Structured Parking.** A building or a portion of a building used for the parking of motor vehicles.

**Subdivider.** A person who undertakes the subdividing of land.

**Subdivision.** The division or redivision of land into ten or more lots, tracts, parcels, sites or divisions, any of which are less than five acres in area, for the purpose of sale, lease or transfer of ownership. (See also Subdivision, Short.)

**Subdivision Cluster.** See Cluster Subdivision.

**Subdivision, Large Lot.** The division of land into lots or tracts, each of which is 1/128 of a section of land or larger, or five acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this section which borders on a street, the lot size shall be expanded to include that area which would be bounded by the centerline of the street and the side lot lines of the lot running perpendicular to such centerline.

**Subdivision, Short.** The division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of transfer of ownership, sale or lease.

**Subordinate.** A supplementary use to a permitted primary or principal use.

**Substantial Improvement.** Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

**Surface water.** A body of water open to the atmosphere and subject to surface runoff.

**Swap Meet.** Any outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

## Exhibit B

### T. DEFINITIONS - SPECIFIC.

Temporary Use. A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

Theater. A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Time-of-travel. The time required for ground water to move through the water bearing zone from a specific point to a well.

Townhouse. See Dwelling, Conventional.

Toxic Substance. See Hazardous Materials or Hazardous Waste.

Tract. An area, parcel, site, piece of land or property. (See also Lot and Critical Area Tract.)

Traffic Impact Study. A report analyzing anticipated traffic flow conditions with and without proposed development. [NOTE: The report includes an analysis of mitigation measures and a calculation of fair share financial contributions.]

Trail. A paved or unpaved surface for pedestrian and/or bicycle commuting or recreational use, which may include sidewalks. Trails may be located parallel to an improved street, within a single development; or may inter-connect different areas by an off-street route.

Transfer of Development Right Sending Zone. The area designated by Thurston County from which development rights can be transferred.

Transferable Development Right. An interest in real property which is the difference between the existing use of a parcel and its potential development use expressed in residential units per acre. This right is made severable from the parcel to which the interest is appurtenant and transferable to another parcel of land for development and use in accordance with applicable regulations.

Transient. A continuous period of two weeks or less.

Transportation Demand Management. Strategies aimed at reducing the number of motor vehicle trips, shortening trip lengths, and changing the timing of trips to non-peak hours. [NOTE: These strategies encourage the use of mass transit, car pools, van pools, bicycling, and walking and typically focus on the home-to-work commute. They also include efforts to provide housing close to jobs to shorten trip lengths. These strategies often require the joint cooperation of developers, employers, and local governments.]

## Exhibit B

Transportation Demand Management Plan. A system of actions and timetables to alleviate traffic problems through improved management of motor vehicle trip demand. (See also Transportation Demand Management.)

Tree. A self-supporting perennial woody plant characterized by one main stem or trunk of at least six inches diameter at breast height, or a multi-stemmed trunk system with a definite crown, maturing at a height of at least six feet above ground level.

Trip. A single or one-way motor vehicle movement either to or from a subject property within a study area.

Truck, Trailer, and Recreational Vehicle Rental. Businesses primarily engaged in short-term rental or extended-term leasing of trucks, truck-tractors, semi-trailers, moving vans, utility trailers, recreational vehicles, and the like. Finance (equity or full-payout) leasing of trucks, trailers, and recreational vehicles is classified with Motor Vehicle Sales.

### U. DEFINITIONS - SPECIFIC.

Unavoidable and necessary impacts. Those impacts to critical areas that may result when a person proposing to alter such an area has demonstrated that no alternative exists for the proposed project.

Unusual Uses. Undefined land uses or activities resulting from advancing technology.

Upland. The area above and landward of the ordinary high water mark.

Use. The purpose, type and extent for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Utility Facility. The physical infrastructure used by private and public utilities to provide service to their customers, e.g., lines, equipment, substations, pump station, and appurtenances. (See also Private Utility and Public Utility.)

Utility Line, Service or Distribution. Any utility line that extends from a main line and terminates at a building or structure.

Utility Line, Stormwater. A constructed stormwater system component, including but not limited to:

1. A ditch, swale, or similar component installed at ground surface, generally in a linear fashion with clearing and grading limited to 15 feet or less of lateral extent from the centerline;
2. A pipe, culvert, or similar component installed underground, generally in a linear fashion with clearing and grading limited to 15 feet or less of lateral extent from the centerline; or
3. A vault, manhole, catch basin/storm drain, or similar component, which:

## Exhibit B

- a. Is installed underground,
- b. Is connected to one of the above-listed components, and
- c. Results in clearing and grading no more extensive than described above.

Utility Line, Transmission or Main. Any public or private utility line that provides service to numerous commercial, residential, public and/or industrial land uses.

### V. DEFINITIONS - SPECIFIC.

Variance. A modification of the terms of this title that may be granted because of the unusual shape, exceptional topographic conditions or other extraordinary situation or condition in connection with a specific piece of property, where the literal enforcement of this title would involve practical difficulties and cause undue hardship unnecessary to carry out the spirit and intent of this title.

Vegetation - Hydrophytic. Vascular plant life and mosses which grow in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content as described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands,(1989) as amended or revised.

Vegetation - Native. Plants species which have adapted over thousands of years to the weather, soil, and topography of Thurston County, Washington.

Vehicle. A device capable of being moved upon a public highway and in, upon, or by which persons or property are or may be transported or drawn upon a public highway, including automobiles, trucks, buses, motorcycles, trailers, and the like. The term includes bicycles, but does not include other devices moved by human or animal power (e.g., skateboards or horse-drawn wagons), nor devices used exclusively upon stationary rails or tracks.

Veterinary Clinic. See Office, Veterinary/Clinic.

View Corridor. An area at ground level providing views of the waterfront and other landforms of significance, unobstructed by permanent structures between a public street and the preserved. (See also Easement, Scenic.)

Village Center. That portion of an urban village, neighborhood village, or community oriented shopping center which is occupied by commercial, commercial/residential mixed uses, and associated uses such as parking or a village green or park.

### W. DEFINITIONS - SPECIFIC.

Waiver of a Certificate of Appropriateness, Waiver. A letter or other document which allows the building or zoning official to issue a permit for demolition.

## Exhibit B

Warehouse. A building primarily used for storage and distribution of products, equipment, or materials, which are not available for retail sale on the premises. "Warehousing" is the associated activity. Compare Mini-storage.

Welding and Fabrication. A business engaged in stamping or shaping pieces of metal which are then connected by heat until molten and fused, in order to manufacture, service, or repair sheet metal products.

Wellhead Protection Area. See OMC 18.32.205.

Wet pond. An artificial water body with a permanent water surface dug as a part of a surface water management system.

Wetland, habitat types or wetland types. Descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al 1978). These habitat types can include emergent, scrub-shrub or forested wetlands.

Emergent. A wetland with at least thirty (30) percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative stratum.

Forested. A wetland with at least twenty (20) percent of the surface area covered by woody vegetation greater than twenty (20) feet in height.

Scrub-shrub. A wetland with at least thirty (30) percent of its surface area covered by woody vegetation less than twenty (20) feet in height as the uppermost stratum.

Wetlands. See OMC 18.32.505.

Wetlands, Isolated. Those regulated wetlands which:

- a. Are outside of and not contiguous to any one hundred (100)-year floodplain of a lake, river or stream; and
- b. Have no contiguous hydric soil between the wetland and any surface water.

Wetlands Mitigation Bank. A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Wetland - Mosaic. A wetland where each patch of wetland is less than one (1) acre; and each patch is less than one hundred (100) ft apart, on the average; and the areas delineated as vegetated wetland are more than fifty percent (50%) of the total area of the wetlands and the uplands together, or wetlands, open water, and river bars, all as defined in the Washington State Wetland Rating System for Western Washington (~~2004~~2014) as amended or revised.



## Exhibit B

Wholesale Sales or Trade. Establishments or places of business primarily engaged in selling merchandise to retailers.

Wildlife blind. A structure no larger than two hundred (200) square feet used for the observation of wildlife.

Wireless Communication Facility (WCF). Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be deemed a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Excluded from the definition are: non-commercial amateur radio, amateur ham radio and citizen band antennas, satellite earth stations and antenna support structures, and antennas and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities.

Specific types of WCFs include:

Attached WCF. An antenna or antenna array that is secured to an existing building or structure other than an antenna support structure - including light standards, transmission towers, utility poles, or the like - together with a) any accompanying pole or device which attaches it to the building or structure, b) transmission cables, and c) an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site. (See also Freestanding WCF.)

Concealed WCF, sometimes referred to as a stealth or camouflaged facility. A WCF, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed WCFs: 1) attached and 2) freestanding. 1) Examples of concealed attached facilities include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. 2) Concealed freestanding WCFs usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree. (See also Non-concealed WCF.)

Freestanding WCF. Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, and equipment cabinets, and may include an antenna support structure. A freestanding wireless communication facility includes, but is not limited to the following: guyed, lattice, or monopole antenna support structures. (See also Attached WCF.)

## Exhibit B

Non-concealed WCF. A wireless communication facility that is readily identifiable as such and can be either freestanding or attached. (See also Concealed WCF.)

ROW Attached Structure. A special case of an attached WCF, this is defined as a pole or other structure primarily used as an electrical transmission support structure for electrical, telephone, cable, or other wired services that can be or has been configured to support the antenna(s) and feedlines of one or more wireless service providers for use as a WCF.

Wireless Communications. Any personal wireless service, which includes but is not limited to: cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (e.g., wireless internet services and paging).

Wireless Telecommunications Master Plan. A plan developed to enforce applicable development standards, state statutes, and federal regulations related to the deployment of wireless telecommunications infrastructure.

Workshops for Disabled People. Sheltered workshops and facilities which provide disabled people with opportunities for training, recreation, and/or employment. This may include assembly of products or any other activity allowed as a permitted use in the district.

### X. DEFINITIONS - SPECIFIC.

Xeriscape. A landscape design which conserves water through creative landscaping. Principles of xeriscape design include reduction of turf areas and increased use of groundcover; grouping of plants with similar water needs; soil improvements to increase moisture and decrease evaporation; and use of drought tolerant plant materials.

### Y. DEFINITIONS - SPECIFIC.

Yard. An open space on a parcel of land, other than a court, unobstructed and unoccupied from the ground upward, except for projections permitted by this code.

a. Front yard. A yard extending across the full width of the building site, having at no point less than the minimum required distance between the front property line and the building line.

b. Rear yard. A yard extending from one side property line to the other, except in the case of a corner building site when the rear yard shall extend from the interior side property line to the opposite side yard.

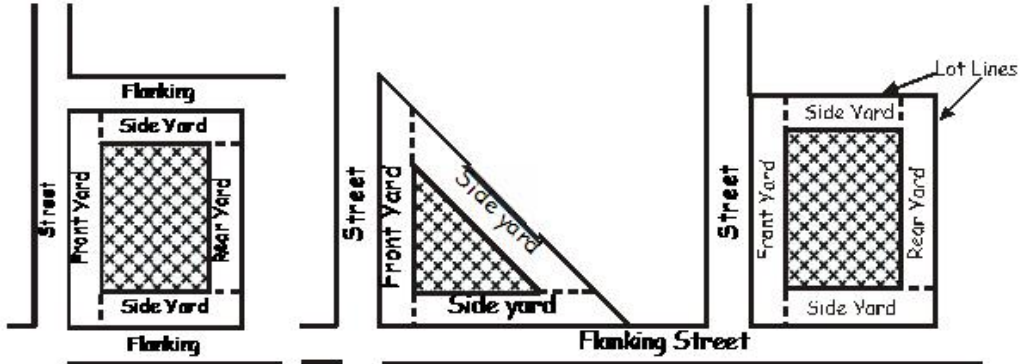
c. Side yard. A yard extending from the front yard to the rear yard, except in the case of a corner building site when the side yard on the flanking street shall extend to the rear property line. [NOTE: See Figure 2-10 for yard examples.]

Exhibit B

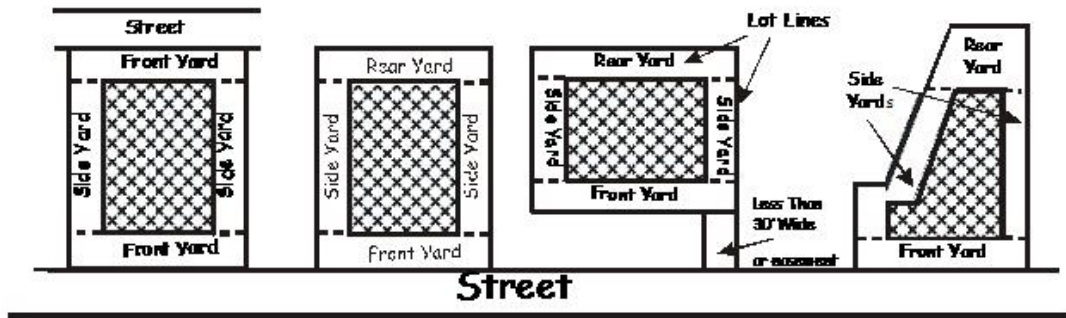
Year. Three hundred and sixty-five days in a normal year, or 366 in a leap year.

Z. DEFINITIONS - SPECIFIC.

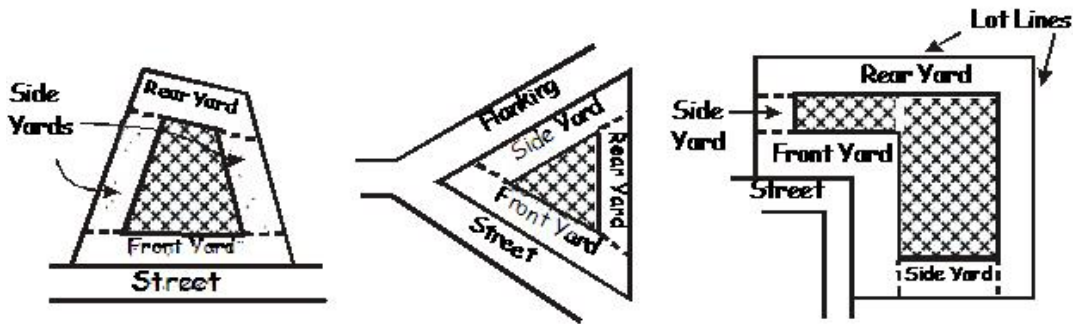
Zero Lot. A lot designed in such a manner that one (1) or more sides of the structure may rest directly on or near a side lot line.



**CORNER LOT EXAMPLES**



**INTERIOR LOT EXAMPLES**



**ODD-SHAPED LOT EXAMPLES  
REQUIRED YARDS**

 **Building (Zoning) Envelope (Two Dimensional)**

Exhibit B

**FIGURE 2-10**

## Exhibit C

### **18.37.070 Nonconforming Structures and Uses Within Critical Area Buffers**

- A. Existing structures and uses. Existing structures and uses which are located within a critical area or its buffer prior to the effective date of Chapter 18.32, which is June 20, 2005, may continue pursuant to the provisions of this Chapter.
- B. Appurtenant structures and related development. ~~Existing structures located within a critical area or its buffer as provided in OMC 18.37.070(A),~~ If there is no negative impact to critical area buffers, the Department may include as "existing structures and uses," pursuant to OMC 18.37.070(A) appurtenant structures and related development such as but not be limited to: garages, out-buildings, lawns, landscaping, gardens, sports fields, sport courts, picnic areas, play equipment, trails and driveways which also existed prior to the effective date of Chapter 18.32.
- C. Critical area review. That portion of a parcel which contains existing structure, appurtenant structures, and related development as defined by OMC 18.37.010(A) and 18.37.070(B), shall be exempt from further review of OMC Chapter 18.32, except as provided in OMC 18.32.215. Expansion or additions of structures and uses listed in OMC 18.37.070(A) and 18.37.070(B) into undisturbed parts of the property which are within a critical area or its buffer will require a critical area review per OMC Chapter 18.32.



## City Council

### Approval of Ordinance Amending Olympia Municipal Code (OMC) Chapter 2.100, Article II, Relating to Public Art

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.J  
**File Number:** 16-0929

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**Type:** ordinance   **Version:** 1   **Status:** 1st Reading-Consent

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#### **Title**

Approval of Ordinance Amending Olympia Municipal Code (OMC) Chapter 2.100, Article II, Relating to Public Art

#### **Recommended Action**

##### **Committee Recommendation:**

Move to approve the recommended changes to the Olympia Municipal Code

##### **City Manager Recommendation:**

Move to pass on first reading and forward to second reading the proposed ordinance amending OMC 2.100, Article II, relating to public art.

#### **Report**

##### **Issue:**

Whether amend OMC 2.100, Article II, to allow monies in the Municipal Art Fund to be used for performing arts, in addition to visual art.

##### **Staff Contact:**

Stephanie Johnson, Arts & Events Program Manager, Parks, Arts & Recreation, 360.709.2678

##### **Presenter(s):**

None - Consent Calendar Item.

##### **Background and Analysis:**

Currently, Olympia's Municipal Code allows for funds designated for public art be used only for visual art. This ordinance change is recommended in order to achieve identified Council goals which include performing arts. The new language also ties public art finding to the Municipal Art Plan, which is approved annually by City Council. In addition, there are some housekeeping changes, such as the current Department title, etc.

##### **Neighborhood/Community Interests (if known):**

Ordinance changes were initiated by the Arts Commission.

**Options:**

1. Approve the proposed ordinance.
2. Do not approve the proposed ordinance. This will leave the Arts Commission unable to fund programs on the current Work Plan such as the Poet Laureate and Music Out Loud performances.
3. Direct staff to make changes to the proposed ordinance for second reading.

**Financial Impact:**

None. Any expenditures of the Municipal Art Fund are approved by City Council annually, along with the Arts Commission Work Plan.

**Attachments:**

Proposed Ordinance

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO THE ARTS COMMISSION AND ALLOCATION OF THE MUNICIPAL ART FUND, AND AMENDING ARTICLE II OF CHAPTER 2.100 OF THE OLYMPIA MUNICIPAL CODE.**

**WHEREAS**, the Olympia City Council wishes to expand the definition of "public art" to include performing art, when approved in the Municipal Art Fund; and

**WHEREAS**, the Council also wishes to make other edits to Olympia Municipal Code Chapter 2.100, Article II;

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

**Section 1. Amendment of OMC 2.100. Olympia Municipal Code Chapter 2.100, Article II, is hereby amended to read as follows:**

Article II. ARTS COMMISSION

- 2.100.100 Established - Purpose.
- 2.100.110 Duties of Commission.
- 2.100.120 Budget.
- 2.100.130 Public Art --Purpose.
- 2.100.140 Public Art--Duties of Commission.
- 2.100.150 Public Art--Allocation of Municipal Funds.
- 2.100.160 Public Art--Definitions.
- 2.100.170 Public Art--Funds for Works of Art.
- 2.100.180 Public Art--~~Municipal Arts Fund~~Municipal Art Fund.
- 2.100.190 Public Art--Administrative Guidelines --Public Art, Art Programs and Services.
- 2.100.200 Public Art--Maintenance and Conservation of Public Art.
- 2.100.210 Donations for Community Art Programs and Services; City Manager Authorized to Accept.
- 2.100.220 Donations for Community Art Programs and Services; Application of Ordinance.
- 2.100.230 Donations for Community Art Programs and Services; Community Arts Account Established.
- 2.100.240 Appropriation of Donations for Art Programs and Services.

**2.100.100 Established--Purpose**

There is hereby established an Arts Commission (the Commission) to accomplish the following:

- A. To promote and encourage public programs to further the development and public awareness of, and interest in, the fine and performing arts and the cultural heritage of the area; and
- B. To advise the City Council in connection with the artistic and cultural development of the Olympia area; and



C. To provide local artistic and cultural services to citizens of the Olympia area by making available to the City and its citizens expertise on the subject of visual and performing arts and cultural heritage; and

D. To encourage donations, grants or other support to further expand artistic, cultural programs and services for the citizens of the Olympia area; and

E. To reach out to and work with the governments, institutions and citizens of neighboring jurisdictions in connection with these purposes, and ultimately to include representatives of said jurisdictions on the commission.

#### **2.100.110 Duties of Commission**

The Commission is empowered to take the following actions:

A. To encourage, conduct, sponsor or cosponsor, on behalf of the City, public programs to further the development and public awareness of, and interest in, the fine and performing arts, and the area's cultural heritage;

B. To provide recommendations to the City Council and other groups on cultural and artistic endeavors and projects in which the City becomes involved and to act as a representative of the community in such matters;

C. To advise the City Council concerning the receipt of or purchase of works of art to be placed on municipal property;

D. To encourage donations, grants and other support to further expand arts and cultural services and programs available to citizens of Olympia and the region;

E. To encourage participation in local artistic and cultural events and programs by citizens and governments of neighboring jurisdictions;

F. Review all proposed donations for art programs and services to ensure that such donations are consistent with the goals of the Commission and the authority of the City of Olympia. After such review, submit a recommendation on the proposed donation(s) to the director of Parks, Arts, and Recreation ~~and Cultural Services Department~~ and the City Manager for formal acceptance or rejection;

G. Prepare and recommend to the City Council a plan that outlines the expenditures of donations received and held in the Community Art Account for art programs and services;

H. To take such other actions as the City Council may direct from time to time.

## **2.100.120 Budget**

The Commission's programs and operating expenses shall be funded from the City general fund and from grants, donations and other like sources. The City Manager shall include said budget within the annual operating budget of the City.

## **2.100.130 Public Art--Purpose**

The City ~~accepts a responsibility for~~ wishes to expanding experience with visual and performing art. Such art has enabled people in all societies to understand more clearly their communities and individual lives. Artists capable of creating art for public places must be encouraged and Olympia's standing as a regional leader in public art enhanced. A policy is therefore established to direct the inclusion of works of art in public works of the City and to explore means for encouraging artists to live and work in Olympia. When opportunities and funding allow, the City may also support performing art in public places when such performing art is consistent with the Municipal Art Plan.

## **2.100.140 Public Art--Duties of Commission**

To carry out its responsibilities hereunder, the Commission shall:

A. Prepare and recommend to the City Council for approval a ~~plan~~ Municipal Art Plan and guidelines to carry out the City's ~~art program~~ Public Art Program, which shall include, but not be limited to:

1. a method or methods for the selection of artists or works of art and for placement of works of art that are attached or detached within or about any municipal construction project or other at municipally owned, leased or rented property;
2. support of performing art programs, if consistent with the Municipal Art Plan.

B. Recommend purchase of works of art or commission the design, execution and/or placement of works of art. The arts program staff shall advise the department responsible for a particular construction project of the ~~arts commission's~~ Arts Commission's recommendation regarding the design, execution and/or placement of a work of art in connection with such construction project.

C. Review all proposed ~~gifts donation~~ of works of art to the City, proposed ~~gifts donation~~ of funds for the acquisition of works of art, if restricted or dedicated in any way, and proposed ~~gifts donation~~ of sites for works of art to ensure that such ~~gifts donations~~ are consistent with the goals of the Commission and the City.

D. Promulgate rules and regulations consistent with Sections 2.100.130 through 2.100.170 to facilitate the implementation of ~~its~~ the Arts Commission's responsibilities hereunder.

### **2.100.150 Public Art--Allocation of Municipal Funds**

The ordinance codified in Sections 2.100.130 through 2.100.170 of this chapter provides allocations of certain municipal funds for the purpose of selecting, acquisitioning and installing art works in public places and further provides that moneys collected be held in a "~~municipal arts fund~~Municipal Art Fund" to be expended for projects and programs as prescribed in the "~~municipal arts plan~~Municipal Art Plan" to be developed by the ~~arts commission~~ Arts Commission. All works of art purchased and commissioned under the ~~municipal arts plan~~ Municipal Art Plan shall become a part of the City art collection developed, administered, and operated by the ~~City arts program~~Arts Program.

Moneys in the ~~municipal arts fund~~ Municipal Art Fund may also be used for the following:

1. toward the creation of a live/work housing project for local artists;
2. toward the City's Public Art, as provided in the Municipal Art Plan.

### **2.100.160 Public Art--Definitions**

A. "Commission" means the Olympia Arts Commission.

B. "Conservation" means those activities required to conserve, repair, or preserve the integrity of the art work and setting within which the art work is located.

C. "Construction project" means any capital project paid for wholly or in part by the City to construct or remodel any building, structure, park, street, sidewalk, or parking facility, or any portion thereof, within the limits of the City.

D. "~~Municipal arts plan~~Municipal Art Plan" means a plan outlining the City expenditures of designated funds for ~~public art~~Public Art projects for a one-year period.

E. "Public Art" includes visual and performing arts.

EF. "Routine maintenance" means:

1. Those activities associated with keeping an art work and its setting clean and well-ordered ~~as specified by the artist at the time of completion of the art work~~; and
2. The removal of graffiti, if it can be accomplished employing effective, pre-approved methods.

### **2.100.170 Public Art--Funds for ~~Works of~~ Public Art**

Moneys for the ~~municipal art fund~~ Municipal Art Fund shall be secured through the following methods:

A. An annual amount equaling up to one dollar per capita may be appropriated from the City's general fund for ~~works-of-art~~ Public Art; and

B. All requests for appropriations from the ~~Capital Improvement Project (CIP) budget-general fund~~ for new construction projects visible and usable by the public, and exceeding five hundred thousand dollars shall include an amount equal to one percent of the estimated construction cost of such project for ~~works-of-art~~ Public Art.

C. The arts program manager, in consultation with city management and department directors, may suggest to the City Council other appropriate funds on a project basis.

### **2.100.180 Public Art--~~Municipal Arts Fund~~Municipal Art Fund**

There is established in the City treasury a special fund designated "~~municipal-arts-fund~~Municipal Art Fund" into which shall be deposited funds appropriated as contemplated by Section 2.100.170, together with gifts or bequests to the City for ~~public-arts~~such purpose, and other funds as the City Council shall appropriate for ~~works of-art~~ Public Art, and from which expenditures may be made for specific ~~works-of-art or for works-of-art~~ Public Art in accordance with the ~~plan-Plan~~ specified in Section 2.100.140. Moneys in the ~~municipal-arts-fund~~Municipal Art Fund may also be used toward the creation of a live/work housing project for local artists. Separate accounts shall be established within the ~~municipal-arts-fund~~Municipal Art Fund to segregate receipts by source or, when so directed by the City Council, for specific works of art. A percentage of the ~~municipal-art fund~~Municipal Art Fund will be appropriated for administrative costs associated with the project. Arts program staff salaries will not be funded from the ~~municipal-art fund~~Municipal Art Fund, except where specifically provided for art conservation. Donations received for ~~public-art~~Public Art projects and purposes shall be administered pursuant to applicable policies adopted by the ~~arts-commission and Parks, Recreation and Cultural Services Department~~ City.

The interest accruing in the ~~municipal-arts-fund~~Municipal Art Fund shall be segregated as an art conservation reserve. Moneys held in the art conservation reserve may be expended for staff time, professional services, supplies, and operating costs associated with the conservation, repair, restoration, or maintenance of works of ~~public-art~~Public Art as prescribed in an annual maintenance plan to be developed by the ~~arts-commission~~ Arts Commission. In the event that excess funds are accumulated in the art conservation reserve, a percentage of reserve funds may be expended for special maintenance projects as recommended by the ~~arts-commission~~ Arts Commission and ~~as~~ approved by the City Council.

### **2.100.190 Administrative Guidelines--~~Public Art, Art Programs and Services~~**

The City Manager or designee is hereby authorized to promulgate administrative guidelines to carry out the provisions of Sections 2.100.130 through 2.100.240. Any major changes to said guidelines shall be submitted to the council for review.

### **2.100.200 Public Art--Maintenance and Conservation of Public Art**

Routine maintenance of works of ~~public art~~Public Art shall be performed by the ~~Park Services Division of the Department of Parks, Arts and Recreation and Cultural Services Department~~ consistent with the artist's specifications whenever possible. Minor routine costs shall be borne by ~~that division's~~the Parks, Arts and Recreation Department's budget. When routine maintenance costs exceed the resources of the ~~Park Services Division Parks, Arts and Recreation Department~~, the Commission, in consultation with the arts program staff, may recommend the expenditure of art conservation reserve funds to support the cost of supplies and labor to perform routine maintenance.

Conservation, repair, and restoration of works of ~~public art~~Public Art, once determined to be required by arts program staff and the ~~arts commission~~Arts Commission, shall be performed by the artist or other contractor and the costs shall be fully born by the arts conservation reserve.

### **2.100.210 Donations for Community Art Programs and Services; City Manager Authorized to Accept**

The City Manager is hereby authorized to accept on behalf of the City of Olympia donations for community art programs and services and to carry out any conditions of the donation, so long as such conditions are within the authority of the City ~~to meet~~. The City Manager will, for each donation, communicate an appropriate acknowledgment of acceptance on behalf of the City of Olympia and ~~express appreciation therefor~~ an expression of appreciation.

Prior to making his/her determination whether to accept a donation or whether any condition thereof is within the authority of the City, the City Manager shall receive and review the recommendation of the ~~commission~~ Arts Commission and the ~~Director of the Parks, Arts and Recreation and Cultural Services Department~~.

### **2.100.220 Donations for Community Art Programs and Services; Application of Ordinance**

Sections 2.100.210, 2.100.230, 2.100.240 of this ~~ordinance Chapter~~ shall govern the receipt, holding and allocation of funds donated to the City only for the purpose of supporting community art programs and services.

### **2.100.230 Donations for Community Art Programs and Services; Community Arts Account Established**

There is ~~hereby established in the City treasury~~ a special revolving account designated the "Community Arts Account" within the Special Accounts Control Fund. Donated funds received for community art programs and services pursuant to Sections 2.100.210, 2.100.230, and 2.100.240 shall be deposited into the "Community Arts Account," ~~established herein~~. Funds held within the Community Arts Account shall be expended upon appropriation for arts programs and services set forth in the ~~plan~~ Municipal Art Plan for such programs and

services approved by the City Council ~~on the recommendation of the commission pursuant to Section 2.100.110 of the Olympia Municipal Code as herein amended.~~

**2.100.240 Appropriation of Donations for Art Programs and Services**

Any donation given and received without conditions may be appropriated, pursuant to the ~~plan~~ Municipal Art Plan referenced in ~~Section 2.100.230 above,~~ for the enhancement or expansion of existing city art programs and services, or for the development of new art programs or services. If an approved donation is conditional, it shall be deposited in the Community Arts Account and may be used only for purposes set forth in the condition. In either event, a proper credit shall be given to the fund source, such as "this program sponsored by the City of Olympia Arts Commission with support provided by the Community Arts Account." Enhanced or expanded art programs and services funded from the Community Arts Account will continue only if ~~funds for those particular programs and services are appropriated out of future funds available within the Community Arts Account~~ are available to continue such programs.

**Section 2. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 3. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 4. Effective Date.** This Ordinance shall take effect thirty (30) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



## City Council

### Approval of Ordinance with FEMA Required Amendments to Building Regulations Pertaining to Flooding

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 4.K  
**File Number:** 16-0832

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**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Consent

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#### **Title**

Approval of Ordinance with FEMA Required Amendments to Building Regulations Pertaining to Flooding

#### **Recommended Action**

##### **Committee Recommendation:**

Move to approve on first reading and forward to second reading, the Land Use and Environment Committee recommendation to approve the proposed FEMA-required revisions to building regulations pertaining to flooding.

##### **City Manager Recommendation:**

Move to approve the proposed Ordinance on first reading and forward to second reading.

#### **Report**

##### **Issue:**

Whether to approve the FEMA-required revisions to building regulations pertaining to flooding.

##### **Staff Contact:**

Todd Cunningham, Building Official, Community Planning & Development, 360.753.8486

##### **Presenter(s):**

None. Consent Item.

#### **Background and Analysis:**

The Federal Emergency Management Agency (FEMA) established flood hazard areas of the City of Olympia are subject to periodic inundation which can result in property damage, loss of property, creation of health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the city.

Downtown Olympia has a history of nuisance flooding during heavy storms, high winds and tidal events. As a member city of the National Flood Insurance Program (NFIP), the City is required to comply with regulations for flood damage prevention, including preparing an ordinance to address

revisions as determined by FEMA studies. Pursuant to the National Flood Insurance Act of 1968 and in accordance with the Flood Disaster Protection Act of 1973, FEMA performed a study and analysis of frequently flooded and flood prone areas of Thurston County, establishing newly revised elevation maps related to flood damage protection. Through this study, FEMA determined that modifications to the current Flood Insurance Rate Maps (FIRM) were needed. These new maps will become effective as of September 1, 2016, and must be adopted by the City of Olympia in order for the City to remain a member of the NFIP.

Currently, Olympia is vulnerable to flooding during relatively short-term periods in the winter months, which results in one or two-hour long flooding events. Fortunately, these events are predictable, allowing us to prepare for them. City staff closely monitors weather events reacting to flood hazards as they occur.

Pursuant to the National Flood Insurance Program and the City of Olympia's involvement in the program, Olympia must adopt these revisions to the published Flood Insurance Rate Maps prior to the effective date. The importance to our community involvement in the NFIP is in the ability of our citizens and businesses to purchase flood insurance through the NFIP; the Federal Government makes this insurance available to member communities.

A community that does not participate in the program, does not comply with the program, or withdraws from the program faces the following sanctions:

1. No resident will be able to purchase a flood insurance policy.
2. Existing flood insurance policies will not be renewed.
3. No Federal grants or loans for development may be made in identified flood hazard areas under programs administered by Federal agencies such as HUD, EPA, and Small Business Administration (SBA);
4. No Federal disaster assistance may be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
5. No Federal mortgage insurance or loan guarantees may be provided in identified flood hazard areas, this includes policies written by FHA, VA, and others.
6. Federally insured or regulated lending institutions, such as banks and credit unions, must notify applicants seeking loans for insurable buildings in flood hazard areas that there is a flood hazard and that the property is not eligible for Federal disaster relief.

On July 21, 2016 the item was presented to the City of Olympia Land Use and Environment Committee for review. The Committee approved the items as presented and moved the items forward to City Council for consent.

**Community/Neighborhood Interests:**

As part of the flood damage prevention ordinance, staff has reached out to various construction community groups such as the Olympia Master Builders, architects and citizens in order to provide an understanding of what changes are being revised related to the subject of flood damage



prevention. Olympia Master Builders invited staff to their Government Affairs Committee meeting on June 30, 2016, where the City's Building Official provided a presentation to the members related to flood requirements. Planning staff continues to be actively engaged with the participants of the downtown strategy meetings where discussion of flood prevention continues to be an active discussion item with our development community.

**Options:**

1. Approve adoption of the Flood Damage Prevention Ordinance.
2. Do not approve adoption of the Flood Damage Prevention Ordinance. The Flood Damage Prevention Ordinance is a requirement of the Federal Emergency Management Agency and is to be adopted by September 2, 2016 in order for the City to remain a member of the National Flood Insurance Program (NIFP). If the City chooses not to adopt the Flood Damage Prevention Ordinance, the City may be suspended from the program.

**Financial Impact:**

The associated fiscal impact is included in department budget for 2016.

**Attachments:**

- Letter from FEMA regarding National Flood Insurance Program Ordinance Adoption Program Mandate

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO FLOOD REGULATIONS OF BUILDING AND RELATED PERMITS IN TITLE 16 AND AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 16.70.**

WHEREAS, the requirements of the National Flood Insurance Program (NFIP) requires cities to enact regulations pertaining to protection from floods and provide for their administration, enforcement, and amendment; and

WHEREAS, the building code and associated Title 16 regulations relating to floods and building construction by the City of Olympia (the "City") is necessary to protect the public health, safety and welfare; and

WHEREAS, the City Council of the City desires to protect the safety and welfare of the citizens of the City through regulation of flood protection involving construction activities, maintenance of buildings in the City and building and related Title 16 permits; and

WHEREAS, more recent regulations have been adopted by the Federal Emergency Management Agency; and

WHEREAS, the City is required to adopt more recent regulations in order to remain a member of the National Flood Insurance Program; and

WHEREAS, City Staff has undertaken a review of the related regulations; and

WHEREAS, City Staff recommends adopting the more recent regulations provided for herein along with certain proposed Federal amendments; and

WHEREAS, City Staff presented the proposed regulations provided for herein along with revised maps as published by FEMA to the City of Olympia Environmental Land Use Committee; and

WHEREAS, the Environmental and Land Use Committee voted to recommend approval of the proposed amendments at their Environmental Land Use Committee meeting on July 21, 2016; and

WHEREAS, Article 11, Section 11 of the Washington State Constitution and FEMA regulations authorize and permit the City to adopt this Ordinance; and

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

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

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

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

**Section 1. Amendment of OMC 16.70. Olympia Municipal Code 16.70 is hereby amended to read as follows:**

## Chapter 16.70 FLOOD DAMAGE PREVENTION

### 16.70.000 Chapter Contents

#### Sections:

- 16.70.010 Purpose and Objectives.
- 16.70.020 Definitions.
- 16.70.030 General Provisions.
- 16.70.040 Administration.
- 16.70.050 Provisions for Flood Hazard Reduction.

#### **16.70.010 Purpose and Objectives**

##### A. Authorization.

The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Of Olympia, does ordain as follows:

##### B. Findings of Fact.

1. The flood hazard areas of the City of Olympia are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

##### C. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard;
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

**16.70.020 Definitions**

A. "Appeal" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

B. "Area of Special Flood Hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. ~~Designation on maps always includes the letter A. It is shown on the FIRM as Zone V, VE, A, AO, or AE.~~

- C. "Base Flood" means the flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). Designated on Flood Insurance Rate Maps by the letter A.
- D. "\*Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.
- E. "Critical Facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.
- F. "\*\*\*Cumulative Substantial Damage" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- G. "\*Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
- H. "\*\*\*Elevation Certificate" means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by Community Officials.
- I. "Elevated Building" means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
- J. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters, and/or
  2. The unusual and rapid accumulation of runoff of surface waters from any source.
- K. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- L. "Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles and the water surface elevation of the base flood.
- M. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

N. **"\*\*Increased Cost of Compliance"** A flood insurance claim payment up to \$30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of "substantial damage" or as a result of a "cumulative substantial damage." (more information can be found in FEMA ICC Manual 301)

O. **"\*Lowest Floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at OMC 16.70.050.B.1.b (i.e. provided there are adequate flood ventilation openings).

P. **"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Q. **"New Construction"** means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

R. **"Recreational Vehicle"** means a vehicle,

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

S. **"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

T. "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

U. "\*Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

V. "\*Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places or as otherwise determined and regulated through the NFIP requirements.

W. "Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

X. "Water Dependent" means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

#### **16.70.030 General Provisions**

A. Lands to Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of City of Olympia.

B. Basis For Establishing The Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Thurston County, Washington and Incorporated Areas" dated October 16, 2012 and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM) dated October 16, 2012, and any revisions thereto\*, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and

the FIRM are on file at City of Olympia Permit Assistance Center at 601 - 4th Avenue E, Olympia, WA. The best available information for flood hazard area identification as outlined in OMC 16.70.040.C.2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under OMC 16.70.040.C.2.

C. Penalties For Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Thousand and no/100 Dollars (\$1,000.00) or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Building Official from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under State statutes.

F. Warning And Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Building Official, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

G. Severability. If any section, clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Chapter.



## **16.70.040 Administration**

### **A. Establishment of Development Permit**

1. **Development Permit Required.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in OMC 16.70.030.B. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."

2. **Application for Development Permit.** Application for a development permit shall be made on forms furnished by the City of Olympia and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in OMC 16.70.050.B.2; and
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

**B. Designation of the Local Administrator.** Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

**C. Duties and Responsibilities of the Local Administrator.** Duties of the Building Official shall include, but not be limited to:

#### **1. Permit Review**

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of OMC 16.70.050.D.1 are met.

## 2. Use of Other Base Flood Data (In A Zones)

When base flood elevation data has not been provided (in A Zones) in accordance with OMC 16.70.030.B, Basis for Establishing the Areas of Special Flood Hazard, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer OMC 16.70.050.B, Specific Standards, and OMC 16.70.050.D Floodways.

## 3. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in OMC 16.70.040.C.2, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. Recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official.
- b. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in OMC 16.70.040.C.2:
  - i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and
  - ii. Maintain the floodproofing certifications required in OMC 16.70.040.C.3.b.
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

## 4. Alteration of Watercourses

- a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall

be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

6. Conditions for Variances

- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
- b. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Variances shall only be issued upon:
  - i. A showing of good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- e. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.
- f. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except OMC 16.70.040.C.6.a, and otherwise complies with OMC 16.70.050.A.1, OMC 16.70.050.A.3 and OMC 16.70.050.A.4 of the General Standards.

g. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

#### **16.70.050 Provisions for Flood Hazard Reduction**

A. General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. For more detailed information, refer to FEMA publication FEMA P-85, "Protecting Manufactured Homes from Floods and Other Hazards."

2. Construction Materials and Methods

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

3. Utilities

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

b. Water wells shall be located on high ground that is not in the floodway\*.

c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

- d. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### 4. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (OMC 16.70.040.C.2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in OMC 16.70.030.B, Basis for Establishing the Areas of Special Flood Hazard, or OMC 16.70.040.C.2, Use of Other Base Flood Data. The following provisions are required:

##### 1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more\* above the base flood elevation (BFE).
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. Additional requirements for below-grade crawlspace construction:

The interior grade of a crawlspace below the base flood elevation (BFE) must not be more than two-feet below the lowest adjacent exterior grade (LAG).

The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four-feet at any point.

The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

This limitation will also prevent these crawlspaces from being converted into habitable spaces.

There must be adequate drainage system that removes floodwaters from the interior area of the crawlspace.

The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.

The velocity of floodwaters at the site should not exceed five-feet per second for any crawlspace. For velocities in excess of five-feet per second, other foundations should be used.

Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more\* above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in OMC 16.70.040.C.3.b; and
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in OMC 16.70.050.B.1.b.

\*Applicants who are floodproofing nonresidential buildings should be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below). Floodproofing the building an additional foot will reduce insurance premiums significantly.

3. **Manufactured Homes.** All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above\* the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

4. **Recreational Vehicles.** Recreational vehicles placed on sites are required to either:

- a. Be on the site for fewer than 180 consecutive days, or
- b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- c. Meet the requirements of OMC 16.70.050.B.3 above and the elevation and anchoring requirements for manufactured homes.

C. **AE Zones with Base Flood Elevations but No Floodways.** In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

D. Coastal High Hazard Area and Coastal A Zone. Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of special flood hazard established in section 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply to building permits and related permits in Title 16:

1. Location of Structures

- a. All buildings or structures shall be located landward of the reach of the mean high tide.
- b. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

2. Construction Methods

- a. Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that:

- i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 4-1, whichever is more restrictive.

and,

- ii. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in OMC 16.70.050.D.2.d

- b. Structural Support

- i. All new construction and substantial improvements shall be securely anchored on piling or columns.

- ii. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

- iii. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, V, and Coastal A on the community's FIRM.

- c. Certification. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design,



specifications and plans. Such certifications shall be provided to the official as set forth in OMC 16.70.040.C.3.b.

d. Space Below the Lowest Floor

i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

ii. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

(i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

iii. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

iv. Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

**DE.** Floodways. Located within areas of special flood hazard established in OMC 16.70.030.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways\*, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

3. If OMC 16.70.050.D.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of OMC 16.70.050, Provisions for Flood Hazard Reduction.

**EE.** Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

**Section 2. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 3. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 4. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

*Darren Nienaber DCA*

---

CITY ATTORNEY

**PASSED:**

**APPROVED:**

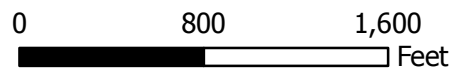
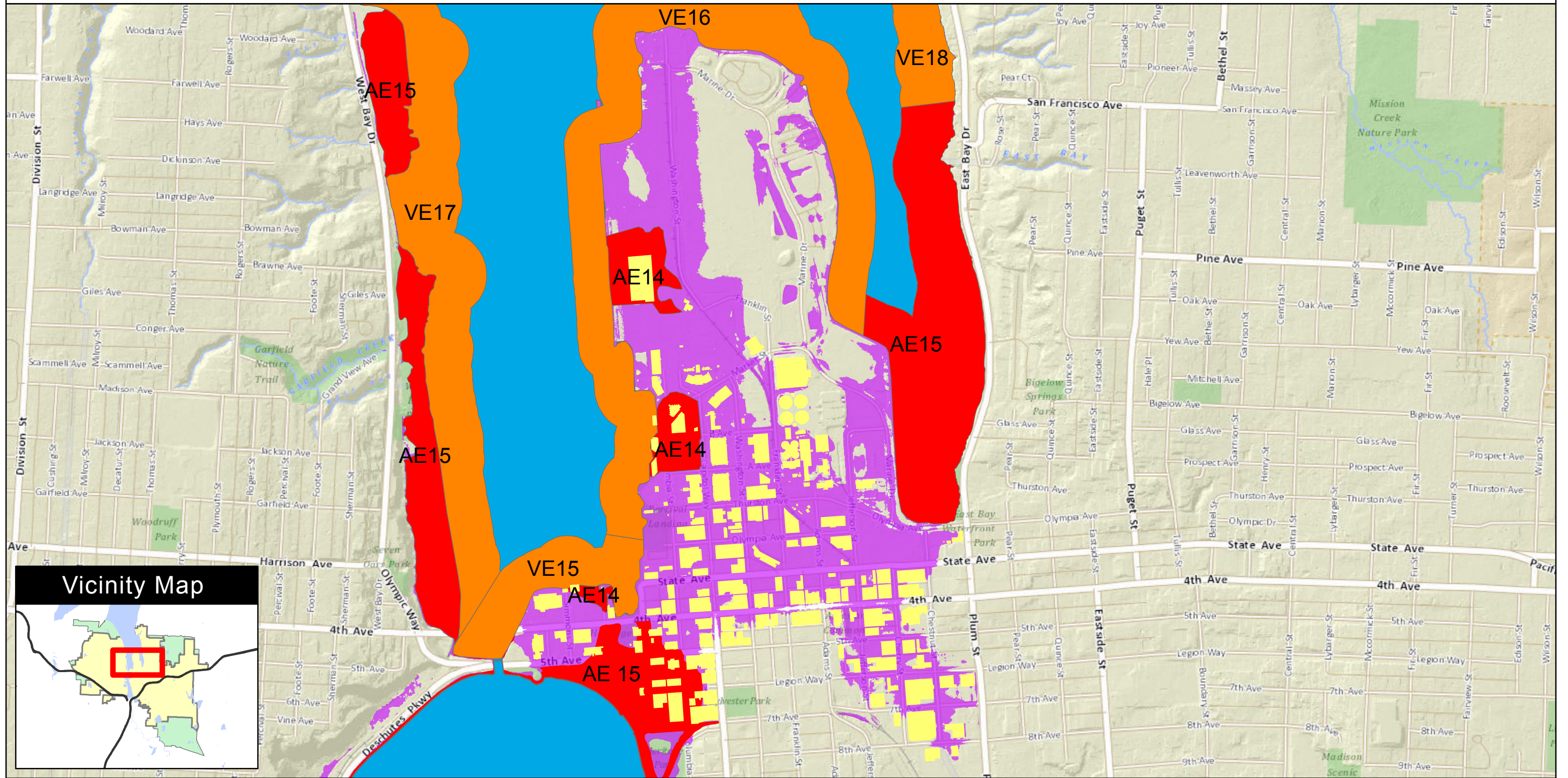
**PUBLISHED:**





# Extents of Inundation at 16 foot NAVD88

## With FEMA Flood Hazard Areas



### Legend

- Buildings Impacted
- 16 foot NAVD88 Inundation
- VE - 1% chance flooding with velocity
- AE - 1% chance flooding

Map printed 3/29/2016  
 For more information, please contact:  
 Name, Title  
 Email  
 (360) Phone.

This map is intended for 11x17" landscape printing.

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted herein are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.

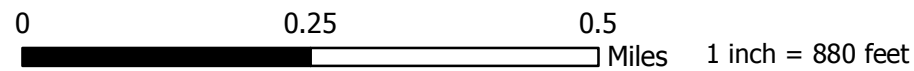
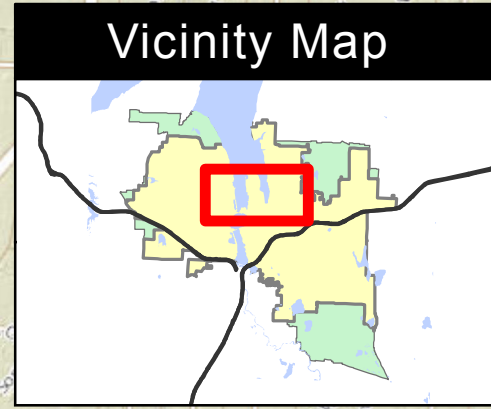
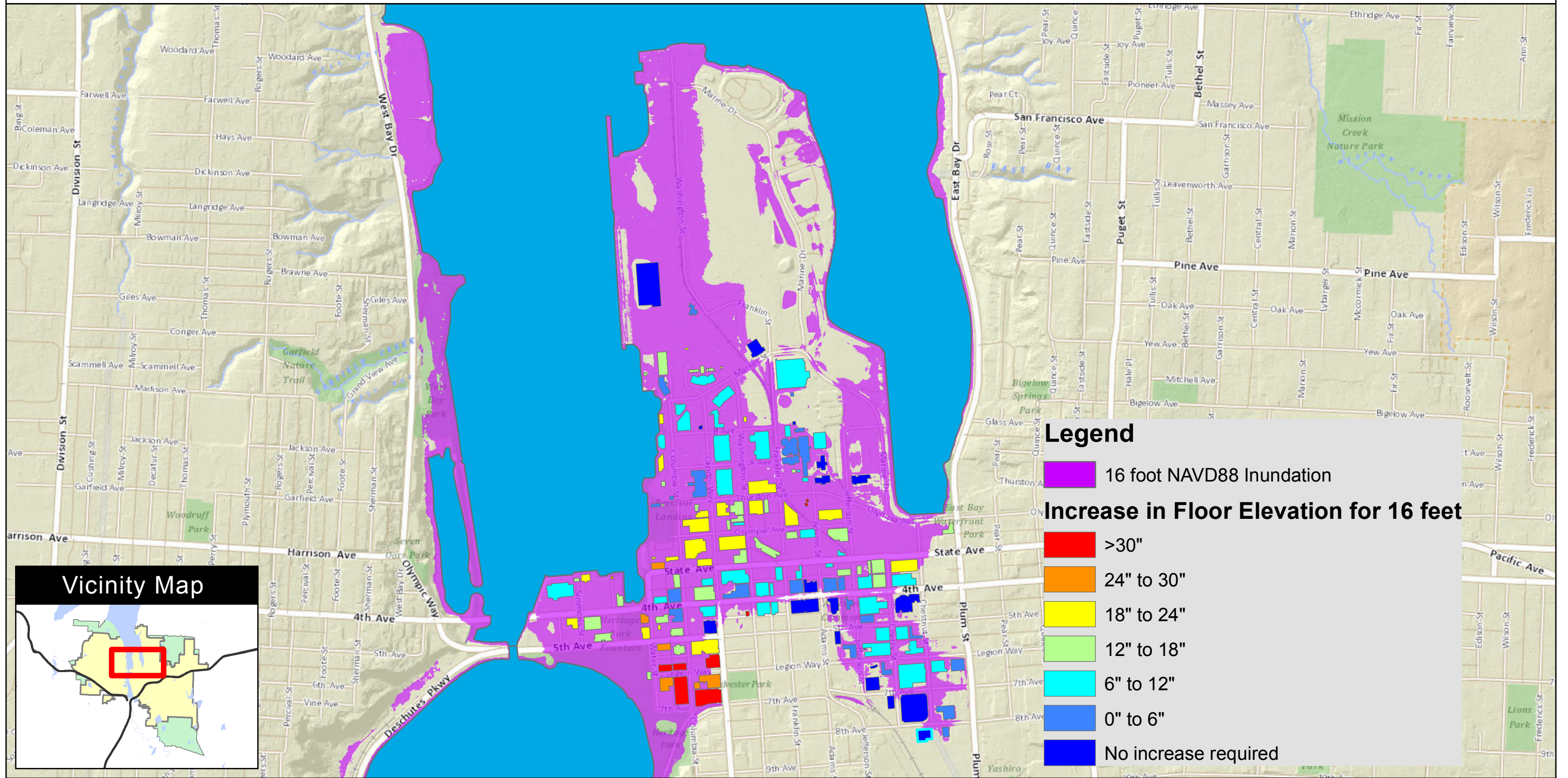






# Floor Elevations Above Adjacent Grades

To achieve 16 feet NAVD88



Map printed 4/1/2016  
 For more information, please contact:  
 Name, Title  
 Email  
 (360) Phone.

This map is intended for 11x17" landscape printing.

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RECEIVED

JUL 25 2016

City of Olympia  
Executive Department

U.S. Department of Homeland Security  
500 C Street, SW  
Washington, DC 20472



FEMA

JUL 19 2016

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

TO: TODD C.

The Honorable Cheryl Selby  
Mayor, City of Olympia  
Post Office Box 1967  
Olympia, Washington 98507-1967

Dear Mayor Selby:

I am writing this letter as an official reminder that the City of Olympia, Washington, has until September 2, 2016, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations.

The City of Olympia must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements (copy enclosed) by September 2, 2016, to avoid suspension from the NFIP. If suspended, your community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

The NFIP State Coordinating Office for your State has verified that Washington communities may include language in their floodplain management measures that automatically adopt the most recently available flood elevation data provided by FEMA. Your community's floodplain management measures may already be sufficient if the measures include suitable automatic adoption language and are otherwise in accordance with the minimum requirements of the NFIP. The NFIP State Coordinator can assist you further in clarifying questions you may have about automatic adoption.

Under the Flood Disaster Protection Act of 1973, as amended, flood insurance must be purchased by property owners seeking any Federal financial assistance for construction or acquisition of buildings in Special Flood Hazard Areas (SFHAs). This financial assistance includes certain federally guaranteed mortgages and direct loans, federal disaster relief loans and grants, as well as other similarly described assistance from FEMA and other agencies.

In addition, all loans individuals obtain from Federally regulated, supervised, or insured lending institutions that are secured by improved real estate located in SFHAs are also contingent upon the borrower obtaining flood insurance coverage on the building. However, purchasing and maintaining flood insurance coverage on a voluntary basis is frequently recommended for properties located outside SFHAs.



The Honorable Cheryl Selby

Page 2

Your NFIP State Coordinator and FEMA would like to assist the City of Olympia to ensure it remains in good standing with the NFIP and avoids suspension from the Program. If your community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. As stated in my previous correspondence, I recommend you contact your NFIP State Coordinator or the FEMA Regional Office if the City of Olympia is encountering difficulties in enacting its measures.

I recognize that your community may be in the final adoption process or may have recently adopted the appropriate floodplain management measures. Please submit these measures to the Floodplain Management Program at the Washington Department of Ecology. Scott McKinney, the NFIP State Coordinator, is accessible by telephone at (360) 407-6131, in writing at Post Office Box 47600, Olympia, Washington 98504-7600, or by electronic mail at [scott.mckinney@ecy.wa.gov](mailto:scott.mckinney@ecy.wa.gov).

The FEMA Regional staff in Bothell, Washington, is also available to assist you with your floodplain management measures. The FEMA Regional Office may be contacted by telephone at (425) 487-4600 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region X, at 130 – 228th Street, Southwest, Bothell, Washington 98021-8627.

In the event your community does not adopt and/or submit the necessary floodplain management measures that meet or exceed the minimum NFIP requirements, I must take the necessary steps to suspend your community from the NFIP. This letter is FEMA's final notification before your community is suspended from the Program.

Sincerely,



Rachel Sears, Director  
Floodplain Management Division  
Mitigation Directorate | FEMA

Enclosure

cc: Kenneth Murphy, Regional Administrator, FEMA Region X  
Scott McKinney, NFIP State Coordinator, Washington Department of Ecology  
Robert Bradley, Building Official, City of Olympia





**§ 59.24 Suspension of community eligibility.**

(a) A community eligible for the sale of flood insurance shall be subject to suspension from the Program for failing to submit copies of adequate flood plain management regulations meeting the minimum requirements of paragraphs (b), (c), (d), (e) or (f) of § 60.3 or paragraph (b) of §§ 60.4 or 60.5, within six months from the date the Federal Insurance Administrator provides the data upon which the flood plain regulations for the applicable paragraph shall be based. Where there has not been any submission by the community, the Federal Insurance Administrator shall notify the community that 90 days remain in the six month period in order to submit adequate flood plain management regulations. Where there has been an inadequate submission, the Federal Insurance Administrator shall notify the community of the specific deficiencies in its submitted flood plain management regulations and inform the community of the amount of time remaining within the six month period. If, subsequently, copies of adequate flood plain management regulations are not received by the Administrator, no later than 30 days before the expiration of the original six month period the Federal Insurance Administrator shall provide written notice to the community and to the state and assure publication in the FEDERAL REGISTER under part 64 of this subchapter of the community's loss of eligibility for the sale of flood insurance, such suspension to become effective upon the expiration of the six month period. Should the community remedy the defect and the Federal Insurance Administrator receive copies of adequate flood plain management regulations within the notice period, the suspension notice shall be rescinded by the Federal Insurance Administrator. If the Federal Insurance Administrator receives notice from the State that it has enacted adequate flood plain management regulations for the community within the notice period, the suspension notice shall be rescinded by the Federal Insurance Administrator. The community's eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Federal Insurance Administrator.

(b) A community eligible for the sale of flood insurance which fails to adequately enforce flood plain management regulations meeting the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 shall be subject to probation. Probation shall represent formal notification to the community that the Federal Insurance Administrator regards the community's flood plain management program as not compliant with NFIP criteria. Prior to imposing probation, the Federal Insurance Administrator (1) shall inform the community upon 90 days prior written notice of the impending probation and of the specific program deficiencies and violations relative to the failure to enforce, (2) shall, at least 60 days before probation is to begin, issue a press release to local media explaining the reasons for and the effects of probation, and (3) shall, at least 90 days before probation is to begin, advise all policyholders in the community of the impending probation and the additional premium that will be charged, as provided in this paragraph, on policies sold or renewed during the period of probation. During this 90-day period the community shall have the opportunity to avoid probation by demonstrating compliance with Program requirements, or by correcting Program deficiencies and remedying all violations to the maximum extent possible. If, at the end of the 90-day period, the Federal Insurance Administrator determines that the community has failed to do so, the probation shall go into effect. Probation may be continued for up to one year after the community corrects all Program deficiencies and remedies all violations to the maximum extent possible. Flood insurance may be sold or renewed in the community while it is on probation. Where a policy covers property located in a community placed on probation on or after October 1, 1986, but prior to October 1, 1992, an additional premium of \$25.00 shall be charged on each such policy newly issued or renewed during the one-year period beginning on the date the community is placed on probation and during any successive one-year periods that begin prior to October 1, 1992. Where a community's probation begins on or after October 1, 1992, the additional premium described in the preceding sentence shall be \$50.00, which shall also be charged during any successive one-year periods during which the community remains on probation for any part thereof. This \$50.00 additional premium shall further be charged during any successive one-year periods that begin on or after October 1, 1992, where the preceding one-year probation period began prior to October 1, 1992.

(c) A community eligible for the sale of flood insurance which fails to adequately enforce its flood plain management regulations meeting the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5

and does not correct its Program deficiencies and remedy all violations to the maximum extent possible in accordance with compliance deadlines established during a period of probation shall be subject to suspension of its Program eligibility. Under such circumstances, the Federal Insurance Administrator shall grant the community 30 days in which to show cause why it should not be suspended. The Federal Insurance Administrator may conduct a hearing, written or oral, before commencing suspensive action. If a community is to be suspended, the Federal Insurance Administrator shall inform it upon 30 days prior written notice and upon publication in the FEDERAL REGISTER under part 64 of this subchapter of its loss of eligibility for the sale of flood insurance. In the event of impending suspension, the Federal Insurance Administrator shall issue a press release to the local media explaining the reasons and effects of the suspension. The community's eligibility shall only be reinstated by the Federal Insurance Administrator upon his receipt of a local legislative or executive measure reaffirming the community's formal intent to adequately enforce the flood plain management requirements of this subpart, together with evidence of action taken by the community to correct Program deficiencies and remedy to the maximum extent possible those violations which caused the suspension. In certain cases, the Federal Insurance Administrator, in order to evaluate the community's performance under the terms of its submission, may withhold reinstatement for a period not to exceed one year from the date of his receipt of the satisfactory submission or place the community on probation as provided for in paragraph (b) of this section.

(d) A community eligible for the sale of flood insurance which repeals its flood plain management regulations, allows its regulations to lapse, or amends its regulations so that they no longer meet the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 shall be suspended from the Program. If a community is to be suspended, the Federal Insurance Administrator shall inform it upon 30 days prior written notice and upon publication in the FEDERAL REGISTER under part 64 of this subchapter of its loss of eligibility for the sale of flood insurance. The community eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Federal Insurance Administrator.

(e) A community eligible for the sale of flood insurance may withdraw from the Program by submitting to the Federal Insurance Administrator a copy of a legislative action that explicitly states its desire to withdraw from the National Flood Insurance Program. Upon receipt of a certified copy of a final legislative action, the Federal Insurance Administrator shall withdraw the community from the Program and publish in the FEDERAL REGISTER under part 64 of this subchapter its loss of eligibility for the sale of flood insurance. A community that has withdrawn from the Program may be reinstated if it submits the application materials specified in § 59.22(a).

(f) If during a period of ineligibility under paragraphs (a), (d), or (e) of this section, a community has permitted actions to take place that have aggravated existing flood plain, mudslide (i.e., mudflow) and/or flood related erosion hazards, the Federal Insurance Administrator may withhold reinstatement until the community submits evidence that it has taken action to remedy to the maximum extent possible the increased hazards. The Administrator may also place the reinstated community on probation as provided for in paragraph (b) of this section.

(g) The Federal Insurance Administrator shall promptly notify the servicing company and any insurers issuing flood insurance pursuant to an arrangement with the Federal Insurance Administrator of those communities whose eligibility has been suspended or which have withdrawn from the program. Flood insurance shall not be sold or renewed in those communities. Policies sold or renewed within a community during a period of ineligibility are deemed to be voidable by the Federal Insurance Administrator whether or not the parties to sale or renewal had actual notice of the ineligibility.

[41 FR 46968, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44543 and 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36023, Sept. 4, 1985; 57 FR 19540, May 7, 1992; 59 FR 53598, Oct. 25, 1994; 62 FR 55715, Oct. 27, 1997]

**§ 60.3 Flood plain management criteria for flood-prone areas.**

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in § 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

(a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:

(i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and

(iii) Maintain a record of all such information with the official designated by the community under § 59.22 (a)(9)(iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;



(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's

FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in § 60.3(c)(3)(ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of § 60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of § 60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under § 59.22(a)(9)(iii);

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:



(i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

(7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones VI-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(f) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section.

(2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in § 59.1 in accordance with the eligibility procedures under § 65.14.

(3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:

(i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and

(ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section.

(4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:

(i) Determine the AR base flood elevation; and

(ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section.

(5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section;

(ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and

(iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section.

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and

(ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.

(7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.

[41 FR 46975, Oct. 26, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 60.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).





## City Council

### Approval of Ordinance to Adopt Kaiser Harrison Opportunity Area Plan

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 6.A  
**File Number:** 16-0843

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**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Consent

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#### **Title**

Approval of Ordinance to Adopt Kaiser Harrison Opportunity Area Plan

#### **Recommended Action**

##### **Committee Recommendation:**

Move to approve on first reading and move to second reading, the Planning Commission recommendation to adopt the Kaiser Harrison Opportunity Area Plan and related amendments to the Comprehensive Plan, Future Land Use Map, Official Zoning Map, Official Design Review Map, and sections of Title 18 of the Olympia Municipal Code.

##### **City Manager Recommendation:**

Move to approve on first reading and move to second reading, the Kaiser Harrison Opportunity Area Plan Ordinance as recommended by the Planning Commission.

#### **Report**

##### **Issue:**

Whether to approve the Kaiser Harrison Opportunity Area Plan and adopt related amendments to the Comprehensive Plan, Future Land Use Map, Official Zoning Map, Official Design Review Map, and sections of Title 18 of the Olympia Municipal Code.

##### **Staff Contact:**

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

##### **Presenter(s):**

Joyce Phillips, Senior Planner, Community Planning and Development

##### **Background and Analysis:**

In 2013 this area was identified in the Investment Strategy as an area for redevelopment. In 2014 the Investment Strategy was referenced in the Economy Chapter of the Comprehensive Plan, and called for subarea planning for the opportunity areas. In 2015, the City received an application for a Comprehensive Plan Amendment to amend the Future Land Use Map and Rezone the area to allow for mixed use development. The City Council placed this item on the docket for 2016 Comprehensive Plan Amendments and directed staff to begin work on the subarea plan in 2015.

In order to develop the plan for this area, staff worked with planning and economic consultants to update the market study, interview property owners in and near the study area, and hold several public meetings to gather input. Three alternatives were proposed. The public was invited to provide input on the three alternatives, which ultimately led to the development of the preferred alternative. In order to implement the preferred alternative several amendments are proposed, including amendments to the Comprehensive Plan text, Future Land Use Map, Official Zoning Map, Official Design Review Map, and text amendments to sections of Title 18 of the Olympia Municipal Code.

**Neighborhood/Community Interests (if known):**

Several property owners, business owners, and occupants within and near the study area participated in the public meetings and public hearing. Thirteen written comments from the public were received and considered by the Planning Commission. Of the comments received eight were in support of the proposal while five were opposed. Concerns that were raised primarily dealt with compatibility of potential new uses with the existing residential neighborhoods on the north side of Harrison Avenue. Provisions that will help ensure compatibility include increased building setbacks, reduced building heights within 100 feet of the existing neighborhoods, and upper story step-backs for any buildings over three stories in height.

**Options:**

1. Approve the Kaiser Harrison Opportunity Area Plan and adopt related amendments to the Comprehensive Plan, Future Land Use Map, Official Zoning Map, Official Design Review Map, and sections of Title 18 of the Olympia Municipal Code.
2. Modify the Kaiser Harrison Opportunity Area Plan and related amendments to the Comprehensive Plan, Future Land Use Map, Official Zoning Map, Official Design Review Map, and sections of Title 18 of the Olympia Municipal Code.
3. Do not approve the approve the Kaiser Harrison Opportunity Area Plan or adopt related amendments to the Comprehensive Plan, Future Land Use Map, Official Zoning Map, Official Design Review Map, and sections of Title 18 of the Olympia Municipal Code. Provide staff with guidance moving forward.

**Financial Impact:**

Staff support and expenses for processing this proposal are included in the Community Planning and Development Department's 2016 budget. Some of the proposed amendments will have an indirect financial impact to the City. For example, reviewing the City's design review process and criteria for consistency with the goals and policies of the Comprehensive Plan will impact the Community Planning and Development Department's work plan and budget in the future. Additionally, the provision of a potential Neighborhood Park in the Kaiser Harrison Opportunity Area may impact the Parks, Arts and Recreation Department's timing or location criteria for the provision of a Neighborhood Park in west Olympia.

**Attachments:**

Ordinance  
Kaiser Harrison Opportunity Area Plan  
Preferred Alternative  
Kaiser Harrison webpage

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO THE AREA KNOW AS THE KAISER-HARRISON OPPORTUNITY AREA; SPECIFICALLY AMENDING THE LAND USE AND URBAN DESIGN CHAPTER AND THE FUTURE LAND USE MAP OF THE OLYMPIA COMPREHENSIVE PLAN; AMENDING CHAPTERS 18.06, 18.16, 18.130, AND 18.100 OF THE OLYMPIA MUNICIPAL CODE; AND AMENDING THE OFFICIAL ZONING MAP AND DESIGN REVIEW MAP OF THE CITY OF OLYMPIA.**

WHEREAS, on May 16, 2016, the Olympia Planning Commission received a briefing on the proposal to amend the Olympia Comprehensive Plan Future Land Use Map, Comprehensive Plan text in the Land Use and Urban Design Chapter, the Official Zoning Map, the Official Design Review Map, and text amendments to Unified Development Code (OMC Title 18) (herein the Amendments), in order to implement the Kaiser Harrison Opportunity Area Plan; and

WHEREAS, on June 6, 2016, the Olympia Planning Commission held a public hearing on the proposal and deliberated the Amendments on June 20, 2016; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended amendments to the Olympia Comprehensive Plan Future Land Use Map, Comprehensive Plan text in the Land Use and Urban Design Chapter, the Official Zoning Map, the Official Design Review Map, and text amendments to the Unified Development Code; and

WHEREAS, on June 3, 2016, the City of Olympia issued a Determination of Non-significance pursuant to the State Environmental Policy Act, which was not appealed; and

WHEREAS, on February 17, 2016, a Public Participation Plan was issued for the Kaiser-Harrison Opportunity Area Planning Process and posted to the City's project webpage; and

WHEREAS, City staff met with the property owners affected by the Amendments and interested parties on February 18, 2016; and

WHEREAS, public workshops and meetings were held on the Amendments March 9, March 17, March 18, March 24, and March 31, 2016; and

WHEREAS, this comprehensive plan and development regulation amendment is consistent with the City of Olympia Comprehensive Plan; and

WHEREAS, the Amendments meet the goals and requirements of the Washington State Growth Management Act; and

WHEREAS, the Amendments have been reviewed pursuant to the Olympia Comprehensive Plan Amendment Process outlined in Chapter 18.59 of the Olympia Municipal Code; and

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

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

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

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

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

**Section 1. Amendment of Olympia Comprehensive Plan.** The Olympia Comprehensive Plan is hereby amended as shown on the attached Exhibit A, which is hereby incorporated as though fully set forth herein.

**Section 2. Amendment of Olympia Comprehensive Plan Future Land Use Map.** The Olympia Comprehensive Plan Future Land Use Map is hereby amended as shown on the attached Exhibit B, which is hereby incorporated as though fully set forth herein.

**Section 3. Amendment of City of Olympia Zoning Map.** The Official City of Olympia Zoning Map is hereby amended as shown on the attached Exhibit C, which is hereby incorporated as though fully set forth herein.

**Section 4. Amendment of Design Review Map.** The Official Design Review Map is hereby amended as shown on the attached Exhibit D, which is hereby incorporated as though fully set forth herein.

**Section 5. Official Maps.**

**A.** The City Manager or his designee is authorized to prepare such maps reflecting this Ordinance. The Mayor is authorized but not required to sign an Official Zoning Map and Official Design Review Map reflecting this Ordinance.

**B.** Copies of the Official Zoning Map and the Official Design Review Map are and shall be retained on file with the City Clerk.

**Section 6. Amendment of OMC Chapter 18.06.** Olympia Municipal Code Chapter 18.06 is hereby amended as shown on the attached Exhibit E, which is hereby incorporated as though fully set forth herein.

**Section 7. Amendment of OMC Chapter 18.16.** Olympia Municipal Code Chapter 18.16 is hereby amended as shown on the attached Exhibit F, which is hereby incorporated as though fully set forth herein.

**Section 8. Amendment of OMC Chapter 18.130.** Olympia Municipal Code Chapter 18.130 is hereby amended as shown on the attached Exhibit G, which is hereby incorporated as though fully set forth herein.

**Section 9. Amendment of OMC Chapter 18.100.** Olympia Municipal Code Chapter 18.100 of the Olympia Municipal Code, is hereby amended as shown on the attached Exhibit H, which is hereby incorporated as though fully set forth herein.

**Section 10. Official Comprehensive Plan.** Copies of the Olympia Comprehensive Plan are and shall be retained on file with the City Clerk.

**Section 11. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 12. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 13. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

*Darra Nieneke DCA*  
\_\_\_\_\_  
CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



# Land Use and Urban Design



A blending of old and new land uses.

## **What Olympia Values:**

*Olympians value neighborhoods with distinct identities; historic buildings and places; a walkable and comfortable downtown; increased urban green space; locally produced food; and public spaces for citizens in neighborhoods, downtown, and along our shorelines.*

## **Our Vision for the Future:**

*A walkable, vibrant city.*

Read more in the Community Values and Vision chapter

## **Introduction**

How we choose to live within, and how we alter, our landscape is critical to our quality of life, and to whether that quality of life can be sustained and improved.

The State's 1990 Growth Management Act called for Olympia to establish land use designations and densities sufficient for at least 20 years. The County-Wide Planning Policies adopted by Thurston County and its seven cities in 1993 describe a common goal of concentrating growth in the urban areas "in ways that ensure livability, preservation of environmental quality and open space, varied and affordable housing, high quality urban services at least cost, and orderly transition of land from County to City."

We can choose to isolate land uses and neighborhoods, or blend them into a single vital community. We can create spaces separated by long travel distances, or provide for a variety of experiences in each part of the city. We can choose to use land efficiently for recreation, housing, and business while setting aside selected areas for open space and communing with nature, or we can create homogenous subdivisions and isolated commercial areas. We can employ architecture and landscaping reflecting Olympia's unique and historic character, or we can build places with little regard to the local landscape and climate. These choices will determine Olympia's form for many generations.

Our community seeks to:

- Encourage development in urban areas where public services and facilities are already present.
- Phase urban development and facility extension outward from the downtown area.
- Establish land use patterns that ensure residential densities sufficient to accommodate 20-years of population growth.
- Focus higher residential densities downtown, along urban corridors, and near neighborhood centers.
- Employ innovative development techniques that create a better community.



A new pair of townhomes reflects Olympia's historic character.

Olympia's "Urban Design Vision and Strategy," appreciation of the area's history and sustainable community philosophy all provide additional direction for this chapter. In particular, the sustainability policies call for us to consider the long-range implications of our land use decisions and to provide for a pattern of development that can be sustained and enjoyed by future generations.

For example, mixed-use 'villages' and opportunities for residential development in commercial areas provide for increasing residential densities by blending land uses. By enabling less reliance on automobiles, by providing for compact development that requires less land, by efficiently providing streets, utilities, and services, and by establishing development densities and site designs that protect environmentally sensitive areas and reflect the capacity of natural systems, we can provide a quality community for coming generations.

We envision:

- Spaces that are safe and pedestrian-friendly
- Development that minimizes harm to the environment
- Densities and land use types consistent with many types of transportation

- Places for quiet residential uses, and places where economic activity is emphasized
- Walkable neighborhoods with unique centers and identities
- Development that complements the historic character of the community
- Recognition of the importance of lands near water
- A process for exploring the unique possibilities of each area with special attention given to Downtown, the Westside core area, the eleven planning 'subareas,' and other special geographic areas within the community

The focus here is on 'built' land uses such as housing and commercial structures and development patterns. Complementary parks, open spaces and natural areas are addressed in the Public Health, Parks, Arts and Recreation and Natural Environment chapters. These land uses cannot be isolated from economic topics, and employment in particular, addressed by the Economy chapter. Facilities and services to support this urban development pattern, including the critical transportation system, are described in the Transportation, Utilities, and Public Services chapters. In many cases the special area plans described in this chapter will touch on all of those topics and more.

The City of Olympia, in cooperation with Thurston County, plays a major role in determining the location, intensity, and form of land uses in the community. This chapter addresses the proposed uses of land in Olympia's Urban Growth Area and the design and locations of buildings and other structures within that landscape. It includes:

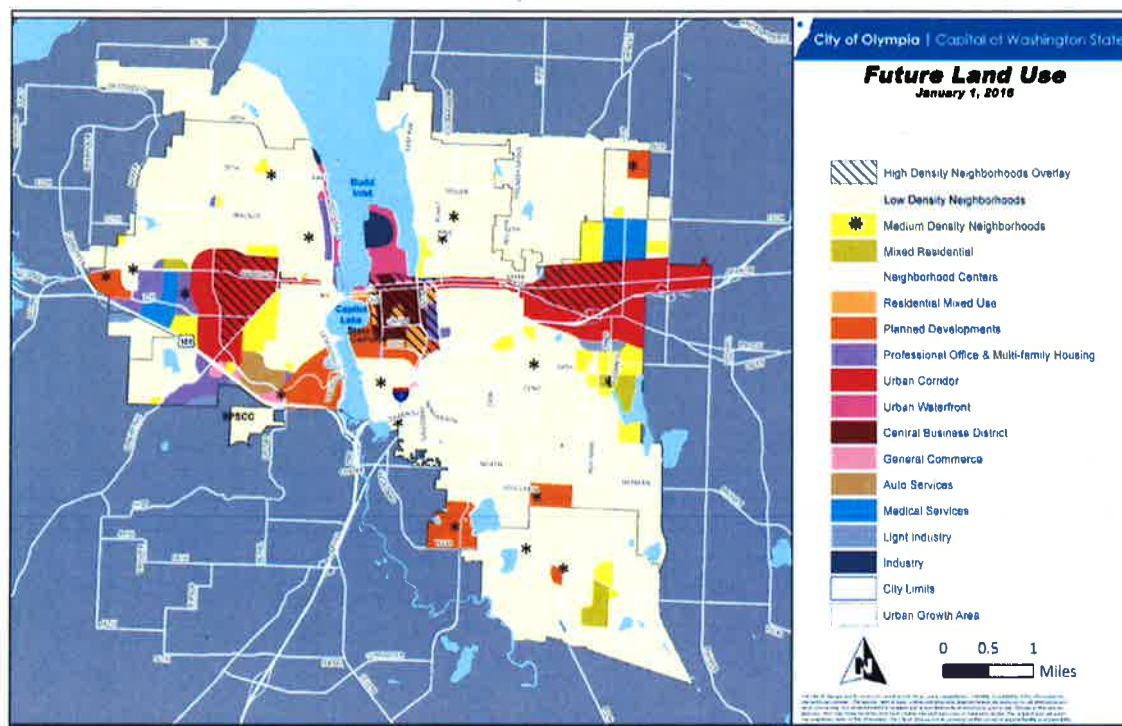
- The location and quantity of those land uses and their relation to each other
- The functional design of those land uses including buildings and surrounding spaces
- Opportunities for historic preservation
- The aesthetic form of the built environment

The Future Land Use Map shows the approximate locations for a variety of land uses in Olympia's Urban Growth Area. This map is not a zoning map. Rather it provides guidance for zoning and other regulations to ensure uses of land and development consistent with this Plan. Although these map lines are approximate, all future land uses should be consistent with the intent of this map and the land use category descriptions in Appendix A as well as the goals and policies of this Plan. In general, zoning and land

uses should not deviate from the Future Land Use Map boundaries by more than about 200 feet. Compatible and supporting land uses, such as parks, schools, churches, public facilities and utilities, streets and similar features, are expected within these areas. See Appendix A regarding acreages, densities, and building heights of each use category.

Proposed rezones shall meet criteria to be adopted into the Olympia Municipal Code that address:

1. Consistency with the Comprehensive Plan.
2. Consistency with the City's development regulations that implement the Comprehensive Plan.
3. Compatibility with adjoining zoning districts and transitioning where appropriate to ensure compatibility.
4. Adequacy of infrastructure in light of development potential of the proposed zoning.



View Future Land Use Map of Olympia and its Urban Growth Area

The community employs regulations, such as zoning, design review, stormwater, engineering, building, and subdivision standards, to ensure that new development conforms to the goals and policies described in this chapter. The regulations are administered by City staff and a Hearing



Examiner selected by the City Council. Equally important to this land use and design vision is capital facility planning and construction by the City of Olympia and other public agencies of the area. Continuing cooperation between the State and the City, among the local governments, and with special purpose governments such as the Port of Olympia and the school districts is critical. And, as envisioned, substantial resources and the support of everyone in the community will be needed to focus more detailed efforts in neighborhoods and other special places.

## **General Land Use and Design**

To achieve our vision of Olympia while accommodating our share of the region's population, we need to plan for quantity at the same time as we pursue quality. Such a community is one in which pattern and mix of land uses supports healthy lifestyles, such as walking to nearby services instead of driving. We need to consider the implications of climate change, and how we can minimize our community's contribution. We must be prepared to adapt our built environment as resources change, while preserving key elements of Olympia's architectural and cultural heritage. At the same time, we need to consider the character of Olympians today, and those of the future. The needs and interests of a more diverse, more urban, and generally older population will differ from those of today.

Olympia was once a port-oriented community with a central business district and compact single-family neighborhoods. Now, its land-use pattern is more suburban, with commercial development taking place outside of downtown, and lower-density neighborhoods with fewer street connections. Over the next 20 years, as Olympia becomes a more urban place, the pattern of land use and design of urban areas will change as we accommodate an expanding population while retaining our community's character and heritage.

This Plan envisions gradually increasing densities in Olympia accompanied by attractive streets and buildings arranged for the convenience of pedestrians. The location, mix and relationship of land uses to each other and to our streets will be crucial as will be the character of commercial and residential areas, parks, and open spaces. The Plan envisions new development that will reinforce the community's identity, urban design preferences, and historic form. Selected major streets will gradually transform into attractive, higher density, mixed residential and commercial "urban corridors" with frequent transit service.

Housing will be available within and near shopping and employment areas. Development will be carefully designed to integrate with the adjacent transportation system, and with key features such as downtown and the hospitals. Neighborhoods and commercial areas will gradually be woven together into a cohesive urban fabric. These "ten-minute" neighborhoods will provide ready-access from homes to supporting businesses, and to parks, schools and other gathering places.

The relationship between the transportation system and other land uses plays a key role in urban life. The Transportation chapter addresses the specific design of streets, such as the number of travel lanes, the presence of bike lanes, transit pull-outs, pedestrian amenities, street trees, and sidewalks. The relationship of these street features to adjacent land uses, the location and supply of parking, and the proximity of buildings to the street is critical to the experience and choices of pedestrians, bicyclists, transit riders and motorists. Thus, to integrate the streets and trails with adjacent uses, development must be carefully designed in combination with the adjacent transportation system. Details must be suited to all users and to the form of the street. For example, major building entrances should face or be conveniently reached from streets, rather than parking lots.

In addition to private activities, such as homes, businesses and industry, some of the lands within the City will be used for public purposes and facilities. Although some those lands are identified in this Plan, such as the locations of future streets, other specific needs are identified in more detailed planning documents of the City, such as the Water System Plan which identifies this utility's need for new water tank sites. Olympia works with Thurston County and other local agencies to identify areas of shared need for public facilities.

The purpose of the goals and policies below is to direct land use patterns, densities, and design standards which:

- Reflect the community's urban design vision
- Maintain or improve the character of established neighborhoods
- Preserve the historic features of Olympia
- Provide for a variety of transportation alternatives
- Provide people with opportunities to live close to work
- Create desirable neighborhoods with a variety of housing opportunities, different lifestyles and income levels, and a sense of community

- Provide for a compact growth pattern
- Promote energy efficiency
- Reflect the land's physical and environmental capability
- Provide space for parks, open spaces, and other community facilities
- Protect views and features of the community's landscape valued by the public

**GL1 Land use patterns, densities and site designs are sustainable and support decreasing automobile reliance.**

**PL1.1** Ensure that new development is built at urban densities or can be readily modified to achieve those densities; and require that development lacking municipal utility service be designed to cost-effectively transform when services become available.

**PL1.2** Focus development in locations that will enhance the community and have capacity and efficient supporting services, and where adverse environmental impacts can be avoided or minimized.

**PL1.3** Direct high-density development to areas with existing development where the terrain is conducive to walking, bicycling and transit use and where sensitive drainage basins will not be impacted.

**PL1.4** Require functional and efficient development by adopting and periodically updating zoning consistent with the Future Land Use Map.

**PL1.5** Require new development to meet appropriate minimum standards, such as landscaping and design guidelines, stormwater and other engineering standards, and buildings codes, and address risks, such as geologically hazardous areas; and require existing development to be gradually improved to such standards.

**PL1.6** Provide for a compatible mix of housing and commercial uses in commercial districts and village sites that enables people to walk to work and shopping, supports transit, and includes convenience businesses for residents. Integrate adjacent uses with walkways and bike paths leading from residential areas to commercial districts and neighborhood-oriented businesses.

**PL1.7** Enable frequent transit service, support housing, utilize existing infrastructure, provide public improvements and concentrate new major shopping, entertainment and office uses downtown, in the medical



services area of Lilly Road, near the Capital Mall, and in the urban corridors.

**PL1.8** Buffer incompatible industrial, commercial and residential uses by requiring landscaped buffers or transitional uses, such as plazas, offices, or heavily landscaped parking; use natural buffers where possible and require clustering where warranted.

**PL1.9** Require direct and convenient pedestrian access to commercial and public buildings from streets, bus stops and parking lots, and encourage sheltered seating and other uses of vacant sections of the street edge.

**PL1.10** In pedestrian-oriented commercial areas, require sidewalk awnings or other weather protection on new and substantially remodeled buildings.

**PL1.11** Require businesses along transit routes to accommodate transit use by including building entrances near bus stops or other features such as transit shelters or on-site bus access.

**PL1.12** Encourage major commercial projects to include display windows, small shops with separate entrances, and plazas with seating and other well-landscaped gathering spaces.

**PL1.13** Require new, and encourage existing, businesses to provide bicycle parking.

## **Land Use Patterns and Building Forms Determine Whether Energy is Used Efficiently**

Land use patterns and development influence energy use. Blending of residential units with work places promotes energy efficiency. Higher densities contribute to the success of bus systems. Higher densities close to offices and commercial districts help reduce fuel consumption by reducing overall commuter and shopper mileage. In contrast, suburban densities and sprawl result in spending a lot of time and energy on transportation.

With a more compact development pattern and other transportation improvements, Thurston County's percentage of drive-alone commuters can be reduced from 85 to 60 percent. Park-and-ride lots, vanpooling, ridesharing and flexible work schedules can help reduce vehicle miles and congestion. Both the public and private sectors can encourage transit use

by offering bus passes and other incentives to employees. A well-laid-out transportation system will also aid in conserving energy. Smoother traffic flows can increase vehicle efficiency by up to five percent. Provisions for pedestrian and bicycle traffic can promote use of the energy saving means of commuting. By these means we could achieve a 10-15 percent transportation energy savings within a decade or two.

The primary residential use of energy is for space-heating. Thus, strengthening building code requirements for energy efficiency is an effective way to reduce energy consumption. When combined with appropriate insulation levels, solar energy can meet half the heating needs of a home in Olympia. Effective layout of subdivisions that allow for solar access and protection from winter winds can help, as can public education on energy conservation.

The competitive environment can stimulate energy efficiency by reducing production costs. Thus the combined industrial and commercial sectors do not use as much energy as either the transportation or residential sectors. Local governments can further influence industrial and commercial energy use through education and incentives.

The government sector is a very visible part of the energy picture and can set an example for efficient and conscientious energy use. Education in this sector includes both educating users, such as employees, and informing the public. Government buildings and equipment can be models of efficiency in the use of construction methods and materials, as well as utilizing efficient pumps, heating systems, and lighting. Government operations can also be models of use of alternative fuel sources and non-motorized travel.

### **GL2 Buildings, commercial and industrial processes, and site designs use energy efficiently.**

**PL2.1** Pursue partnerships to promote energy efficient construction and lighting, low-energy designs, and weatherization in both new and existing buildings. Encourage material subsidies for low-income citizens.

**PL2.2** Promote public education and provide energy conservation and solar and other renewable energy information in cooperation with local utilities and others.

**PL2.3** Encourage local 'cogeneration' of energy when environmentally

sound and not in conflict with other land uses.

**PL2.4** Encourage and sometimes require buildings and site designs that result in energy efficiency and use of solar and other renewable energy.

**PL2.5** Support efforts to protect solar access in existing structures and to incorporate solar access provisions into new development projects.

## **Urban Design, Historic Structures and Built Form**

Olympia's Urban Design Vision and Strategy of 1991 identified the design and architectural preferences of community residents. This study continues to provide guidance for this Comprehensive Plan and future development. It identified the types of development that citizens feel are appropriate and inappropriate for our community. Study participants particularly valued Olympia's waterfront, downtown, the Capitol Campus, the older established neighborhoods, and views of the Olympic Mountains and the Black Hills. They favored streets that provide an attractive, safe, and inviting place for pedestrians, as well as provide for efficient traffic flow. Specifically, they liked the portions of downtown where buildings form a continuous edge along the street, where it is interesting to walk, and where awnings protect people from the rain.

Much of our community is already built. Many of our neighborhoods are more than 50 years old and our downtown is older still. These established neighborhoods provide the 'sense of place' and character of Olympia. To preserve this character, new buildings incorporated into the existing fabric must reflect both their own time-period and what's come before. We will acknowledge the importance of historic preservation by



The Bigelow House, Olympia's oldest residence.

protecting buildings and districts and celebrating the people and events that shaped our community. We will conserve natural resources by keeping historic buildings properly maintained and in continuous use, thereby avoiding decay and demolition which would waste resources used to create these structures.

However, our heritage extends beyond buildings and back in time before European settlement. Artifacts, photographs, structures, sites and stories of our collective past were entrusted to us and so should be preserved for future generations. Tribes, such as the Squaxin Island Tribe, play a major role in this task. Private property owners shoulder much of the responsibility of protecting historic buildings. And Olympia's Heritage Commission advises the City Council on matters of historic preservation and assists owners of historic buildings in caring for their property. With the community support we can ensure that our heritage is preserved for everyone to appreciate today and always.



Many of our older homes are a source of pride for young families.

Studies of Olympia and other communities also reveal that including open space and appropriate landscaping within site designs improves developments by providing places for relaxing, restoration and outdoor activities in general. In particular, trees provide a valuable public resource, enhance the quality of the environment, provide visual buffers and natural beauty, preserve the natural character of an area, and soften the impact of buildings and streets. Trees and other landscaping help reduce air pollution, noise and glare, provide cooling in summer and wind protection in winter, and in some cases provide materials and food for wildlife and humans. The goals and policies below encompass all of these elements of good design. **L3**

**GL3 Historic resources are a key element in the overall design and establishment of a sense of place in Olympia.**

**PL3.1** Protect and evaluate historic and archaeological sites.

**PL3.2** Preserve those elements of the community which are unique to Olympia or which exemplify its heritage.

**PL3.3** Protect historic vistas from the Capitol Campus to Budd Inlet and the Olympic Mountains and from Budd Inlet to the Capitol Group.

**PL3.4** Safeguard and promote sites, buildings, districts, structures and objects which reflect significant elements of the area's history.

**PL3.5** Encourage development that is compatible with historic buildings and neighborhood character, and that includes complementary design elements such as mass, scale, materials, setting, and setbacks.

**PL3.6** Plan for land uses that are compatible with and conducive to continued preservation of historic neighborhoods and properties; and promote and provide for the early identification and resolution of conflicts between the preservation of historic resources and competing land uses.

**PL3.7** Identify, protect and maintain historic trees and landscapes that have significance to the community or a neighborhood, including species or placement of trees and other plants.

**PL3.8** Encourage preservation and discourage demolitions or partial demolitions of intact historic structures. **L4**

**GL4 Neighborhoods take pride in their historic identity.**

**PL4.1** Assist older neighborhoods and districts to discover their social and economic origins and appreciate their historic features. (Also see downtown section below.)

**PL4.2** Facilitate the preservation of historic neighborhood identity and important historic resources.

**GL5 Historic preservation is achieved in cooperation with all members of the community and is integrated into City decision-making processes.**

**PL5.1** Work with the State archeologist to protect archeological resources.

**PL5.2** Coordinate with adjacent governments; particularly to provide public information about the area's history and development.

**PL5.3** Recognize the contributions of minorities, workers, women and other cultures to Olympia's history.

**PL5.4** Continue programs -- such as the Heritage Commission, the Heritage Register and the historic marker program -- that effectively identify, recognize, and encourage the preservation and continued use of historic structures, districts, and sites which provide physical evidence of the community's heritage.

**PL5.5** Provide incentives and assistance for preserving, restoring, redeveloping and using historic buildings, districts, neighborhoods, streets, structures, objects and sites.

**PL5.6** Support public or non-profit acquisition of the most important historic resources to ensure their preservation.

**PL5.7** Recognize the value of historic preservation as part of the effort to maintain an affordable housing stock.

**PL5.8** Promote economic vitality through historic preservation.

**PL5.9** Promote mutual goals in historic areas, including districts, buildings and site, through collaboration among City departments, the Heritage Commission and other commissions. **L6**

**GL6 Community beauty is combined with unique neighborhood identities.**

**PL6.1** Establish a design review process for:

- Commercial and mixed use development adjacent to freeways and public streets
- Other highly-visible, non-residential development, such as the Port of Olympia, campus developments, and master planned developments
- Multifamily residential development and manufactured housing parks
- Detached homes on smaller lots (less than 5,000 square feet) and in older neighborhoods (pre-1940)

- Properties listed on a Historic Register or located within a designated historic district

**PL6.2** The design review process should recognize differences in the city with the objective of maintaining or improving the character and livability of each area or neighborhood.

**PL6.3** Require commercial and residential buildings to face the street or a courtyard or other common area.

**PL6.4** Require multi-family housing to incorporate architectural forms and features common to nearby housing; to include porches, balconies, bay windows and similar details; to have entries oriented to streets or a courtyard, and include accessible open space; and to be reduced in size near lower density residential districts.

**PL6.5** Ensure that parking areas do not dominate street frontages or interrupt pedestrian routes, and that they are screened from single-family housing.

**PL6.6** Prohibit fences and walls that inhibit walking or isolate neighborhoods from streets, except to reduce noise, provide buffers, or create private rear yards.

**PL6.7** Create attractive entry corridors to the community and neighborhoods, especially downtown and along urban corridors; to include adopting design standards and installing significant special landscaping along community-entry corridors.

**PL6.8** Enhance neighborhood identity by encouraging interested groups to beautify open spaces, streets and private property.

**PL6.9** Require that buildings complement and enhance their surroundings, appeal to and support pedestrian activities, and facilitate transit use.

**PL6.10** Preserve and enhance water vistas by retaining public rights-of-way that abut or are within one block of water bodies and by not siting public buildings within associated view corridors.





Percival Landing is enjoyable to view and to enjoy the view.

**PL6.11** Plant and protect trees that contribute to Olympia's visual identity and sense of place.

**PL6.12** Separate incompatible land uses and activities with treed areas, including buffering residential areas from major streets and freeways.

**GL7 Urban green space is available to the public and located throughout the community and incorporates natural environments into the urban setting, which are easily accessible and viewable so that people can experience nature daily and nearby.**

**PL7.1** Provide urban green spaces in which to spend time. Include such elements as trees, garden spaces, variety of vegetation, water features, "green" walls and roofs, and seating.

**PL7.2** Provide urban green spaces that are in people's immediate vicinity and can be enjoyed or viewed from a variety of perspectives.

**PL7.3** Establish a maximum distance to urban green space for everyone in the community.

**PL7.4** Increase the area of urban green space and tree canopy within each neighborhood proportionate to increased population in that neighborhood.

**PL7.5** Establish urban green space between transportation corridors and adjacent areas.

**GL8 Community views are protected, preserved, and enhanced.**

**PL8.1** Implement public processes, including the use of digital simulation software, to identify important landmark views and observation points.

**PL8.2** Use visualization tools to identify view planes and sightline heights between the landmark view and observation point.

**PL8.3** Prevent blockage of landmark views by limiting the heights of buildings or structures on the west and east Olympia ridge lines.

**PL8.4** Avoid height bonuses and incentives that interfere with landmark views.

**PL8.5** Set absolute maximum building heights to preserve publicly-identified observation points and landmark views.



Percival Landing with the Olympics in the distance.

## **GL9**

### **GL9 Built and natural environmental designs discourage criminal behavior.**

**PL9.1** Incorporate crime prevention principles in planning and development review and educate designers regarding those principles.

**PL9.2** Modify public facilities and properties to enhance crime prevention.

## **Industry**

Industrial uses represent a relatively small but key component of Olympia's jobs. Olympia's waterfront has supported forest-related industries and maritime shipping for decades. The Olympia area also contains a few scattered, relatively small, light-industrial districts which support a variety of uses. Industrial districts in Tumwater, Lacey, and in the County will likely absorb most of the area's new, non-waterfront-dependent industrial uses. However, the industrial land along Budd Inlet provides the only sites in the area for water-dependent industrial uses. This Plan aims to focus industrial development:

- Along Budd Inlet (in industrial districts)
- At Mottman Industrial Park, and

- Along Fones Road

while encouraging opportunities for small-scale industry integrated with other uses of land.

The Port of Olympia owns approximately two hundred acres and adjacent tidelands of what is known as the 'Port peninsula,' an area equivalent to about 80 city blocks. The Port peninsula includes a variety of industrial, commercial, retail, and recreational facilities. The centerpiece of the Port peninsula is its international marine shipping terminal. The East Bay waterfront is the location of the East Bay Marina, with moorage, a boat launch, and support facilities. On the northern end of the peninsula, the 17-acre Cascade Pole site is a contaminated area, used from 1940 to 1986 to treat wood poles with creosote and other chemicals. Although cleanup of that site is underway, future use will be restricted.



Batdorf and Bronson Coffee Roasters at the Port of Olympia.

The industrial portion of the Port peninsula will continue to be the community's key industrial center. It has been, and should continue to be, a local source of family-wage jobs, handling inbound and outbound cargo by rail, truck and ship. Large buildings are anticipated for boat building and repair. A one-stop, full-service marine facility with a large vessel haul-out and repair center may be added.

**GL10 Industry and related development with low environmental impact is well-located to help diversify the local economy.**

**PL10.1** Encourage industry that is compatible with surrounding land uses and diversifies and strengthens the local economy.

**PL10.2** Designate and preserve sufficient land for industrial uses consistent with the regional strategy for 'build out' of the community and competitive land prices.

**PL10.3** Encourage full, intensive use of industrial areas while safeguarding the environment. Ensure land-use compatibility by buffering, height limits, landscaping, traffic routing, building design, and operation and maintenance standards.

**PL10.4** Limit non-industrial uses in industrial areas to those which do not conflict with industry; and eliminate or reduce the size of industrial areas only if not expected to be needed or not suitable for industry.

**PL10.5** Focus major industries in locations with good freeway access, adequate utilities, minimal environmental constraints, sufficient space and minimal land-use conflicts. Specific areas identified for industrial use include the Port Peninsula, the Mottman Industrial Park, and the vicinity of Fones Road.

**PL10.6** Coordinate with the Port of Olympia to allow for long-term viability of Port peninsula industry, compatibility with surrounding uses, and continuation of marina uses along East Bay. This coordination should address – at a minimum - transportation, pedestrian and recreation facilities, environmental stewardship, and overwater development.

**PL10.7** Design industrial areas for convenient freight access.

**PL10.8** Provide opportunities for light industrial uses in commercial areas consistent with the commercial and multi-family uses of those areas, such as low-impact production within buildings with retail storefronts.

## **Commercial Uses and Urban Corridors**

More intensive development in commercial areas will increase their vitality and make better use of the City's transit and street systems. For this reason, major new commercial areas are not to be created. Any new commercial areas will be limited to allowing neighborhood-oriented businesses and services in the neighborhood centers of residential areas that reduce the need for residents to travel far to shop.

Over time, we envision our existing commercial areas becoming more attractive to pedestrians and customers, to the point where they can attract a more balanced and attractive mix of commercial, residential, and recreational uses. Significant changes will need to occur for some of our commercial areas to increase their appeal as places to shop, live, work, and visit and to become more inviting higher-density, pedestrian-friendly, mixed-use areas for pedestrian and transit users.

### **GL11 Adequate commercial land conveniently serves local and regional trade areas.**

**PL11.1** Encourage increasing the intensity and diversity of development in existing commercial areas by mixing commercial and multi-family development along with entertainment and cultural centers in a way that will reduce reliance on cars and enable people to work, shop, recreate and reside in the same area.

**PL11.2** Provide incentives for housing in commercial districts near transit stops.

**PL11.3** Work with developers to identify commercial areas for infill and redevelopment, to remove unnecessary barriers to this type of development, and to provide the infrastructure needed for intensive commercial and mixed use development.

**PL11.4** Locate and size commercial areas to decrease reliance on cars, improve community life, and maintain the tax base.

**PL11.5** Encourage the efficient use and design of commercial parking areas; reduce parking space requirements (but avoid significant overflow into residential areas); support parking structures, especially downtown and in urban corridors; and designate streets for on-street parking where safe.

**PL11.6** Encourage new commercial uses adjacent to the arterial street edge and in mixed-use projects.

**PL11.7** Provide convenient pedestrian access to and between businesses.

**PL11.8** Prohibit new and expanded commercial 'strips;' and allow conversion of such existing uses to a multi-use development with greater depth and integration of residential units.

**PL11.9** Outside urban corridors provide for low-intensity commerce that depends on automobile access and allow wholesale businesses near major customers or where resulting traffic will not impact retail areas.

**GL12 Commercial areas are attractive, functional and appealing.**

**PL12.1** Work with businesses and residents to help make commercial areas functional and attractive.

**PL12.2** Establish maximum building heights that are proportional to streets, retain scenic views and result in compatibility with adjoining development.

**PL12.3** Seek opportunities to create or enhance town squares framed by commercial or civic buildings, pocket parks, plazas and other small public or private spaces in downtown or other high-density areas.

**PL12.4** Ensure that commercial uses are compatible with adjoining residential districts. This might include prohibiting reflective surfaces, screening solid waste and parking areas, regulating emissions, building size reductions and increased setbacks near residential districts, screening parking areas, and requiring facades with architectural features that reduce the appearance of a commercial building's size, such as stepbacks and tiering above three stories.

**PL12.5** Require site designs for commercial and public buildings that will complement nearby development and either maintain or improve the appearance of the area. This may include building designs with a defined bottom, middle, and top; appealing architectural elements such as windows, wall detailing; fountains, vendor stations; and the use of balconies, stepped back stories and pitched roofs that reduce the perceived size of the building.



**PL12.6** Create visual continuity along arterial streets through coordinated site planning, landscaping, building designs, signage and streetscapes.

**PL12.7** Require screening of unattractive site features such as mechanical equipment and large solid waste receptacles, while maintaining good access for collection and maintenance.

**PL12.8** Use design standards to ensure pedestrians and bicyclists have direct, convenient access to commercial and public buildings.

**PL12.9** Require a form of parking that retains aesthetics and minimizes pedestrian barriers and inconvenience by including screening along streets and residential areas; limits parking lots to one contiguous acre; and locates them at the rear of buildings, or, if the rear is not possible, then on the side, but with minimal street frontage.

**PL12.10** Ensure that business signs identify the business but do not create visual clutter or dominate the character of the area; require the use of low or façade-mounted signs where possible.

## **Urban Corridors**

Portions of our major arterial streets are lined with low-density residential and office uses and typical strip-commercial development. Driveways to each business interrupt and slow the flow of vehicular and pedestrian traffic; the pattern of buildings behind parking lots makes pedestrian access difficult and uninviting; and the disjointed signage, landscaping, and building designs are often unattractive. As a result, these areas have limited appeal as places to live, work, and shop.

Over time, thoughtful planning will change some of these sections of major streets into 'urban corridors' that will have a mix of high-density uses, and where people will enjoy walking, shopping, working, and living. See [Transportation Corridors Map](#). Urban corridors like this are key to avoiding sprawl by providing an appealing housing alternative for people who want to live in an attractive, bustling urban environment close to transit, work and shopping. Redevelopment along these corridors will be focused in areas with the greatest potential for intensive, mixed-use development so that public and private investment will have maximum benefit. These corridors, first described in the 1993 Thurston Regional Transportation Plan, also should include land uses that support the community, such as community centers, day care centers, social service



offices, educational functions, parks, and other public open space.

In cooperation with Lacey, Tumwater and Thurston County, this Plan calls for gradually redeveloping these urban corridors (listed below) with:

- Compatible housing, such as apartments and townhouses, within or near commercial uses
- Excellent, frequent transit service
- Housing and employment densities sufficient to support frequent transit service
- Wide sidewalks with trees, attractive landscaping, and benches
- Multi-story buildings oriented toward the street rather than parking lots
- Parking spaces located behind the buildings or in structures

The land use designations along these streets vary (see Future Land Use Map at the end of this chapter), to promote a gradual increase in density and scale of uses that supports and remains in context with the adjacent neighborhoods. Slightly less intensive land uses at the fringes of these corridors will create a gradual transition from the activity of the major street edge to less-dense areas in adjacent neighborhoods. Similarly, areas furthest from the downtown core are expected to infill and redevelop with excellent support both for cars and for those who walk, bike and use public transit.

These outer reaches of the urban corridors will feature buildings and walkways with safe and easy pedestrian access. Walkways will link those on foot to bus stops, stores, neighboring residences, free-standing businesses on corners, and perimeter sidewalks.

“Gateways” to Olympia are to be located at the entry/exit points of landscaped “civic boulevards,” at city boundaries, topographical changes, transition in land use, and shifts in transportation densities. Three of the eight gateways are located at the city limits and may include “Welcome to Olympia” signage. Gateways provide a grand entrance into the capital city of the State of Washington. Gateways are to be densely planted with trees and native understories; consideration will be given to the maximum landscaping and amenities feasible. Each civic boulevard will have a distinctive special environmental setting that is shaped by a public planning process that involves citizens, neighborhoods, and city officials. Civic boulevards are to be densely planted with trees and native understory; consideration will be given to the maximum landscaping and

amenities feasible. **GL1**



**GL13 Attractive urban corridors of mixed uses are established near specified major streets.**

**PL13.1** Establish urban corridors as shown on the [Future Land Use Map](#) with potential employment and residential density to support frequent transit service, encourage pedestrian traffic between businesses, and provide a large customer base and minimize auto use for local trips.

**PL13.2** Regionally coordinate urban corridor planning and improvements including public facilities and services in these areas to ensure redevelopment is continuous, consistent, and balanced.

**PL13.3** Transform urban corridors into areas with excellent transit service; multi-story buildings fronting major streets with trees, benches and landscaping; parking lots behind buildings; and a compatible mix of residential uses close to commercial uses.

**PL13.4** Establish minimum housing densities in urban corridors to support frequent transit service and sustain area businesses.

**PL13.5** Ensure appropriate transitional land uses from high intensity land

uses along the arterial streets of the urban corridors to the uses adjacent to the corridors; corridor redevelopment should enhance both the corridor and quality of life in adjacent residential neighborhoods.

**PL13.6** Focus public intervention and incentives on encouraging housing and walking, biking and transit improvements in the portions of the urban corridors nearest downtown and other areas with substantial potential for redevelopment consistent with this Plan. These include, for example, the area from the Fourth Avenue/Pacific Avenue intersection east to Pattison Avenue, and the area near the intersection of Harrison Avenue and Division Street.

**PL13.7** Designate different categories of corridors generally as follows:

- Areas nearest downtown along Harrison Avenue east of Division Street and the upper portions of the State Street/Fourth Avenue corridor to the intersection of Fourth Avenue and Pacific Avenue should blend travel modes with priority for pedestrian, bicycle and transit systems. These areas should provide for a mix of low-intensity professional offices, commercial uses and multifamily buildings forming a continuous and pedestrian-oriented edge along the arterial streets. There will be a 35 feet height limit if any portion of the building is within 100' from a single-family residential zone, provided that the City may establish an additional height bonus for residential development except in areas adjacent to a designated historic district.
- The area along Harrison Avenue west from the vicinity of Division Street to Cooper Point Road - and the portions of Martin Way and Pacific Avenues from Lilly Road to the intersection of Fourth Avenue and Pacific Avenue - will transition away from cars being the primary transportation mode to a more walkable environment, where bicycling and transit are also encouraged. Redevelopment of the area will create more density and new buildings that gradually create a continuous street edge and more pedestrian-friendly streetscape.
- The outer portions of the urban corridors west of the vicinity of the Capital Mall and east of Lilly Road will primarily be accessed by motor vehicles with provisions for pedestrian and bicycle travel; gradual transition from existing suburban character is to form continuous pedestrian-friendly streetscapes, but more regulatory flexibility will be provided to acknowledge the existing suburban nature of these areas. (See Capital Mall special area below.)

## GL14

**GL14 Olympia's neighborhoods provide housing choices that fit the diversity of local income levels and lifestyles. They are shaped by thorough public planning processes that involve citizens, neighborhoods, and city officials.**

**PL14.1** Establish eight gateways with civic boulevards that are entry/exit pathways along major streets to downtown Olympia and the Capitol.

**PL14.2** Concentrate housing into three high-density Neighborhoods: Downtown Olympia, Pacific/Martin/Lilly Triangle; and the area surrounding Capital Mall. Commercial uses directly serve high-density neighborhoods and allow people to meet their daily needs without traveling outside their neighborhood. High-density neighborhoods are highly walkable. At least one-quarter of the forecasted growth is planned for downtown Olympia.

**PL14.3** Preserve and enhance the character of existing established Low-density Neighborhoods. Disallow medium or high-density development in existing Low-density Neighborhood areas except for Neighborhood Centers.

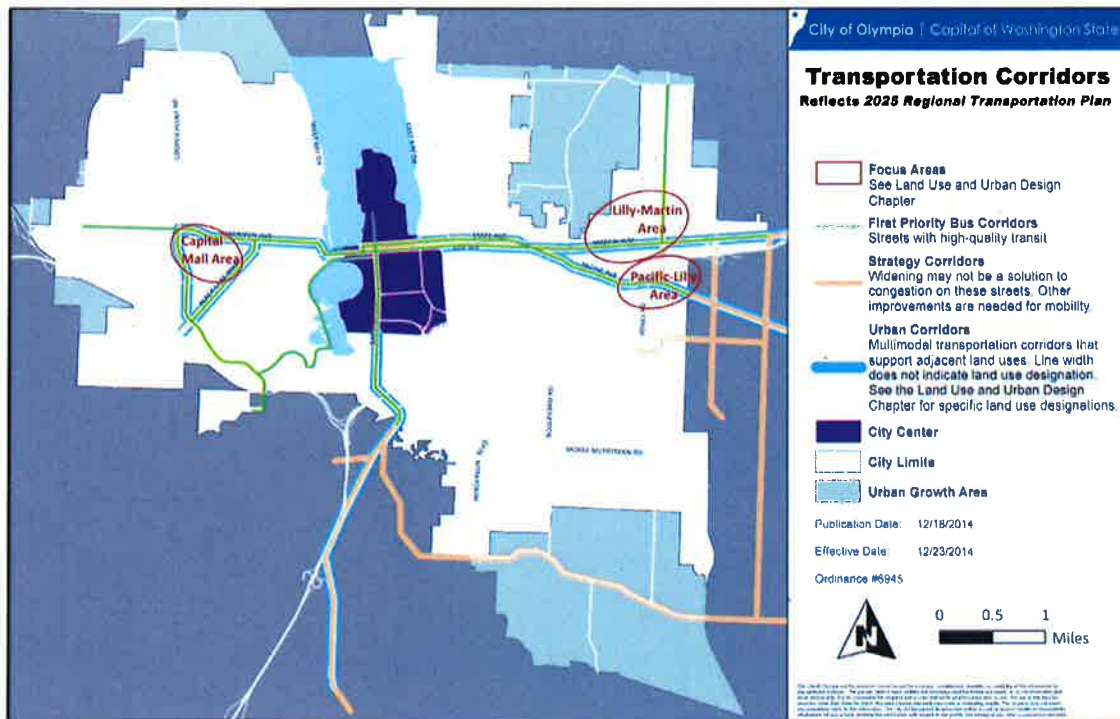
**PL14.4** In low-density Neighborhoods, allow medium-density Neighborhood Centers that include civic and commercial uses that serve the neighborhood. Neighborhood centers emerge from a neighborhood public process.

### Focus Areas

The City prepares plans and studies to help guide the future of targeted areas within our community. Leadership for plan preparation will vary by location and purpose, and priorities depend on funding availability and the potential for appropriate development or redevelopment. Generally, these plans feature the location, size and type of land uses; residential and employment density targets; pedestrian amenities; street system and parking location and quantity; and other public improvements. A few specific areas have been identified; more may be identified in the future.

Several of the city's commercial and industrial areas have distinct roles, opportunities, and limitations. This section provides further guidance for the future of some of these areas. The City envisions some areas, such as

the vicinity of Capital Mall, as areas that will gradually convert into urban neighborhoods with a mix of land uses. Others, such as the Auto Mall area, will be reserved for one or two primary uses. In cooperation with landowners and others, the City will be focusing its planning efforts on three of these urban corridor 'focus areas', possibly in the form of a 'master plan' that addresses issues such as land use, infrastructure and design.



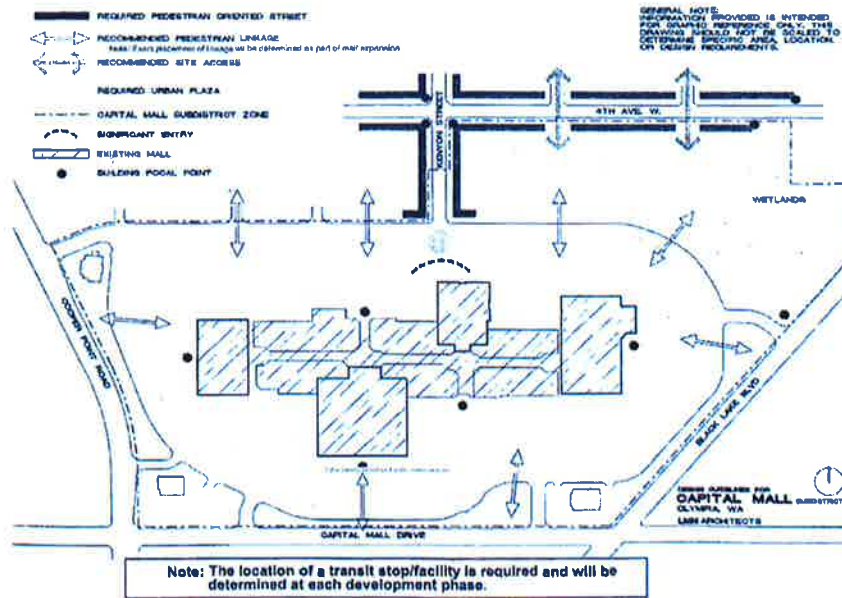
See Transportation Corridors map.

In addition to the focus areas described below, the City works with the State of Washington in its preparation of the Capitol Campus Master Plan and with the Port of Olympia in its planning of its properties including the Port peninsula. Included in these efforts is the continuing goal of integrating these areas with downtown Olympia. The Future Land Use Map frames all of these planning efforts.

## Capital Mall Area

The Capital Mall area is a regional shopping center, which also includes one of the area's best balances of jobs within walking distance of medium-density housing. This area should continue to be economically viable and contribute to the community's goals with infill, redevelopment, and connections to adjacent areas for all modes of travel. It is to evolve into a complete urban neighborhood with a mix of jobs, housing, and services. Redevelopment and incremental expansion consistent with community goals will allow the mall to flexibly adapt to retail trends. Design standards will encourage continued infill and redevelopment in the vicinity of 4th

Avenue and Kenyon Street so that the potential of the mall and its surrounding properties can be fully realized. As illustrated below, redevelopment to the north, south, east and west will incorporate vehicle access and circulation with the addition of building focal points, significant entries and better access for walking from surrounding neighborhoods.



A plan for linking Capital Mall to its neighborhood.

## Auto Mall Area

The Olympia Auto Mall is the region's major center for auto sales and specialized services. Most of Thurston County's new and used car dealers are located here, along with firms offering light trucks and motorcycles, auto rentals, body repair and detailing, and other auto-oriented businesses. Because it offers so many opportunities for comparison shopping in one location, it is a highly successful group of businesses, attracting customers from a regional trade area, and a significant employment center. Its proven formula should continue to serve the community successfully for many years to come.





Landscaping enhances auto dealerships.

## **Lilly and Martin Area**

The Medical Services district along Lilly Road near Martin Way is home to a regional hospital and numerous medical and dental clinics and offices. However, portions of Martin Way, once a rural highway, are little changed. These areas have the potential for additional health-care related uses, and multi-family, senior citizen, and assisted-living housing, as well as supporting retail and service businesses. Thus this area is expected to continue to evolve into a medically-oriented neighborhood with jobs, housing, and supporting services.

## **Pacific Avenue and Lilly Road Area**

The area surrounding the intersection of Pacific Avenue and Lilly Road, like the nearby Stoll Road area, has the potential to become a unique area within an urban corridor. It is located next to a regional trail, lies between two shopping centers, and includes a nearly complete street grid with many single-family homes. This location provides good access to retail services for daily and weekly shopping needs within easy walking distance for its residents, and is large enough for planned creative designs. Transit service on both Pacific Avenue and Lilly Road is excellent. But the area



also has its challenges, such as substandard public improvements, no nearby parks, and surrounding traffic. City plans call for this area to be developed with a mix of retail, service, and high-density residential uses consistent with its location in an urban corridor.

## **West Bay Drive**

The West Bay Drive area has a challenging mix of opportunities and constraints. Several sites along the shore are significant in Squaxin Island Tribal cultural history. Industrial use of this waterfront dates to the nineteenth century. The shallow waters along this shoreline continue to provide crucial habitat for young salmon leaving the Deschutes River basin. Birds, marine and upland mammals, and other wildlife species are relatively common for an urban area. The area known as the Port Lagoon, which is subject to a U.S. Fish and Wildlife Service conservation easement, serves as a fish and wildlife conservancy area.

Most industry has left this area, and only fragments of waterborne commerce remain. The community foresees continued transition of the West Bay Drive area toward a mix of urban uses and habitat improvements, while also allowing existing industries and shipping facilities to remain economically viable. The resulting mix of uses should form the foundation for a vibrant mix of light-industrial, office, restaurant, commercial, recreational, and residential uses, that also provides improved habitat for fish and wildlife. Future development and street improvements in this corridor will be consistent with the West Bay Drive Corridor. **L15**

## **Kaiser Harrison Opportunity Area**

The Kaiser Harrison Opportunity Area Plan identifies a preferred alternative for a mixed use, pedestrian and bicycle friendly neighborhood. The area is intended to be walkable, accessible by transit, and to provide amenities such as gathering spaces and outdoor seating. The area has a distinct character with a lifestyle retail center that includes outdoor seating and gathering spaces. The lifestyle retail center will be a place that accommodates cars but is also designed for the safe and convenient enjoyment of bicyclists and pedestrians. A multi-use trail and neighborhood park are planned. Future development and street improvements in this opportunity area will be consistent with the Kaiser Harrison Opportunity Area Plan.

**GL15 Focus areas are planned in cooperation with property owners and residents.**

**PL15.1** Maximize the potential of the Capital Mall area as a regional shopping center by encouraging development that caters to a regional market, by providing pedestrian walkways between businesses and areas; by increasing shopper convenience and reducing traffic by supporting transit service linked to downtown; by encouraging redevelopment of parking areas with buildings and parking structures; and by encouraging multifamily housing.

**PL15.2** Maximize the potential of the Olympia Auto Mall as a regional auto sales and services center by encouraging its use for auto sales and services and limiting incompatible activities, and by imposing auto-oriented design guidelines along Cooper Point Road that ensure pleasing landscaping, minimal visual clutter, and easy pedestrian and vehicle access.

**PL15.3** Enhance the Lilly Road hospital area as a medical services center by encouraging health-care supporting uses such as restaurants, florists, child care, and convenience shops, and upper floor and rear multi-family and senior housing nursing homes; and by prohibiting non-medical uses that would generate high traffic volumes or noise disruptive of recuperation.

**PL15.4** Plan for redevelopment of the Stoll Road area and that area bounded by Lilly Road, Pacific Avenue and I-5 as 'focus areas' adjacent to the Pacific Avenue and Martin Way urban corridors to include retail, office, personal and professional services and high density housing. Planning for these areas should encompass consideration of redevelopment and improvement of nearby portions of the urban corridor.

**PL15.5** In the West Bay Drive area provide for a mix of recreation and urban uses that enhance wildlife habitat and cultural resources; limit industrial uses to existing sites; minimize blockage of upland views of Budd Inlet; and connect the area to the south with an urban trail.



South Puget Sound Community College is a valued feature of Olympia.

**PL15.6** Work cooperatively with the State of Washington on planning for the Capitol Campus, and the Port of Olympia in planning for its properties. Provide opportunities for long-term 'master planning' of other single-purpose properties of at least 20 acres, such as hospitals, colleges, and high-school campuses.

## Housing

Adequate and affordable housing is critical to a healthy community. The Growth Management Act directs each community to plan for it by:

- Encouraging affordable housing for all economic segments of the population
- Promoting a variety of residential densities and housing types
- Encouraging preservation of existing housing stock
- Identifying sufficient land for housing, including government-assisted housing, housing for low-income families, manufactured housing, multi-family housing, group homes, and foster-care facilities

The strategies of this chapter depend on well-formulated design standards to promote flexibility and stimulate innovation while preserving and enhancing the character of neighborhoods. We seek to establish and

encourage diversity in housing opportunities and link diverse neighborhoods. With a strong foundation in preserving our heritage, our community can incorporate new housing and other developments in a manner that continues our legacy of well-planned neighborhoods. The housing goals and policies below provide a framework for residential land uses in Olympia's area. See the City's related programs for supporting affordable housing in the Public Services chapter.



An apartment building is added to the City's housing stock.

Many factors contribute to the need for more and varied housing:

- Olympia's growing residential population
- Varying household incomes
- The capitol's legislative session creates a demand for short-term housing
- College students seek affordable housing near transportation corridors and services
- Households are getting smaller
- The proportion of senior citizens is increasing

The City will annually provide information to citizens on affordable housing, family incomes, and market-rate housing.

Olympia is part of a larger housing market extending throughout Thurston

County and beyond. Thus planning for housing is done based on anticipated shares of this larger area. The 2010 Census indicated that Olympia and its urban growth area included almost 26,000 housing units. As estimated in the Thurston Regional Planning Council "Profile," 57% were single-family homes, 39% were multi-family (shared-wall) units, and 4% were manufactured housing. The 2014 Buildable Lands Report for Thurston County estimated that about 13,000 new housing units will be needed by 2035 to accommodate population growth in Olympia's urban growth area. Of these, about 45% are expected to be single-family homes.

Based on existing zoning and development patterns, that Buildable Lands Report indicated the area could accommodate about 16,000 new housing units. In addition to large areas zoned for single-family development, almost 400 acres of vacant multi-family-and duplex zoned land were available. And, an additional 500 acres of vacant and partially-used commercial land could be redeveloped for new housing.

Because Olympia generally allows small group homes and manufactured housing wherever single-family homes are permitted, allows larger group homes by special approval, and does not discriminate with regard to government-assisted housing, foster-care, or low-income housing, the area is expected to be adequate to accommodate all types of housing.

Similarly, the 2008 Thurston County Consolidated Plan for housing indicates that there is no shortage of land for affordable housing. However, there is a "mismatch" between the availability of affordable housing and the need for such housing, both at the lowest end of the income scale and the upper end of the moderate-income bracket. That Plan and the Public Services Chapter of this Plan describe efforts to close these gaps and make adequate provisions for all economic segments of the community.

To meet all housing needs, we must keep growth compact, so it can preserve space for future residents and reduce the cost of public services. To ensure this happens, we will need to allocate enough land that will be suitable for a variety of housing types and costs including detached homes, duplexes, group homes, small cottages, apartments, special needs housing, manufactured housing, and accessory dwellings. This approach can provide both variety and affordable options. For example, factory-built manufactured housing governed by federal standards and modular housing built to state standards are often less expensive than site-built housing. This Plan provides for these types of units and more luxurious

and higher-priced shared-wall housing, including condominiums and townhouses.

Housing costs in the Olympia area rose rapidly from 1990 until the economic recession of 2008. In general the cost of owner-occupied housing rose more rapidly than income, while rents roughly corresponded to income changes. Those changing costs and availability of land for development, combined with public preferences, resulted in gradual changes in the area's ownership. While county-wide owner-occupancy rose from 65% to 68% between 1990 and 2010, owner-occupancy in the City declined from 52% to 50%. The type of housing structures being added to the housing stock has varied as a result of similar factors. As a result, multi-family housing county-wide increased gradually from about 16% in 1970 to about 22% by 2010. In the Olympia city limits multi-family structures provided 28% of the housing in 1970, and gradually increased to about 42% by 2010 as most new apartments were being built inside the urban areas.

**GL16 The range of housing types and densities are consistent with the community's changing population needs and preferences.**

**PL16.1** Support increasing housing densities through the well-designed, efficient, and cost-effective use of buildable land, consistent with environmental constraints and affordability. Use both incentives and regulations, such as minimum and maximum density limits, to achieve such efficient use.

**PL16.2** Adopt zoning that allows a wide variety of compatible housing types and densities.

**PL16.3** Allow 'clustering' of housing compatible with the adjacent neighborhood to preserve and protect environmentally sensitive areas.

**PL16.4** Disperse low and moderate-income and special needs housing throughout the urban area.

**PL16.5** Support affordable housing throughout the community by minimizing regulatory review risks, time and costs and removing unnecessary barriers to housing, by permitting small dwelling units accessory to single-family housing, and by allowing a mix of housing types.

**PL16.6** Promote home ownership, including by allowing manufactured

homes on individual lots, promoting preservation of manufactured home parks and allowing these parks in multi-family and commercial areas, all subject to design standards ensuring compatibility with surrounding housing and land uses.

**PL16.7** Allow single-family housing on small lots, but prohibit reduced setbacks abutting conventional lots.



**PL16.8** Encourage and provide incentives for residences above businesses.

**PL16.9** In all residential areas, allow small cottages and townhouses, and one accessory housing unit per home -- all subject to siting, design and parking requirements that ensure neighborhood character is maintained.

**PL16.10** Require effective, but not unreasonably expensive, building designs and landscaping to blend multi-family housing into neighborhoods.

**PL16.11** Require that multi-family structures be located near a collector street with transit, or near an arterial street, or near a neighborhood center, and that they be designed for compatibility with adjacent lower density housing; and be 'stepped' to conform with topography.

**PL16.12** Require a mix of single-family and multi-family structures in villages, mixed residential density districts, and apartment projects when these exceed five acres; and use a variety of housing types and setbacks to transition to adjacent single-family areas.

**PL16.13** Encourage adapting non-residential buildings for housing.

**PL16.14** Provide annual information on affordable homeownership and rentals in the City, including the operative definitions of affordable housing, criteria to qualify for local, state, and federal housing assistance, data on current levels of market-rate and affordable housing, demand for market-rate and affordable housing, and progress toward meeting market-rate and affordable housing goals.

## **Downtown and other Neighborhoods**

Our community is composed of many neighborhoods. Some, like the downtown area, are composed of commercial, cultural and residential activities and land uses. Other neighborhoods are primarily residential, with nearby parks and schools. This section of the Plan addresses these varied and unique places that together form Olympia.

### **Downtown Olympia**

A community needs a "heart." For our community, the downtown area performs this role, not just for our city, but for the larger region. Downtown Olympia thus deserves and receives special attention. A city



with a thriving downtown has more potential for bolstering community spirit and providing a healthy local economy.

Olympia's downtown includes over 500 acres. It is bounded generally by the State Capitol Campus, Capitol Lake, Budd Inlet, and Plum Street. This area includes Olympia's retail core, State and other office uses, and access to the waterfront, and is the center of most major transportation links. It is the social, cultural, and economic center of the area.

Downtown will continue to be an attractive place to live, work and play. Future office, retail and residential development will support downtown's role as a regional center and home of state government, commerce, and industry. Given its history, physical location and established identity, downtown Olympia will continue to be the heart of Olympia and the region. **L17**

### **GL17 Regional urban activity is centered in downtown Olympia.**

**PL17.1** Adopt a Downtown Plan addressing - at minimum - housing, public spaces, parking management, rehabilitation and redevelopment, architecture and cultural resources, building skyline and views, and relationships to the Port peninsula and Capitol Campus.

**PL17.2** Include public art and public spaces in the downtown landscape.

**PL17.3** Through aggressive marketing and extra height, encourage intensive downtown residential and commercial development (at least 15 units and 25 employees per acre) sufficient to support frequent transit service.

**PL17.4** Encourage development that caters to a regional market.

**PL17.5** Coordinate with State of Washington and Port of Olympia to ensure that both the Capitol Campus plan and Port peninsula development are consistent with and support the community's vision for downtown Olympia.



The Farmers Market, where downtown meets the Port.

**PL17.6** Landscape the downtown with trees, planters and baskets, banners, community gardens and other decorative improvements. **GL18**

**GL18 Downtown designs express Olympia's heritage and future in a compact and pedestrian-oriented manner.**

**PL18.1** Regulate the design of downtown development with specific but flexible guidelines that allow for creativity and innovation, enhance historic architecture and recognize distinct areas of downtown, and do not discourage development.

**PL18.2** Require that downtown development provide active spaces, adequate sunlight and air-flow and minimize 'blank' walls at street level.

**PL18.3** Require development designs that favor pedestrians over cars by including awnings and rain protection that blend with historic architecture, create interest, and minimize security and safety risks; development designs should also foster cultural events, entertainment, and tourism.

**PL18.4** Provide for private use of public lands and rights-of-way when in the best interest of the community.

**PL18.5** Design streets with landscaping, wide sidewalks, underground

utilities and a coordinated pattern of unifying details.

**PL18.6** Designate 'pedestrian streets' where most of the frontage will have 'people-oriented' activities and street-level buildings will have a high proportion of glass. Prohibit parking lots along these streets, except when preserving scenic views and instead provide surface parking along other streets.

**PL18.7** Plant, maintain, and protect downtown trees for enjoyment and beauty; coordinate planting, with special attention to Legion Way and Sylvester Park and a buffer from the Port's marine terminal.

**PL18.8** Limit drive-through facilities to the vicinity of the Plum Street freeway interchange.

**PL18.9** Limit building heights to accentuate, and retain selected public views of, the Capitol dome.

**GL19 Downtown's historic character and significant historic buildings, structures, and sites are preserved and enhanced.**

**PL19.1** Promote the Downtown Historic District to provide a focal point of historic interest, maintain the economic vitality of downtown, and enhance the richness and diversity of Olympia.

**PL19.2** Minimize damage to significant historic features or character during rehabilitation projects.

**PL19.3** Design new development and renovations so they are compatible and harmonious with the established pattern, alignment, size and shape of existing downtown area.

**PL19.4** Incorporate historic buildings into redevelopment projects and restore historic facades.

## **Neighborhoods**

This section contains the goals and policies that will protect and improve the character and livability of our established neighborhoods and shape our new neighborhoods. All of the city's neighborhoods are envisioned as places where many features are available within a ten-minute walk. A

variety of housing types located along pleasant, pedestrian-oriented streets will provide quality living opportunities. Most housing will be single-family detached homes, but higher-density housing will be available near major streets and commercial areas to take advantage of transit, other services, and employment opportunities. Housing types and densities will be dispersed throughout the city to minimize social problems sometimes associated with isolating people of similar means and lifestyles.



One of Olympia's many attractive neighborhoods.  
Each neighborhood should have:

- Narrow, tree-lined streets that are easy and interesting to use for walking, bicycling, and travel by transit
- A system of open space and trails with a neighborhood park
- A readily-accessible elementary school or other place of public assembly
- Diverse housing types that accommodate varying income levels, household sizes, and lifestyles
- Sufficient housing densities to support frequent transit service and sustain neighborhood businesses
- A 'neighborhood center' with businesses serving area residents



A neighborhood grocery near the Capitol.

A large portion of Olympia's residents are to live within a quarter-mile of a neighborhood center. These centers will be focal points of neighborhoods. Although they will vary by location, they generally should contain small-scale convenience and service businesses, a transit stop and a neighborhood park and be bounded by moderate or high-density housing. These neighborhood centers will serve as activity hubs or small-scale town squares that foster social interaction and a sense of community and accommodate nearby residents' routine shopping needs.

Where possible, a network of walking and biking routes that provide both recreational and commuting opportunities will connect these neighborhood centers to parks, schools, and downtown. To minimize traffic impacts and provide for transit service, these centers will be near major streets. Approximate locations for these centers are shown on the [Future Land Use Map](#).

Although neighborhoods will have some common features, each is unique. Recognizing this, the City envisions a public process where the needs of specific neighborhoods can be individually addressed. This process is described in the Public Participation Chapter and will focus on twelve planning areas. And, as described below, site-specific plans will be prepared for a few select other areas of the community. Managing these areas well will be critical to the success of this Comprehensive Plan and deserves extraordinary attention.





Shady sidewalks provide neighborhood character.

## **GL 20**

### **GL20 Development maintains and improves neighborhood character and livability.**

**PL20.1** Require development in established neighborhoods to be of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.

**PL20.2** Unless necessary for historic preservation, prohibit conversion of housing in residential areas to commercial use; instead, support redevelopment and rehabilitation of older neighborhoods to bolster stability and allow home occupations (except convalescent care) that do not degrade neighborhood appearance or livability, nor create traffic, noise or pollution problems.

**PL20.3** Allow elder care homes and seniors-only housing and encourage child care services everywhere except industrial areas; but limit hospice care to multi-family and commercial districts.

**PL20.4** Support development and public improvements consistent with healthy and active lifestyles.

**PL20.5** Prevent physical barriers from isolating and separating new developments from existing neighborhoods.

**GL21 Neighborhood centers are the focal point of neighborhoods and villages.**

**PL21.1** Establish a neighborhood center at each village site, encourage development of the neighborhood centers shown on Future Land Use Map, and add additional centers when compatible with existing land uses and where they are more than one-half mile from other commercial areas.

**PL21.2** Locate neighborhood centers along collector or arterial streets and within about 600 feet of a transit stop.

**PL21.3** Support housing, a food store, a café or bakery, and a neighborhood park or civic green at all neighborhood centers. Allow churches, schools, and convenience businesses and services that cater primarily to neighborhood residents. Prohibit auto-oriented uses. Vary the specific size and composition of such centers for balance with surrounding uses. Where practical, focus commercial uses on civic greens or parks. Limit the size of commercial uses. (Note: A larger urban center is permitted in the Briggs Urban Village.)

**PL21.4** Allow neighborhood center designs that are innovative and provide variety, but that ensure compatibility with adjoining uses. Consider appropriate phasing, scale, design and exterior materials, as well as glare, noise and traffic impacts when evaluating compatibility. Require that buildings primary access directly from street sidewalks and be oriented toward the neighborhood and any adjacent park or green. Require that signage be consistent with neighborhood character.

**PL21.5** Locate streets and trails for non-arterial access to the neighborhood center.

**GL22 Trees help maintain strong and healthy neighborhoods.**

**PL22.1** Use trees to foster a sense of neighborhood identity.

**PL22.2** Identify, protect and maintain trees with historic significance or other value to the community or specific neighborhoods.

**PL22.3** Encourage the use of appropriate fruit and nut trees to increase local food self-sufficiency.

## **Sub-area Planning**

Much of this Plan applies to the entire Olympia community. However, this is a large area of over twenty-four square miles with tens of thousands of residents. Thus this Plan cannot address all of the details of our community. Twelve planning areas, including downtown, are to be established to provide that opportunity. In general, planning areas will be comparable to the scale of an elementary school service area with five to ten thousand residents. As described in the Public Participation and Partners chapter, this scale will provide the opportunity for interested parties to focus on furthering the community's plan for these areas. These sub-area efforts must be consistent with this Comprehensive Plan.

### **GL23**

#### **GL23 Each of the community's major neighborhoods has its own priorities.**

**PL23.1** In cooperation with residents, landowners, businesses, and other interested parties, establish priorities for the planning sub-areas. The specific area, content, and process for each sub-area is to be adapted to the needs and interests of each area. (See Goal 5 of Public Participation and Partners chapter.)

**PL23.2** Create sub-area strategies that address provisions and priorities for community health, neighborhood centers and places of assembly, streets and paths, cultural resources, forestry, utilities, open space and parks.

**PL23.3** Develop neighborhood and business community approaches to beautification that include activities in residential and commercial areas.

## **'Villages' and other Planned Developments**

Sites for 'neighborhood villages,' one 'urban village,' and the older Evergreen Park planned unit development, each with a compatible mixture of single and multi-family housing and businesses, are designated within the urban area. These mixed-use projects are to provide for a coordinated,



compatible mixture of single and multi-family housing arranged around a readily-accessible neighborhood center. The locations and mix of land uses and the design of the street and trail system in these areas are to create an environment that encourages walking, biking and use of transit, while providing direct, pleasant routes for motorists. These 'villages' will foster efficient land use through compact, higher-density development with residential uses near bus stops and basic retail and support services.

The smaller 'neighborhood villages' will typically consist of single-family detached homes, townhouses and multi-family units, surrounding a small neighborhood center. The 'urban village' will be more diverse and intensely developed. The businesses of the urban village will serve a larger area and may include a supermarket, offices, and a broad array of predominantly neighborhood-oriented businesses and services. Both the neighborhood villages and urban villages are to be designed as coordinated, integrated projects with a compatible mix of land uses. Development phasing requirements will ensure that each project component and amenity is developed at the appropriate time. While these villages and the Evergreen Park PUD will have many characteristics in common, the design and composition of each project will vary in response to site conditions, location, market demand, available street and utility capacity, and the character of the surrounding neighborhood, and will evolve over time.

## **GL24**

**GL24 Mixed use developments, also known as "villages," are planned with a pedestrian orientation and a coordinated and balanced mix of land uses.**

**PL24.1** Require planned development sites shown on the Future Land Use Map to develop as coordinated, mixed-use projects.

**PL24.2** Provide for any redevelopment or redesign of planned developments including the Evergreen Park Planned Unit Development to be consistent with the 'village vision' of this Plan.

**PL24.3** Require 'master plans' for villages that encompass the entire site and specify the project phasing, street layout and design, lot arrangement, land uses, parks and open space, building orientation, environmental protection and neighborhood compatibility measures.

**PL24.4** Provide for a compatible mix of housing in each village with pleasant living, shopping and working environment, pedestrian-oriented

character, well-located and sized open spaces, attractive well-connected streets and a balance of retail stores, offices, housing, and public uses.

**PL24.5** Require a neighborhood center, a variety of housing, connected trails, prominent open spaces, wildlife habitat, and recreation areas in each village.

**PL24.6** Require that villages retain the natural topography and major environmental features of the site and incorporate water bodies and stormwater ponds into the design to minimize environmental degradation.



Landscaping enhances a stormwater pond.

**PL24.7** Locate parking lots at the rear or side of buildings, to avoid pedestrian interference and to minimize street frontage. Landscape any parking adjacent to streets and minimize parking within villages by reducing requirements and providing incentives for shared parking.

**PL24.8** Require village integrity but provide flexibility for developers to respond to market conditions.

**PL24.9** Limit each village to about 40 to 200 acres; require that at least 60% but allow no more than 75% of housing to be single-family units; and require at least 5% of the site be open space with at least one large usable open space for the public at the neighborhood center.

**PL24.10** Require that 90% of village housing be within a quarter mile of

the neighborhood center and a transit stop.

**PL24.11** Provide for a single "urban village" at the intersection of Henderson Boulevard and Yelm Highway; allowing up to 175,000 square feet of commercial floor area plus an additional 50,000 square feet if a larger grocery is included; and requiring that only 50% of the housing be single-family.

## **GL25**

**GL25 Local Thurston County food production is encouraged and supported to increase self-sufficiency, reduce environmental impact, promote health, and the humane treatment of animals, and support the local economy.**

**PL25.1** Actively partner with community organizations to provide education and information about the importance of local food systems.

**PL25.2** Encourage home gardens as an alternative to maintaining a lawn.

**PL25.3** Collaborate with community partners to ensure that everyone within Olympia is within biking or walking distance of a place to grow food.

**PL25.4** Encourage for-profit gardening and farming in the community.

**PL25.5** Purchase locally grown food when possible.

**PL25.6** Allow food-producing gardens on rooftops, and offer incentives to include greenhouses for year-round food production.

**PL25.7** Recognize the value of open space and other green spaces as areas of potential food production.

**PL25.8** Work with community organizations to develop strategies, measure, and set goals for increasing local food production.

**PL25.9** Work with local governments throughout the region to help protect existing agricultural lands and develop and promote a vibrant local food economy.

**PL25.10** Partner with community organizations to help educate citizens who are interested in raising animals for food in the city. This might include information about protecting animals from predators, maintaining sanitary conditions, and treating animals humanely.

**PL25.11** Educate and encourage citizens to purchase from local farms and small producers as an alternative to factory farms that may engage in inhumane treatment of animals.

## **Appendix A - Future Land Use Map Designations**

The land use designations of the Future Land Use Map are described below and summarized in the Future Land Use Designations Table. Note that those indicated as symbols on the Future Land Use Map generally are not to exceed ten acres each.

**Low-Density Neighborhoods.** This designation provides for low-density residential development, primarily single-family detached housing and low-rise multi-family housing, in densities ranging from twelve units per acre to one unit per five acres depending on environmental sensitivity of the area. Where environmental constraints are significant, to achieve minimum densities extraordinary clustering may be allowed when combined with environmental protection. Barring environmental constraints, densities of at least four units per acre should be achieved. Supportive land uses and other types of housing, including accessory dwelling units, townhomes and small apartment buildings, may be permitted. Specific zoning and densities are to be based on the unique characteristics of each area with special attention to stormwater drainage and aquatic habitat. Medium Density Neighborhood Centers are allowed within Low Density Neighborhoods. Clustered development to provide future urbanization opportunities will be required where urban utilities are not readily available.

**Medium-Density Neighborhoods.** This designation provides for townhouses and multi-family residential densities ranging from thirteen to twenty-four units per acre. Specific zoning is to be based on proximity to bus routes and major streets, land use compatibility, and environmental constraints. Specific zoning will include minimum and maximum densities to ensure efficient use of developable land and to ensure provision of an adequate variety of types of housing to serve the community. Higher densities should be located close to major employment or commercial areas. Clustering may be permitted.

**Mixed Residential.** This designation requires a mixture of single and multifamily housing at densities ranging from seven to eighteen units per acre. Specific density ranges and mandatory mixes should be based on

land use compatibility and proximity to bus routes and major streets, while also ensuring availability of a variety and blending of housing types and choices.

**Neighborhood Centers.** This designation provides for neighborhood-oriented convenience businesses and a small park or other public space. Although the locations shown on the Future Land Use Map are approximate, these centers should be along major streets and generally near areas of higher residential densities. The exact location and mix of uses of the centers in these areas will be established at the time of development approval. In general they should be focused on serving nearby residents, be well integrated with adjacent land uses, and have excellent pedestrian and bicyclist access with minimal car parking.

**Residential Mixed Use.** To provide opportunities for people to live close to work, shopping, and services, this designation provides for high-density multifamily housing in multistory structures combined with limited commercial uses in parts of downtown, near the State Capitol Campus, and near urban corridors and other activity centers. This designation helps to achieve density goals, to create or maintain a desirable urban living environment for residents of these areas, and to ensure that new urban residential buildings incorporate features which encourage walking and add interest to the urban environment. The commercial uses are intended to help support the residential use of the area by providing retail and personal services within walking distance of the housing. Housing in these high amenity areas will contribute to community vitality, include well-designed buildings on continuous street edges, link one area with another, encourage pedestrian activity, and include visible public spaces that increase safety and decrease vandalism.

**Planned Developments.** This designation includes areas of mixed uses where specific 'master plans' are required prior to development. These master plans are prepared and proposed by one or a few parties and subject to review and confirmation by the City. This designation is intended to achieve more innovative designs than in conventional developments but which are also compatible with existing uses in the area. Innovative designs may include offering a wider variety of compatible housing types and densities, neighborhood convenience businesses, recreational uses, open space, trails and other amenities. Generally residential densities should range from seven to thirteen units per acre, but the specific mix of land uses will vary with the zoning, environment, and master plan of each site. In addition to a variety of housing types,

these areas may include neighborhood centers as described below. Each of the two planned developments along Yelm Highway may include a larger neighborhood-oriented shopping center with a supermarket. The planned development designation also includes retaining certain existing, and potentially new, manufactured housing parks in locations suitable for such developments. Two unique planned developments include substantial government office buildings and related uses - these are the Capitol Campus; and Evergreen Park, which includes the site of the Thurston County courthouse.

**Professional Offices & Multifamily Housing.** This designation accommodates a wide range of offices, services, limited retail uses specifically authorized by the applicable zoning district, and moderate-to-high density multifamily housing in structures as large as four stories.

**Urban Corridors.** This designation applies to certain areas in the vicinity of major arterial streets. Generally more intense commercial uses and larger structures should be located near the street edge with less intensive uses and smaller structures farther from the street to transition to adjacent designations. Particular 'nodes' or intersections may be more intensely developed. Opportunities to live, work, shop and recreate will be located within walking distance of these areas.

**Urban Waterfront.** Consistent with the State's Shoreline Management Act, this designation provides for a compatible mix of commercial, light industrial, limited heavy industrial, and multifamily residential uses along the waterfront.

**Central Business District.** This designation provides for a wide range of activities that make downtown Olympia the cultural, civic, commercial and employment heart of the community. A dense mix of housing, pedestrian-oriented land uses and design and proximity to transit make a convenient link between downtown, the State Capitol, the waterfront, and other activity centers in the region. The scale, height and bulk of development reinforce downtown Olympia's historic character, buildings, places and street layout.

**General Commerce.** This designation provides for commercial uses and activities which are heavily dependent on convenient vehicle access but which minimize adverse impact on the community, especially on adjacent properties having more restrictive development characteristics. The area should have safe and efficient access to major transportation routes. Additional "strip" development should be limited by filling in available

space in a way that accommodates and encourages pedestrian activity.

**Auto Services.** This designation conserves areas for concentrating land uses associated with automobile and other motor vehicle sales and services. Alternative uses such as professional offices may be permitted if compatible with the primary purpose of the designation.

**Medical Services.** This designation conserves areas in the vicinity of hospitals for concentrating medical services and facilities, associated uses, and moderate to high-density housing.

**Light Industry.** This designation provides for light industrial uses, such as assembly of products and warehousing, and compatible, complementary commercial uses.

**Industry.** This designation provides for heavy industrial development, such as manufacturing, transportation terminals and bulk storage, and complementary commercial uses in locations with few land use conflicts, minimal environmental constraints, and adequate freight access.

**High-Density Neighborhoods Overlay:** Multi-family residential, commercial and mixed use neighborhoods with densities of at least 25 dwelling units per acre for residential uses that are not re-using or redeveloping existing structures. New mixed-use developments include a combination of commercial floor area ratio and residential densities that are compatible with a high-density residential neighborhood. The height in these neighborhoods will be determined by zoning and based on the "Height and View Protection Goals and Policies."

**Table: Future Land Use Designations**

<b>FUTURE LAND USE DESIGNATION</b>	<b>PRIMARY USE<sup>1</sup></b>	<b>RESIDENTIAL DENSITY<sup>2</sup></b>	<b>BUILDING HEIGHTS<sup>3</sup></b>	<b>ESTIMATED ACREAGE<sup>4</sup></b>	<b>PERCENTAGE OF UGA<sup>5</sup></b>
Low-Density Neighborhoods (LDN)	Single-family Residential	Up to 12 units per acre	2 to 3 stories	<del>11,000</del> 11,495 ac.	<del>71</del> 68%
Medium-Density Neighborhoods (MDN)	Multi-family Residential	13 to 24 units per acre	Up to 3 stories	<del>600</del> 615 ac.	4%
Mixed Residential	Single & Multi-family	7 to 18 units per acre	Up to 4 stories	<del>150</del> 200 ac.	1%
Neighborhood Centers	Commercial	Variable	2 to 3 stories	Variable	N/A
Residential Mixed Use	Multi-family Residential	Not limited	3 to 5 stories	100 ac.	≤1%
Planned	Mixed Use	Residential areas: 7	Varies by site and	<del>725</del> 875 ac.	5%

Developments		to 13 units per acre	land use		
Professional Offices & Multifamily Housing	Mixed Use	Minimum 7 units per acre	3 to 4 stories	<del>375</del> <u>405</u> ac.	2%
Urban Corridors	Commercial	Minimum 15 units per acre	3 to 6 stories	1,500 ac.	10%
Urban Waterfront	Mixed Uses	Minimum 15 units per acre	3 to 7 stories	<del>200</del> <u>670</u> ac.	<del>14</del> %
Central Business District	Commercial	Minimum 15 units per acre	Up to 8 stories	<del>200</del> <u>195</u> ac.	1%
General Commerce	Commercial	Minimum 7 units per acre	3 to 6 stories	75ac.	<1%
Auto Services	Commercial	Not applicable	Up to 3 stories	<del>125</del> <u>115</u> ac.	≤1%
Medical Services	Commercial	Minimum 7 units per acre	Up to 6 stories; plus taller hospitals	250 ac.	<del>2</del> <u>1</u> %
Light Industry	Industry & Wholesaling	Not applicable	5 stories	<del>100</del> <u>110</u> ac.	≤1%
Industry	Industrial	Not applicable	3 to 6 stories	<del>75</del> <u>160</u> ac.	<1%

<sup>1</sup>Primary Use is the anticipated use of the majority of building floor area in each category. Substantial other uses are likely.

<sup>2</sup>Residential Density is a general range for planning purposes and subject to variation based on site suitability. Specific allowed ranges should be established by development regulations.

<sup>3</sup>Building Heights is the approximate size of the taller buildings anticipated in each category. Specific height or stories limits should be established by development regulations.

<sup>4</sup>Estimated Acreage is a rough approximation based on the Future Land Use Map with recognition of the indistinct nature of the category boundaries.

<sup>5</sup>Percentage of UGA is a rounded number provided for convenience based on the 'estimated acreage' and an assumption of approximately 24 square miles of land in the Urban Growth Area.

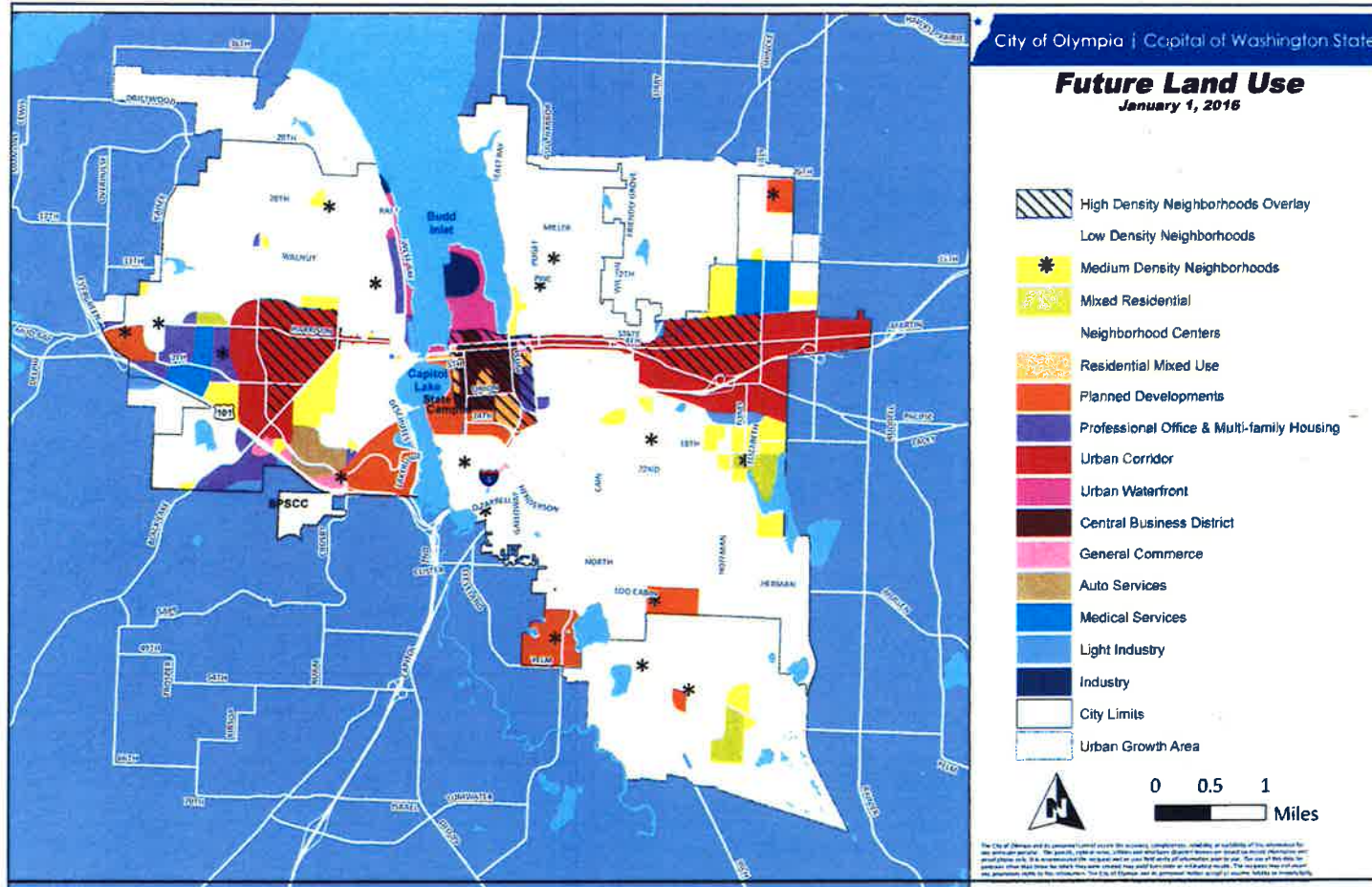
## For More Information

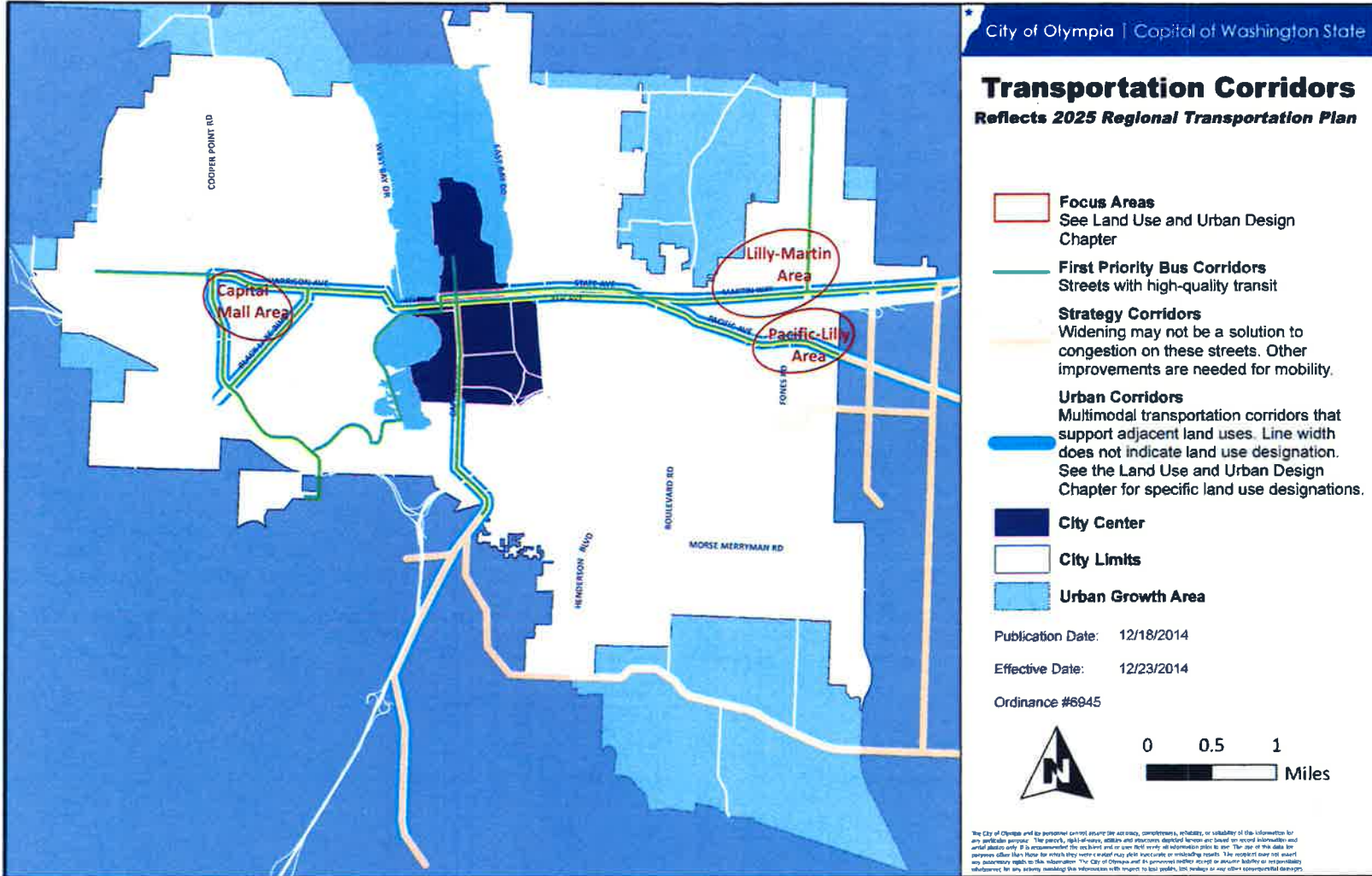
- The Buildable Lands Report prepared for Thurston County by the staff of the Thurston Regional Planning Council helps Olympia to determine the quantity of land to provide for population and employment growth
- The Capitol Master Plan prepared by the Department of Enterprise Services describes the State's plans for certain lands within and



adjacent to downtown

- The Port of Olympia's Planning documents describe the Port's vision for the future of its lands within Olympia, as well as its role within Thurston County in general
- The Downtown Plan focuses on the city center and was formerly a part of this Comprehensive Plan. It is now a separate document adopted by the City Council
- The Urban Corridors Task Force Recommendations, adopted by Thurston Regional Planning Council in 2012, describes challenges and opportunities for the urban corridors of Olympia, Lacey and Tumwater
- The Kaiser Harrison Opportunity Area Plan describes a mixed use pedestrian and bicycle friendly subarea plan with a lifestyle retail center, multi-use trail, and a neighborhood park.





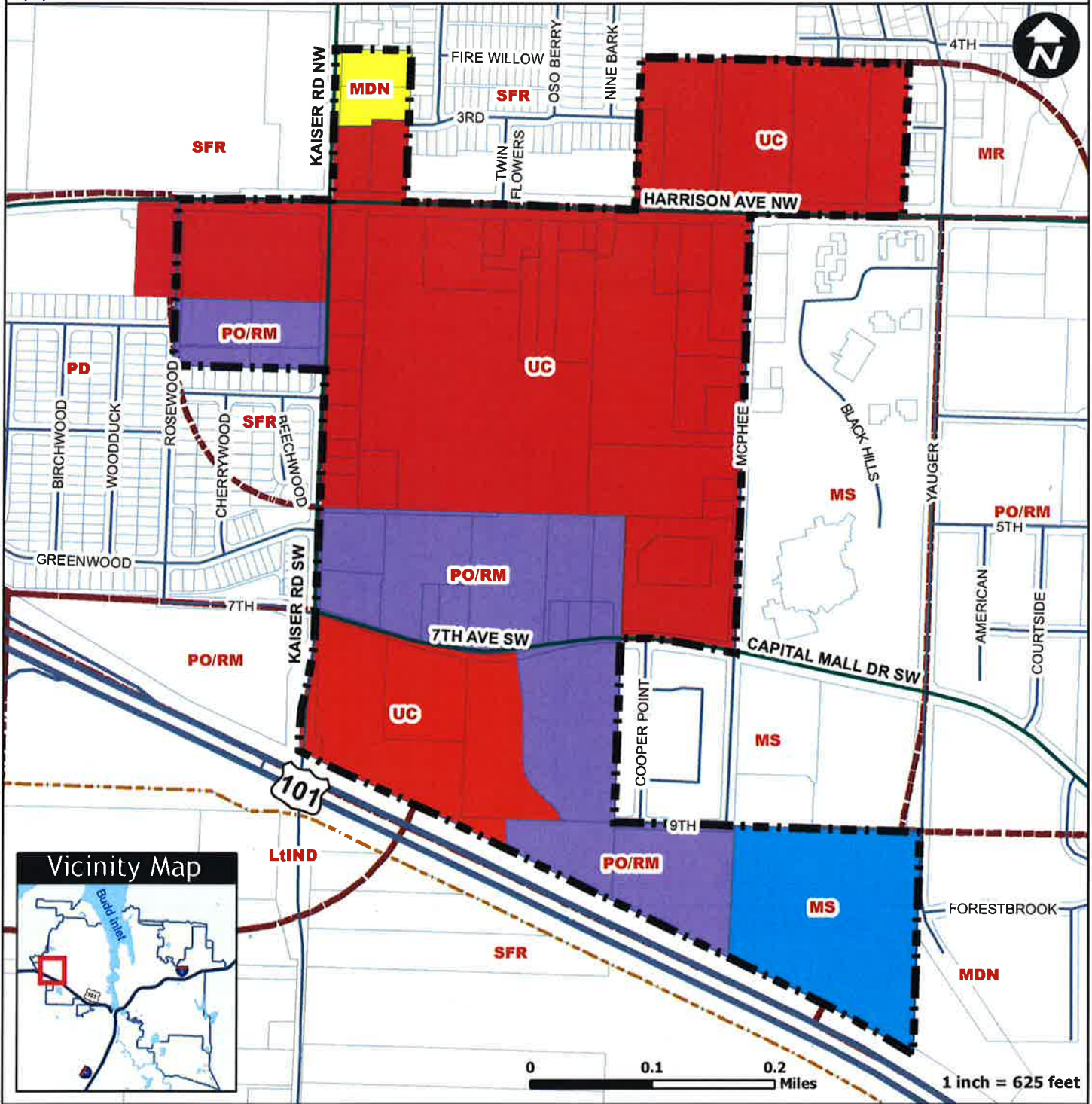




# Kaiser-Harrison Opportunity Area

## Proposed Comprehensive Plan - Future Land Use Map Designations

Date Published: 8/8/2016



### Future Land Use Designation

- Urban Corridor
- Medium Density Neighborhood
- Medical Services
- Professional Office & Multi-family Housing
- Kaiser-Harrison Opportunity Area
- City Limits
- Urban Growth Area
- Future Land Use

This map is intended for 8.5x11" portrait printing.

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted herein are based on record information and aerial photos only. It is recommended the recipient and or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.

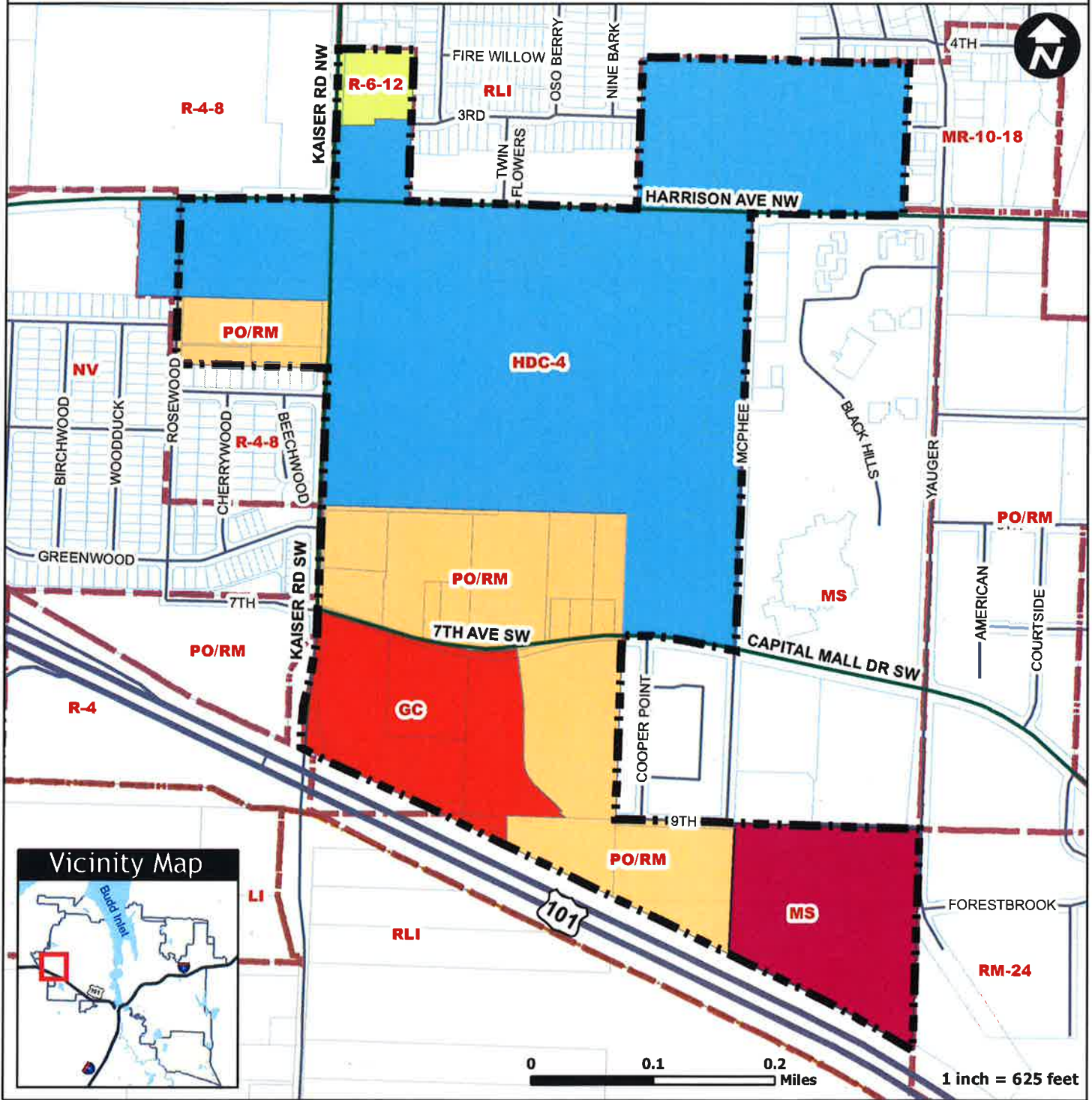


# Kaiser-Harrison Opportunity Area

## Proposed Zoning Districts

EXHIBIT C

Date Published: 8/9/2016



### Proposed Zoning Districts

- General Commercial
- Medical Services
- High Density Corridor 4
- Professional Office & Multi-family
- Kaiser-Harrison Opportunity Area
- Residential 6-12
- City Limits
- Urban Growth Area
- Current Zoning

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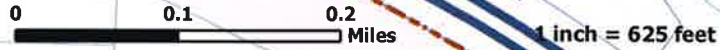
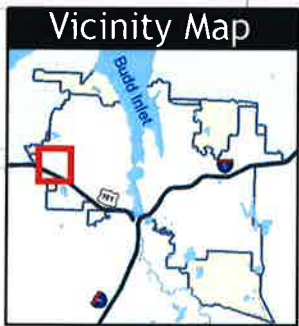
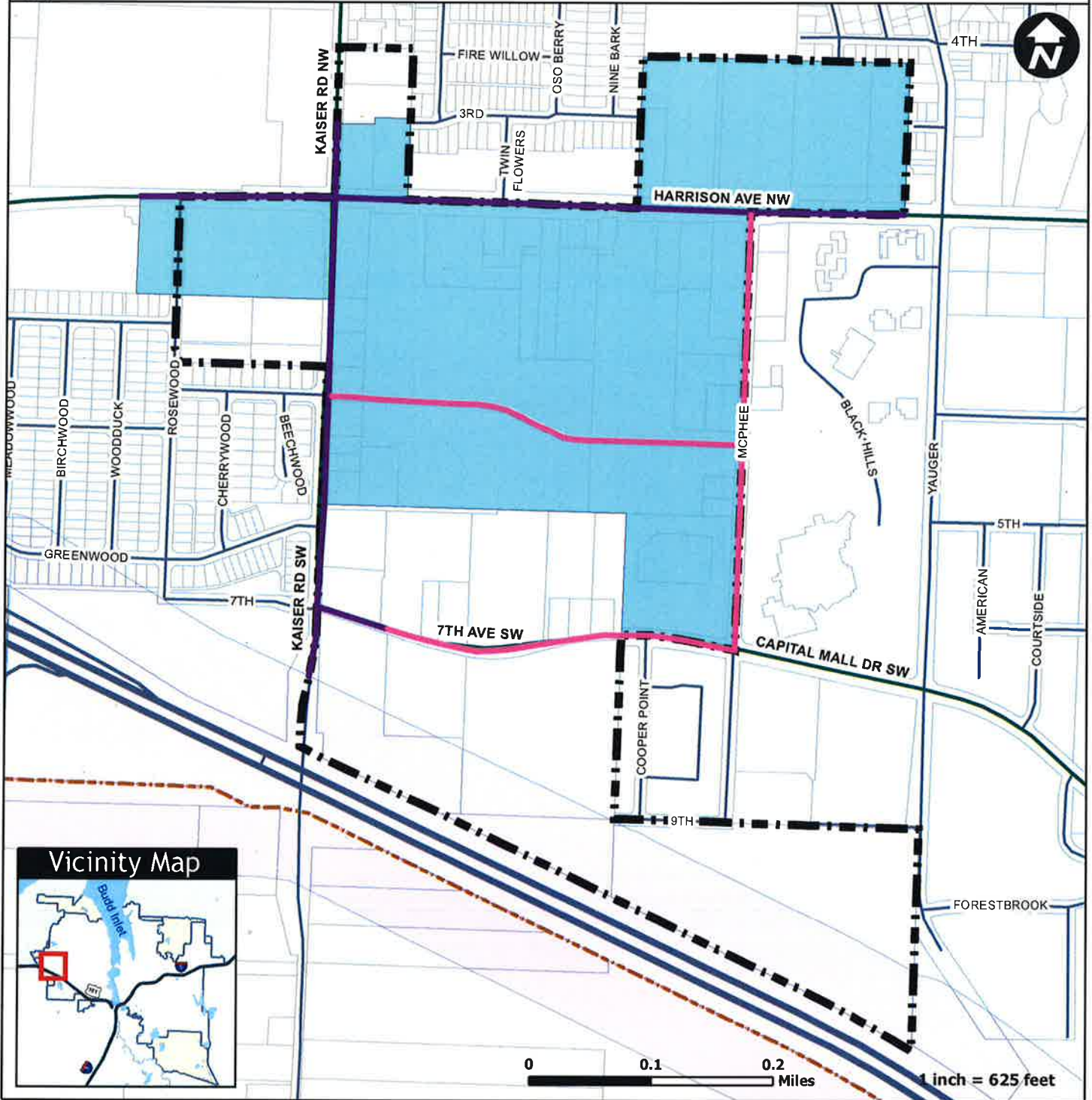


# Kaiser-Harrison Opportunity Area


## Design Review Map Amendments



EXHIBIT **D**

Date Published: 7/15/2016



### Proposed Design Review Districts

-  High Density Corridor
-  Freeway Corridor
-  Pedestrian Street A
-  Pedestrian Street B
-  Kaiser-Harrison Opportunity Area

-  City Limits
-  Urban Growth Area

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## Chapter 18.06 COMMERCIAL DISTRICTS

### 18.06.000 Chapter Contents

#### Sections:

- 18.06.020 Purposes.
- 18.06.040 Permitted, conditional, and prohibited uses.
- 18.06.060 Commercial districts' use standards.
- 18.06.080 Commercial districts' development standards (General).
- 18.06.100 Commercial districts' development standards (Specific).
- 18.06.120 Additional regulations.

#### **18.06.020 Purposes**

##### A. The general purposes of this Chapter are as follows:

1. To provide appropriate commercial areas for retail and service establishments, neighborhood convenience and office uses required by residents of the City in a manner consistent with the Comprehensive Plan.
2. To provide employment opportunities for existing and future residents of the City and those of adjacent communities.
3. To provide for land uses which meet the needs of and attract regional populations, in addition to local residents.
4. To provide adequate space to meet the needs of commercial development, including off-street parking and loading.
5. To protect commercial and adjacent areas from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
6. To provide for an intensity of development and activity within commercial areas which will increase their vitality, facilitate mass transit, and make better use of available infrastructure.
7. To accommodate a balanced mix of commercial, residential, and recreational uses in commercial areas which will enable people to live, shop, work, and play within walking distance; thereby reducing dependence on motor vehicles and potentially reducing traffic congestion, energy consumption, and air pollution.
8. To establish standards for the development of commercial areas which will make them easily accessible and inviting for pedestrians, bicyclists, and transit riders, as well as motorists.
9. To establish guidelines for the design of commercial areas which will improve their appearance, function, and appeal.

##### B. The purpose of each commercial district is as follows:

###### 1. Community Retail District (CMR).

This district is intended to:

- a. Permit businesses which offer the most frequently needed consumer goods and services, in districts of sufficient size to provide a relatively wide range of such goods and services.

- b. Provide for site development standards which will achieve the clustering of buildings and/or business establishments in such fashion as to create a safe, convenient and attractive pedestrian environment, including access for transit riders and bicyclists, as well as safe and convenient parking and access.
- c. Allow for clustering of commercial services along urban arterials adjacent to residential neighborhoods, in order to reduce the amount of vehicular travel required of the consumer to acquire such goods and services.
- d. Allow for residential and mixed-use projects to increase the opportunities for people to live, work, shop, and recreate within walking distance.
- e. Not locate new community retail districts closer than three-fourths of a vehicular mile from one another, or from any other district providing similar services or facilities.

2. Commercial Services - High Density District (CS-H).

This district is intended to:

- a. Allow limited commercial services that supplement or enhance activities on the capitol campus, not large-scale retail sales for regional markets.
- b. Allow high-density multifamily residences near the chief employment centers such as the Downtown Business District, the Capitol Campus, and the central waterfront.
- c. Be located where high land values and public necessity warrant this type of development.

3. Auto Services (AS) District.

This district is intended to:

- a. Encourage development of a regional center for auto sales and services and related uses.
- b. Discourage development incompatible with auto sales and services.

4. Urban Waterfront (UW) District.

This district is intended to:

- a. Integrate multiple land uses in the waterfront area of downtown and the West Bay in a way that improves the City's appeal and identity as the Capital City on Budd Inlet.
- b. Encourage high-amenity recreation, tourist-oriented, and commercial development which will enhance public access and use of the shoreline.
- c. Encourage development that protects views of Budd Inlet, the Olympics, Mt. Rainier, and the Capitol, and preserves a sense of openness on the waterfront.
- d. Encourage water-dependent and water-related development (as defined in the Shoreline Master Program for the Thurston Region) on shoreline properties and permit light manufacturing uses which support nearby industrial and marine related uses.
- e. Provide shoreline public access to significant numbers of the population, which is a major goal of the Shoreline Master Program for the Thurston Region. It is also the intent of this district to integrate the policies of the Shoreline Master Program for the Thurston Region into zoning designations applicable to waterfront properties. It is not the intent of this district, however, to make the restrictions of the Shoreline Master Program legally applicable outside the shoreline management zone.



## 5. Downtown Business District (DB).

This district is intended to:

- a. Encourage a wide range of activities which make downtown Olympia the cultural, civic, commercial, and employment heart of the community.
- b. Retain existing downtown housing and encourage additional development of a dense mix of urban housing which is located near jobs, shopping, and transit.
- c. Provide a full range of urban services, tourism, recreation, and entertainment activities to support downtown workers, residents, and visitors.
- d. Encourage pedestrian-oriented land uses and design, in order to link downtown activity to the Capitol Campus and the waterfront, and to the gateways to the City.
- e. Permit development of a scale, height, and bulk which reinforces downtown Olympia's historic character, buildings, places, and street layout. Modern architecture is appropriate if it is consistent with the City's urban design vision.

## 6. General Commercial District (GC).

This district is intended to:

- a. Provide for those commercial uses and activities which are heavily dependent on convenient vehicular access.
- b. Encourage the location of such uses on sites having safe and efficient access to major transportation routes.
- c. Discourage extension of "strip" development by filling in available space in areas where substantial auto-oriented commercial development already exists.
- d. Provide development standards which enhance efficient operation of these districts, and lead to more pedestrian-oriented development.
- e. Achieve minimum adverse impact on the community, especially on adjacent properties having more restrictive development characteristics.

## 7. Medical Service District (MS).

This district is intended to:

- a. Allow the development of major and full-service health care facilities to serve a regional population.
- b. Permit the clustering of interrelated and complementary health care facilities.
- c. Permit limited types of nonmedical uses which provide convenience services primarily to medical facility users and employees.
- d. Allow relatively high density housing near medical facilities to help meet the needs of the large number of people employed there.
- e. Allow developments which will provide maximum convenience to medical facility users and employees, and an environment conducive to the healing arts. Incompatible land uses and traffic generated by uses other than those providing medical and related services are to be avoided.

## 8. Neighborhood Retail District (NR).

This district is intended to:

- a. Permit small retail establishments which offer a limited range of goods within a residential neighborhood.
- b. Protect existing neighborhood retail districts and permit new establishments where local economic demand and appropriate design can assure compatibility with the neighborhood.
- c. Be located not less than one-half (1/2) mile from another neighborhood retail district or any other commercial district providing similar services or facilities.
- d. Have a maximum size for a Neighborhood Retail district of not more than one (1) acre.
- e. Limit the size, scale and expansion of such establishments in order to minimize traffic volumes and congestion, and other adverse impacts on the neighborhoods in which said establishments are located.
- f. Ensure that development in this district is characterized by small buildings, low traffic generation, considerable walk-in trade, quiet operations and little or no night activity.

9. Professional Office/residential Multifamily District (PO/RM).

This district is intended to:

- a. Provide a transitional area, buffering residential areas from more intensive commercial uses. Development within this district should be compatible with residential uses and generate low vehicular traffic characteristic of less intrusive uses.
- b. Provide for a compatible mix of office, moderate- to high-density residential, and small-scale commercial uses, in order to provide opportunities for people to live, work, and recreate in a pedestrian-oriented area.

10. High Density Corridor-1 (HDC-1).

This district is intended to:

- a. Provide for a compatible mix of office, moderate to high-density multifamily residential, and small-scale commercial uses.
- b. Ensure that residential and mixed-use projects are built within walking distance to transit.
- c. Establish a street edge that is as continuous as possible with buildings which are close to the street and which have multiple floors, distinctive windows facing the street, and entrances that are visible from the street.
- d. Ensure that projects are designed, using a neighborhood area design theme in order to blend with the historic buildings in the corridor and the adjacent neighborhoods.
- e. Create a safe, convenient, and attractive environment for pedestrians, transit riders and bicyclists, and which includes parking and convenient access for vehicles.

11. High Density Corridor-2 (HDC-2).

This district is intended to:

- a. Provide for a compatible mix of office, medium intensity commercial and moderate to high-density multifamily residential uses.
- b. Ensure that residential and mixed-use projects are built within walking distance to transit.

- c. Establish a street edge that is as continuous as possible with buildings which are close to the street and which have multiple floors, distinctive windows facing the street, and entrances that are visible from the street.
- d. Ensure that projects (buildings) are designed, using a neighborhood area design theme in order to blend with the historic buildings in the corridor and the adjacent neighborhoods.
- e. Create a safe, convenient, and attractive environment for pedestrians, transit riders, and bicyclists, and which includes parking and convenient access for vehicles.

12. High Density Corridor-3 (HDC-3).

This district is intended to:

- a. Provide for a compatible mix of medium to high-intensity commercial, offices, and moderate to high-density multifamily residential uses.
- b. Ensure that access to transit is a part of all new projects.
- c. Establish a street edge that is as continuous as possible with buildings which are close to the street and which have multiple floors, distinctive windows facing the street, and entrances that are visible from the street.
- d. Create a safe, convenient, and attractive environment for pedestrians, transit riders, and bicyclists, and which includes parking and access for vehicles.

13. High Density Corridor-4 (HDC-4).

This district is intended to:

- a. Provide for a compatible mix of high-intensity commercial, offices, and high-density multifamily residential uses.
- b. Transform these areas to commercial and residential activity centers, over time.
- c. Ensure that access to transit is a part of new projects.
- d. Establish a street edge that is as continuous as possible with buildings which are close to the street and which have multiple floors, distinctive windows facing the street, and entrances that are visible from the street.
- e. Create a safe, convenient, and attractive environment for pedestrians, transit riders, and bicyclists, and which includes parking and access for vehicles.

14. Urban Waterfront - Housing District.

This district is intended to:

- a. Provide for a neighborhood of residential housing with the option of limited retail/commercial/office or other uses able to locate in a street edge storefront configuration.
- b. Help meet downtown housing and sustainability density goals, through the use of land for housing in a location, and at a density, that makes the use of a car a choice and not a necessity.
- c. Contribute to downtown vitality.
- d. Result in well designed buildings on continuous urban street edges.

- e. Increase resident surveillance and all day use of public spaces to increase safety and decrease vandalism or other security problems.
- f. Help the City achieve land use, transportation, environment, and housing goals.

EXHIBIT E

**18.06.040 TABLES: Permitted and Conditional Uses**  
**TABLE 6.01**

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)						18.130.020	
<b>1. EATING &amp; DRINKING ESTABLISHMENTS</b>														
Drinking Establishments			P		P	P	P		C 18.06.060(P)		P	P	P	
Drinking Establishments - Existing		P 18.06.060(GG)				P								
Restaurants, with drive-in or drive-through			P <u>18.06.060(F)(3)</u>										P <u>18.06.060(F)(3)</u>	
Restaurants, with drive-in or			P				P 18.06.060					C	P	

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
drive-through, existing							(U)							
Restaurants, without drive-in or drive-through	P 18.06.060(U)(3)	C	P	P 18.06.060(U)(2)	P	P	P 18.06.060(U)(1)	P	P	P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>2. INDUSTRIAL USES</b>														
Industry, Heavy														
Industry, Light			C		P/C 18.06.060(N)									
On-Site Treatment & Storage Facilities for Hazardous					P 18.06.060(Q)									

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Waste														
Piers, Wharves, Landings					P									
Printing, Industrial			C		P/C 18.06.060 (N)									
Publishing		C	C		P		P		C	C				
Warehousing			P		P/C 18.06.060 (AA)		P							
Welding & Fabrication			C		P/C 18.06.060 (N)		P							
Wholesale Sales		C 18.06.060( BB)(3)	P		P/C 18.06.060 (BB)			P		P	18.06.060( BB)(2)			
Wholesale Products Incidental to			P		P	P						P	P	

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Retail Business														
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>3. OFFICE USES (See also SERVICES, HEALTH)</b>														
Banks		P	P		P/C 18.06.060(D)(2)	P 18.06.060(D)(2)	P/C 18.06.060(D)(2)	P	P	P	P	P 18.06.060(D)(1)	P <u>18.06.060(F)(3)</u>	
Business Offices		P	P		P	P	P	P	P	P	P	P	P	
Government Offices		P	P		P	P	P	P	P	P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>4. RECREATION AND CULTURE</b>														



EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Art Galleries	P	P	P		P	P	P		P	P	P	P	P	
Auditoriums and Places of Assembly			P		P	P	P					P	P	
Boat Clubs					P	P								
Boating Storage Facilities					P			P						
Commercial Recreation		C	P		P	P	P	P		C	C	P	P	
Health Fitness Centers and Dance Studios	P	P 18.06.060(L)	P	P	P	P	P	P	P	P 18.06.060(L)	P 18.06.060(L)	P	P	
Libraries	C	C	C	C	P	P	P		P	C	P	P	P	18.04.060(V)
Marinas/Boat Launching Facilities					P 18.06.060(CC)	P								
Museums		C	P		P	P	P		P	C	C	P	P	18.04.060(L)

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
														V)
Parks, Neighborhood	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(T)
Parks & Playgrounds, Other	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(T)
Theaters (Drive-in)			C											
Theaters (No drive-ins)			P		P	P	P				C	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>5. RESIDENTIAL</b>														
Apartments		P	P	P 18.06.060(T)	P	P	P		P	P	P	P	P	
Apartments	P	P	P	P	P	P	P		P	P	P	P	P	

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
above ground floor in mixed use development				18.06.060(T)										
Boarding Houses		P	P	P 18.06.060(T)	P	P	P		P	P	P	P	P	
Co-Housing		P	P			P	P			P	P		P	
Duplexes	P	P	P	P 18.06.060(T)			P		P	P	P		P	
Fraternities, Dormitories		C	P	P 18.06.060(T)	P	P	P		P	C	P	P	P	
Group Homes (6 or less)	P	P	P 18.06.060(K)	P 18.06.060(T)	P	P	P 18.06.060(K)		P	P	P	P 18.06.060(K)	P 18.06.060(K)	18.04.060(K)
Group Homes (7 or more)	C	C	C 18.06.060	C 18.06.060	C	C	C 18.06.060		C	C	C	C 18.06.060	P 18.06.060	18.04.060(K)

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
			0(K)	0(T)			(K)					(K)	60(K)	
Mobile or Manufactured Homes Park - Existing		C	C	C 18.06.06 0(T)						C			C	18.04.060(P)
Quarters for Night Watch person/Caretaker					P	P								
Retirement Homes		P	P	P 18.06.06 0(T)	P	P	P		P	P	P	P	P	
Single-Family Residences	P	P	P	P 18.06.06 0(T)			P		P	P	P	P	P	
Single Room Occupancy Units			C		P	P	P		P				C	
Townhouses	P	P	P	P 18.06.06		P	P		P	P	P	P	P	

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
				0(T)										
Triplexes, Fourplexes, and Cottage Housing		P											P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>6. RETAIL SALES</b>														
Apparel and Accessory Stores			P		P	P	P						P	P
Boat Sales and Rentals			P		P	P	P	P						P
Building Materials, Garden and Farm Supplies	P		P		P	P	P						P	P
Commercial Greenhouses,	C	C	C	C					C		P	P		18.04.060(G)

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Nurseries, Bulb Farms		G)												
Electric Vehicle Infrastructure	P	P	P	P	P 18.06.060 (W)	P 18.06.060 (W)	P 18.06.060 (W)	P	P	P	P	P	P	
Food Stores	P	P 18.06.060 (H)	P		P	P	P		P	P 18.08.060 (H)	P	P	P	
Furniture, Home Furnishings, and Appliances			P		P	P	P				P	P	P	
Gasoline Dispensing Facilities accessory to a permitted use	P 18.06.060 (W)(4)		P		P 18.06.060 (W)		P 18.06.060 (W)(2)	P				P 18.06.060 (W)	P 18.06.060 (W)	
Gasoline Dispensing Facility	P 18.06.060 (W)		P		P 18.06.060 (W)		P 18.06.060 (W)				P	P 18.06.060 (W)	P	

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
accessory to a permitted use - Existing														
General Merchandise Stores	P	P 18.06.060(J)	P		P	P	P			P 18.06.060(J)	P	P	P	
Mobile, Manufactured, and Modular Housing Sales			P											
Motor Vehicle Sales			P				P	P					P	
Motor Vehicle Supply Stores			P		P	P	P	P			P	P	P	
Office Supplies and Equipment		P 18.06.060(DD)	P		P	P	P		P	P 18.06.060(DD)	P	P	P	18.06.060(CC)
Pharmacies and Medical Supply	P	P 18.06.060(J)	P	P	P	P	P		P	P 18.06.060(J)	P	P	P	18.06.060(DD)

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Stores		EE)								(EE)				
Specialty Stores	P 18.06.060(Y)(3)	P 18.06.060(Y)(4)	P	C 18.06.060(Y)(2)	P	P	P			P 18.06.060(Y)(4)	P	P 18.06.060(Y)(1)	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>7. SERVICES, HEALTH</b>														
Hospitals				P			P		P					
Nursing, Congregate Care, and Convalescence Homes	C	CP	C	P			C		C	C	C	P	P	18.04.060(S)
Offices, Medical		P	P	P	P	P	P	P	P	P	P	P	P	
Veterinary Offices/Clinics		P	P	P			P			P	P	P	P	
District-Wide	18.06.06				18.06.060	18.06.060	18.06.060							



EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Regulations	0(R)				(F)(2)	(HH)	(F)(2)							
<b>8. SERVICES, LODGING</b>														
Bed & Breakfast Houses (1 guest room)	P	P 18.06.060(E)	P 18.06.060(E)	P 18.06.060(E)	P	P	P			P	P	P	P	18.04.060(L)(3)(c)
Bed & Breakfast Houses (2 to 5 guest rooms)	C	P 18.06.060(E)	P 18.06.060(E)	P 18.06.060(E)	P	P	P		C	P	P	P	P	18.04.060(L)(3)(c)
Hotels/Motels			P	C	P		P		P				P	
Lodging Houses		P	P	P	P		P		P	P	P	P	P	
Recreational Vehicle Parks			P										P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>9. SERVICES, PERSONAL</b>														
Adult Day Care	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)(3)(c)

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Home														L)(3)(b)
Child Day Care Centers	C	P	P	P	P	P	P		P	P	C	P	P	18.04.060(D)
Crisis Intervention	C	P	C	P			P		C	P	C	C	C	18.04.060(I)
Family Child Care Homes	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)
Funeral Parlors and Mortuaries		C	P				P			C		P	P	
Laundries and Laundry Pick-up Agencies	P	P	P	P	P	P	P			P	P	P	P	18.06.060(O)
Personal Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>10. SERVICES, MISCELLANEO</b>														

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
<b>US</b>														
Auto Rental Agencies			P		P	P	P	P			C	P	P	
Equipment Rental Services, Commercial			P		P		P				P	P	P	
Equipment Rental Services, Commercial - Existing		P 18.06.060( FF)												
Ministorage			P				P							
Printing, Commercial	P	P	P		P	P	P		P	P	P	P	P	
Public Facilities (see also Public Facilities, Essential on next page)	C	C	C	C	P	C	P	P	P	C	C	C	C	18.04.060(V)
Radio/T.V.		P	P		P	P	P		P	P	P	P	P	

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Studios														
Recycling Facilities	P	P	P	P	P		P		P	P	P	P	P	18.06.060(V)
School - Colleges and Business, Vocational or Trade Schools		C	P		P	P	P		P	C	C	C	P	18.06.060(X)
Service and Repair Shops			P				P	P				P	P	
Service Stations/Car Washes			P				P 18.06.060 (W)	P				P 18.06.060 (W)	P 18.06.060 (W)	
Service Stations/Car Washes - Existing			P		P 18.06.060 (W)		P 18.06.060 (W)				P	P 18.06.060 (W)	P 18.06.060 (W)	
Servicing of Personal	P	P	P		P	P	P			P	P	P	P	

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Apparel and Equipment														
Truck, Trailer, and Recreational Vehicle Rentals			P					P						
Workshops for Disabled People	C	C	C	C	P	C	P		C	C	C	C	C	18.04.060(R)
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>11. PUBLIC FACILITIES, ESSENTIAL</b>														
Airports			C										C	18.06.060(G)
Inpatient Facilities		C	C	C 18.06.060(T)	C		C		C	C	C	P	P	18.06.060(G) 18.04.060(K)

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Jails			C		C		C		C				C	18.06.060(G)
Mental Health Facilities			C	C 18.06.060(T)	C		C						C	18.06.060(G) 18.04.060(K)
Other Correctional Facilities		C	C	C 18.06.060(T)	C	C	C		C	C	C	C	C	18.06.060(G)
Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities		C	C		C		C			C	C	C	C	18.06.060(G)

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Radio/TV and Other Communication Towers and Antennas	C	C	C	C	C	C	C	C	C	C	C	C	C	18.06.060(G) 18.44.100
Sewage Treatment Facilities	C	C	C	C	P		P		C	C	C	C	C	18.06.060(G) 18.04.060(X)
State Education Facilities		C	C		C		C		C	C	C	C	C	18.06.060(G) 18.06.060(X)
State or Regional Transportation Facilities	C	C	C	C	C	C	C		C	C	C	C	C	18.06.060(G)
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
<b>12. TEMPORARY USES</b>														
Entertainment Events			P		P	P	P						P	
Off Site Contractor Offices	P	P	P	P	P	P	P	P	P	P	P	P	P	18.04.060(DD)
Emergency Housing	P	P	P	P	P			P	P	P	P	P	P	18.04.060(DD)
Fireworks, as determined by Fire Dept.			P		P	P	P				P	P	P	9.48.160
Mobile Sidewalk Vendors		P	P	P	P	P	P			P	P	P	P	
Parking Lot Sales			P		P	P	P	P			P	P	P	
Residences Rented for	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(DD)



EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Social Event (6 or less in 1 year)														
Residences Rented for Social Event (7 or more in 1 year)	C	C	C	C	C	C	C		C	C	C	C	C	
Temporary Surface Parking Lot		P	P		P	P	P		P					
District-Wide Regulations	18.06.060(R)				18.06.060(F)(2)	18.06.060(HH)	18.06.060(F)(2)							
<b>13. OTHER USES</b>														
Accessory Structures/Uses														
Adult Oriented Businesses			P										P	18.06.060(B)

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Agriculture	P	P	P	P					P	P	P	P	P	
Animals	P	P	P	P	P	P	P		P	P	P	P	P	18.06.060(C)
Cemeteries	C	C	C	C					C	C	C		C	
Conference Center			P		P	P	P						P	
Fraternal Organizations		P	P		P	P	P		P/C 18.06.060(I)	P	P	P	P	
Gambling Establishments			C											
Garage/Yard/Rummage and Other Outdoor Sales	P	P	P	P	P	P	P		P	P	P	P	P	5.24
Home Occupations	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)
Parking Facility,		P	P		P	P	P			P	P	P	P	18.04.060(I)

EXHIBIT E

PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
Commercial							18.06.060 (S)					18.06.060 (S)		V)
Places of Worship	C	C	P	C	P	P	P		C	C	C	P	P	18.04.060(U)
Racing Pigeons	C	C	C	C					C	C	C	C	C	18.04.060(Y)
Satellite Earth Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	18.44.100
Schools	C	C	P	C	C	C	C		C	C	C	P	P	18.04.060(DD)
Utility Facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	18.04.060(X)
Wireless Communications Facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	18.44

LEGEND			
P = Permitted Use	PO/RM = Professional	GC = General Commercial	HDC-1=High Density Corridor-1

EXHIBIT E

<b>LEGEND</b>			
MS = Medical Services	Office/Residential Multifamily	UW = Urban Waterfront	HDC-2=High Density Corridor-2
DB = Downtown Business	AS=Auto Services	UW-H = Urban Waterfront-Housing	HDC-3=High Density Corridor-3
C = Conditional Use	NR = Neighborhood Retail	CSH = Commercial Services-High Density	HDC-4=High Density Corridor-4

**18.06.040 Permitted, conditional and prohibited uses****A. PERMITTED AND CONDITIONAL USES.**

Table 6.01, Permitted and Conditional Uses, identifies land uses in the commercial districts which are permitted outright (P) or subject to a Conditional Use Permit (C). The applicable requirements for these uses and activities are identified by a number referencing the list of use regulations under Section 18.06.060, Use Standards. Numbers listed under the heading Applicable Regulations apply to the corresponding land use in all of the commercial districts. Regulations that pertain only to a specific use in a specific district are identified by a number in the space corresponding to that use and district. (Also see Section 18.06.080, Development Standards--General, and 18.06.100, Development Standards--Specific.)

**B. PROHIBITED AND UNSPECIFIED USES.**

Land uses which are not listed as permitted or conditional uses are prohibited unless authorized by the Director of Community Planning and Development (or the Hearing Examiner on appeal) consistent with Section 18.02.080, Interpretations. However, in no event shall secure community transition facilities be permitted.

**18.06.060 Commercial districts' use standards****A. Accessory Uses and Structures.**

Only those uses that meet the definition of an Accessory Use as defined under this chapter will be permitted in the zones outlined in the tables of this chapter.

**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 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 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 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 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 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 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 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.
- 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 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 18.06.060(B)(1)(c) and (d) shall 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 18.06.060(B)(1)(f) of this code regarding waiver of distance requirements; provided, that notice requirements shall conform with the provisions of Section 18.78.020 of the Olympia Municipal Code; and provided further, that the owner seeking to expand a sensitive use specified in Subsections 18.06.060(B)(1)(c) or (d) into a separation area provided herein need not procure a waiver of distance requirement under (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.

C. Animals. All Commercial Districts:

1. Quantity. No more than three (3) pets, such as dogs, cats, hens, and untraditional pets (e.g., potbelly pigs and rabbits), four (4) months of age or older, shall be permitted per dwelling unit. (Traditional pets are defined as a species of animals which can be house-broken, or walked on a leash, or are frequently, but not necessarily, housed within a residence and are neither obnoxious nor a public safety or health threat.)

2. Birds. Song birds or other traditional pet birds (e.g., parrots) are permitted. Fowl, such as roosters, ducks and geese, are prohibited. [NOTE: The keeping of racing and performing pigeons is permitted as a conditional use.]

3. Other Animals. Swine, other than potbelly pigs, and goats are prohibited. The keeping of other animals and pets, which are not specifically prohibited in this section is permitted, provided that:

a. There shall be no more than one (1) animal per acre, in addition to those animals/pets permitted in Subsection C.1 above; and

b. Such animals shall be confined within a suitably fenced area which shall be located no closer than fifty (50) feet from any property line; and

c. The keeping of such animals does not constitute a nuisance or hazard to the peace, health or welfare of the community in general and neighbors in particular.

D. Banks.

1. High Density Corridor-3 (HDC-3) Requirements. Banks which offer only drive-through service (i.e., which serve customers exclusively in or on their vehicles) are not permitted.

2. Urban Waterfront (UW) and Downtown Business (DB) District Requirements. Drive-through banks may be permitted with a conditional use permit if the proposed project meets the Street Edge Development Standards of the Pedestrian Streets Overlay District, Chapter 18.16 OMC. The proposed project may be exempted from the Pedestrian-Oriented Street Wall Requirement under the "Pedestrian Streets Overlay District Requirements" if it is found that:

a. The proposed design meets the intent of the Pedestrian Streets Overlay District, "Pedestrian Streets Overlay District Requirements"; and

b. The building site presents unusual conditions which require an alternative design to accomplish the intent of the Pedestrian Streets Overlay District, "Pedestrian Streets Overlay District Requirements."

E. Bed and Breakfast Houses. Professional Office/Residential Multifamily (PO/RM), High Density Corridor-1 (HDC-1), General Commercial (GC), High Density Corridor-4 (HDC-4), and Medical Services (MS) districts

requirements: All Bed and Breakfast Houses are subject to the Bed and Breakfast House requirements in residential districts, Section 18.04.060(L)(3)(c).

F. Drive-Through and Drive-In Uses.

1. High Density Corridor-3 (HDC-3) Requirements. Businesses which serve customers exclusively in their vehicles are prohibited. This includes uses such as drive-through laundry pick-up agencies, drive-through-only banks, and drive-through photo processing services. This does not include car washes. Restaurants are not permitted to have drive-up or drive-through facilities.
2. Downtown Business and Urban Waterfront (UW) Requirements. Drive-through and drive-in uses are prohibited as a primary or accessory use (exception: drive-through banks are a conditional use). Existing drive-in and drive-through restaurants permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations or conditional use requirements. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

3 Pedestrian Streets and Drive-Through or Drive-In Uses. Drive-through and drive-in uses are allowed on parcels that abut pedestrian oriented streets, as follows:

- a. A Streets: Drive-through or drive-in uses are permitted on parcels abutting Pedestrian Oriented A Streets when there is another building(s) or a designated pedestrian plaza or other gathering space located between the drive-through or drive-in building and the street. In the event a pedestrian plaza or gathering space is located between the building and an "A" Street, provisions to prevent vehicles from entering the plaza or gathering space shall be provided (e.g. curb and a landscaped area, bollards, low masonry wall).
- b. B Streets: Drive-through lanes are prohibited between the pedestrian oriented street and the building. Drive-through lanes may be located to the side or rear of the building when designed for the safety of pedestrians or bicyclists on the sidewalk or other internal designated routes for pedestrians and/or bicyclists.

G. Public Facilities, Essential.

1. Regulations applicable to all commercial zoning districts. Essential public facilities are subject to the procedures and conditions listed in Section 18.04.060(W), as well as any other applicable provisions of this Title.
2. Community Retail District (CMR) and Professional Office/Residential Multifamily District (PO/RM) Regulations. "Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities" (see Table 6.01 above) shall be limited to office uses.
3. General Commercial District (GC), High Density Corridor-4 (HDC-4), Urban Waterfront (UW), and Downtown Business District (DB) Regulations. "Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities" (see Table 6.01 above) shall be limited to those office uses, industrial uses, recreation and culture uses otherwise allowed in these districts. In addition to the requirements for Essential Public Facilities, these uses shall meet all other applicable regulations of this Chapter and Title.

H. Food Stores. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: Food stores are allowed up to a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.



- I. Fraternal Organizations. Fraternal organizations are permitted within the CSH zone district under the condition that if alcohol is served, the use shall be subject to all requirements governing nightclubs, taverns and lounges (see Section 18.06.060(P) Nightclubs and Taverns, below).
- J. General Merchandise Stores. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: General Merchandise stores shall have a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.
- K. Group Homes.
1. General requirements for group homes are identified in subsection 18.04.060(K).
  2. Downtown Business District (DB) Requirements. There is no minimum lot size for group homes with up to twenty (20) unrelated residents, exclusive of on-site operators.
  3. General Commercial District (GC), High Density Corridor-3 (HDC-3), High Density Corridor-4 (HDC-4), and Medical Services District (MS) Requirements. The Hearing Examiner may relax the minimum lot size standard in paragraph 18.04.060(K)(3) where the characteristics of the home so warrant.
- L. Health Fitness Centers and Dance Studios. Professional Office/Residential Multifamily (PO/RM), High Density Corridor-1 (HDC-1), and High Density Corridor-2 (HDC-2) District Requirements: These uses shall have a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.
- M. Industry, Heavy. CW - 1 Zone District: Manufacturing, compounding, processing, treatment or assembly of products--except those which cause excessive danger or offense--is permitted within this district. Heavy industrial uses are not permitted south of Corky Street.
- N. Industry, Light.
1. Urban Waterfront (UW) Requirements. Light industry is a permitted use east of Washington Street. It is a conditional use west of Washington Street.
- O. Laundry and Laundry Pick-Up Agency. High Density Corridor-3 (HDC-3) Requirements: No drive-through facilities are allowed for drop-off or pick-up of laundry.
- P. Nightclubs and Taverns. Commercial Services - High Density (CS-H) District Requirements: Night clubs, taverns and lounges are a conditional use, subject to the following conditions:
1. Setback. No building shall be located closer than sixty (60) feet from a property line abutting a residential use.
  2. Noise Insulation. The building shall be of sound-reducing construction that will assure compliance with the sound emission requirements of Section 18.40.080, Property Protection Standards.
  3. Loudspeakers. There shall be no outside loudspeakers.
- Q. On-Site Treatment and Storage Facilities for Hazardous Waste. Urban Waterfront (UW) District Requirements: These facilities are allowed only as an accessory use, subject to siting criteria pursuant to Chapter 70.105 RCW.
- R. Operating Hours - Neighborhood Retail (NR) District. Operating hours for businesses in the NR District shall be limited to the hours between 6:00 a.m. and 11:00 p.m. A later opening time and/or an earlier closing time may be required if necessary to assure compatibility with the adjacent residential neighborhood.

S. Parking Facilities and Garages.

1. High Density Corridor-3 (HDC-3) Requirements. Parking lots established as separate, primary uses are a conditional use. The proposed parking lot shall exclusively serve specifically identified uses in or adjacent to the district to accommodate shared employee or customer parking or off-site employee parking. The uses served by the lot may change over time.

2. Downtown Business District (DB) Requirements. Public plazas, temporary surface parking lots (See OMC 18.04.060(EE)(1)(h)), or structured parking is permitted. Parking lots not associated with a permitted or conditional use are prohibited. All existing parking lots permitted before January 1, 1994, are conforming uses. Such lots shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

T. Residential Restrictions in the Medical Services District (MS). Residential uses may not be constructed within six hundred (600) feet of Lilly Road except above the ground floor in mixed use buildings.

U. Restaurants.

1. Downtown Business (DB) District Requirements. New drive-in and drive-through restaurants are not permitted. All existing drive-in and drive-through restaurants permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

2. Medical Services (MS) District Requirements. Restaurants may be allowed as a conditional use where it can be demonstrated that the medical community or the consumers of medical services are clearly and primarily benefitted by the convenience of the facilities.

3. Restaurants in the Neighborhood Retail District shall be limited to one thousand (1000) square feet of gross floor area and shall not require nor include a Type I Hood as defined in the Uniform Mechanical Code.

V. Recycling Facilities. Only Type I Recycling Facilities are allowed in the following districts: Neighborhood Retail (NR), Community Retail (CMR), Professional Office/Residential Multifamily (PO/RM), Medical Services (MS), Urban Waterfront (UW), High Density Corridor-1 (HDC-1), High Density Corridor-2 (HDC-2), High Density Corridor-3 (HDC-3), High Density Corridor-4 (HDC-4), and Commercial Services-High Density (CS-H).

W. Electric Vehicle Infrastructure, Service Stations and Car Washes.

1. High Density Corridor-3 (HDC-3) District Requirements. Car washes are permitted only in conjunction with a service station.

2. High Density Corridor-3 (HDC-3) and High Density Corridor-4 (HDC-4) District Requirement. Service stations and car washes are not permitted to locate on corner properties at intersections. Services stations and car washes vested before January 20, 2001 are conforming uses.

3. Downtown Business District (DB) Requirements.

a. Service stations, car washes and accessory uses are not permitted, except on those properties located south of Union Street and east of Plum/Henderson (see Figure 6-1) or where otherwise listed as allowed under this section. This also applies to gasoline dispensing facilities accessory to a permitted use.

- b. All existing service stations permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations.
- c. Detached drive-thru restaurants of less than 200 square feet without Type I hoods are permitted as an accessory use to service stations in this District.
- d. Electric Vehicle Infrastructure is permitted as an accessory use in the Downtown Business District if it meets the criteria set forth in OMC 18.04.060GG.



**FIGURE 6-1**

Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

**4. Urban Waterfront (UW) Requirements.**

- a. New service stations and car washes are not permitted. This also applies to gasoline dispensing facilities accessory to a permitted use. EXCEPTION: gasoline dispensing facilities accessory to a marina or boat club are permitted.
- b. All existing service stations and car washes permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.
- c. Electric Vehicle Infrastructure is permitted as an accessory use in the Urban Waterfront (UW) District if it meets the criteria set forth in OMC 18.04.060GG.

**5. Neighborhood Retail District (NR) and Community Retail (CMR) District Requirements.** State or regional transportation facilities shall be linear facilities only, such as roads or railroads.

- a. Underground petroleum storage tanks are prohibited within the Allison Springs aquifer recharge area.

b. No more than four (4) gas dispensing devices serving a maximum of eight (8) vehicles at one time are permitted at convenience stores/gas stations in the CMR District.

c. No more than two (2) gas dispensing devices serving a maximum of four (4) vehicles at one time are permitted at convenience stores in the NR District.

6. Urban Waterfront Housing (UW-H) Requirements.

a. Electric Vehicle Infrastructure is permitted as an accessory use in the Urban Waterfront Housing (UW-H) District if it meets the criteria set forth in OMC 18.04.060GG.

X. School - Colleges and Commercial, Business or Trade Schools. The following requirements apply to all colleges and commercial, business or trade schools requiring a Conditional Use Permit hereafter erected, established or relocated.

1. Lot Size. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a school in excess of four (4) students shall be based upon a determination made by the Hearing Examiner.

2. Setbacks. Setbacks and screening shall be sufficient to protect neighboring uses.

3. Traffic. The Hearing Examiner shall set such conditions as may be necessary to limit traffic impacts to levels that will be compatible with the neighborhood. If the traffic to be generated cannot be adequately mitigated without adverse impacts, the permit shall be denied.

Y. Specialty Stores.

1. High Density Corridor-3 (HDC-3) District Requirements. No drive-through facilities are allowed for retail uses, such as a pick-up window for photo processing.

2. Medical Services (MS) District Requirements. Retail developments such as florists, gift shops and the like may be allowed as a conditional use where it can be demonstrated that the medical community or the consumers of medical services are clearly and primarily benefitted by the convenience of such retail facilities.

3. Neighborhood Retail (NR) District Requirements. Specialty stores are limited to those selling such items as gifts, antiques, variety goods, light hardware, hobby supplies, garden supplies, reading materials and other small items used primarily in a private home.

4. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements. Specialty stores shall have a maximum gross floor area of five thousand (5,000) square feet. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

Z. Temporary Uses.

1. Intent. Certain uses, when active for a limited period of time and when properly regulated, can be compatible, or otherwise limited in impact to neighboring properties and the general community. In accord with this intent, no temporary use shall be allowed unless a temporary use permit is approved by the City as prescribed by this section. Each separately proposed activity or use shall require a separate permit and pay the fee required by OMC 4.40.010(A).

2. General Standards. Temporary uses are subject to the following regulations:

- a. Temporary uses not listed in the use table of this chapter may be authorized by the applicable approval authority, provided such temporary uses are similar to and no more intensive than other temporary uses permitted in the district in which the subject property is located.
  - b. The applicable approval authority may apply additional conditions to any temporary use permit in order to:
    - i. Ensure compliance with this chapter;
    - ii. Ensure that such use is not detrimental to neighboring properties and the community as a whole; and
    - iii. Ensure compliance with the Building Code.
  - c. Within three (3) days after termination of the temporary use permit, such use shall be abated and all structures, signs and evidence of such use removed. The Director may require a financial surety be posted by the applicant upon application to defray the costs of cleanup and repair of the property should the permittee fail to do so. The property owner is responsible for such abatement action and costs should the permittee fail to properly clean and repair the property.
  - d. Temporary use permits not exercised within thirty (30) days of issuance shall be null and void.
  - e. Unless otherwise stated in this section temporary use permits are valid from the date of issuance for ninety (90) consecutive days per calendar year.
  - f. Unless otherwise stated in this section no more than two (2) temporary use permits will be issued for any specific site per calendar year.
  - g. Nothing in this section shall exempt the applicant from obtaining all necessary applicable permits from all other agencies having jurisdiction.
  - h. Hours of operation, including the use of generators and lot lighting, excluding security lighting, shall be limited to 7:00 a.m. to 10:00 p.m. unless otherwise specified in writing by the Planning Director or his designee. Security lighting shall be shielded to prevent light spillage onto adjacent properties.
3. Specific Temporary Use Standards. The following temporary uses are permitted in commercial districts and the Evergreen Park PUD, subject to the following regulations:
- a. Entertainment Events to include: circuses, carnivals and similar transient amusement enterprises, limited to operation of not more than twice each year, and not more than ten (10) consecutive days per event per site in any one (1) calendar year.
  - b. Off-site contractor's Offices (including trailers and mobile homes) and storage yards associated with an active construction project, not to exceed one (1) year in duration.
  - c. Mobile Vendors.
    - i. Temporary use permits for mobile vendors are valid for one (1) year from the date of issuance.
    - ii. Approval from the property owner, or underlying property owner if located in a right-of-way, is required.
    - iii. Mobile vendors located within the sidewalk right-of-way must comply with the following rules:

- (a). Only one mobile sidewalk vendor shall be permitted per block face.
  - (b). Public sidewalks used by mobile vendors shall have a minimum width of eight (8) feet.
  - (c). In no instance shall the clear walking area around a sidewalk vendor be less than forty-eight (48) inches. The clear walking area around a sidewalk vendor must be at least six (6) feet if within the downtown "Pedestrian Walking Lane" area delineated in OMC 9.16.180(B), Figure 1.
  - (d). The maximum length of space occupied by a mobile sidewalk vendor and equipment is eight (8) feet.
  - (e). Mobile sidewalk vendor stands must be readily movable at all times.
  - (f). Mobile sidewalk vendors shall locate their stands at the back of the sidewalk away from curb.
  - (g). All locations shall be approved on a first-come, first-serve basis.
  - (h). Mobile sidewalk vendors shall sign a Hold Harmless Agreement with the City of Olympia.
- d. Parking lot and other outdoor sales of merchandise and/or services unrelated to the primary use of the property must comply with the following:
- i. Merchandise displays may only occupy parking stalls which are in excess of city parking requirements.
  - ii. There shall be no obstruction of emergency exits, Fire Lanes or other Emergency apparatus.
  - iii. Sales areas shall be maintained in an attractive and trash-free manner.
  - iv. Sales areas shall not substantially alter the existing circulation pattern of the site.
- e. Temporary, commercial wireless communications facilities, for the purposes of providing coverage of a special event such as news coverage or sporting event. Such facilities must comply with all federal and state requirements. Temporary wireless communications facilities may be exempt from the provisions of Chapter 18.44 up to one week after the duration of the special event.
- f. Temporary surface parking lots on previously developed property are allowed subject to approval by the Director, and are limited to a one time permit valid for two years. A one year extension may be granted by the Director if a complete Land Use Application has been submitted for review. All applications must provide a complete Site Plan and comply with the following:
- i. A twenty by twenty (20'x20') foot paved surface at all approved points of ingress/egress.
  - ii. A dust-free surface.
  - iii. An erosion control and stormwater containment plan.

- iv. Clear designation of parking spaces and drive aisles consistent with OMC 18.38.220 with striping and/or parking blocks. To prevent obstruction of public rights-of-way wheel blocks must be provided at the perimeter of the site.
- v. No new or additional points of access.
- vi. Provision for an enforceable compliance and closure agreement.
- vii. May not be established on Pedestrian "A" streets per OMC 18.16.080(H).

4. Violations. At any time a temporary use is operated in violation of required conditions of this section or of the permit (Subsection 18.06.060(Z)(2)(b)) or otherwise found to constitute a nuisance, the City may take appropriate enforcement action including the process set forth at OMC 18.73.010.

AA. Warehousing.

1. Urban Waterfront (UW) District Requirements:

- a. East of Adams Street and north of Olympia Avenue.
  - i. Warehousing is a permitted use.
- b. Elsewhere in the District:
  - i. Warehouses are prohibited except when part of a larger project and included within the proposed building.
  - ii. All existing warehouses permitted before January 1, 1994, are conforming uses. Such warehouses shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

BB. Wholesale Sales. The following Conditional Use Permit restrictions apply to wholesale uses:

1. Urban Waterfront (UW) District Requirements. Wholesale sales are a permitted use in those portions of the UW District which are not within the Pedestrian Streets Overlay District (see Chapter 18.16). In those portions of the UW District which are within the Pedestrian Streets Overlay District, wholesale sales may be allowed as a conditional use if the proposed project meets the Street Edge Development Standards of the Pedestrian Streets Overlay District. The proposed project may be exempted from the Pedestrian-Oriented Street Wall Requirement if:

- a. The proposed design meets the intent of the Chapter; and
- b. The building site presents unusual conditions which require an alternative design to accomplish the intent.

2. Commercial Services - High Density (CS-H) District Requirements. Permitted uses include those which offer specialized products at wholesale to other uses permitted in this district, including, but not limited to, office machine sales and repair services, and office supply sales.

CC. Marinas. Urban Waterfront (UW) District Requirements: As an accessory use, marinas may provide sites for recreational vehicles for users of the marina, at a rate of up to 1.5 sites per 100 mooring slips. These sites shall be provided with hook-ups for water, sewer, and electricity. Users of these sites shall be limited to two (2) weeks occupancy per year.

DD. Office Supplies and Equipment. High Density Corridor-1 (HDC-1), and Professional Office/Residential Multifamily District (PO/RM) Requirements. Office supplies and equipment stores shall have a maximum gross floor area of five thousand (5,000) square feet. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

EE. Pharmacies and Medical Supply Stores. High Density Corridor-1 (HDC-1), and Professional Office/Residential Multifamily District (PO/RM) Requirements. Pharmacies and medical supply stores shall have a maximum gross floor area of five thousand (5,000) square feet. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

FF. Equipment Rental Services. Existing equipment rental services legally established as of July 2001 are conforming uses in the PO/RM District and shall be treated the same as other allowed uses, consistent with applicable regulations. In the PO/RM area west of Yauger Road adjacent to Harrison Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

GG. Drinking Establishments. Existing drinking establishments legally established (as of July 2001) are conforming uses in the PO/RM District and shall be treated the same as other allowed uses, consistent with applicable regulations. In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

HH. Urban Waterfront Housing. Up to a maximum of 1 FAR (floor area ratio) can be made up of allowed uses other than residential. (Refer to Pedestrian Street Overlay District 1816.060(B) for amount and location of commercial uses in a predominantly residential project on "A" streets.)

II. Veterinary Clinic and Office, Veterinary Clinic. Downtown Business (DB), Medical Services (MS), High Density Corridor-1 (HDC-1), and Professional Office/Residential Multifamily District (PO/RM) Requirements. Animals shall be kept indoors except for very brief periods of time as necessary for the animal's health.

#### **18.06.080 Commercial districts' development standards (General)**

A. General Standards. The standards contained in Table 6.02 (Commercial Districts' Development Standards) relating to lot area, building setbacks, development coverage, building coverage, and building height apply to commercial districts as indicated. They may be a minimum requirement (e.g. minimum lot size), or a maximum allowance (e.g., maximum height). Many of the standards in Table 6.02 are summaries of more detailed information found in Section 18.06.100, Specific Development Standards.



EXHIBIT E

18.06.080 TABLES: Commercial Districts' Development Standards

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MINIMUM LOT SIZE	7,200 Sq. Ft.	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = multifamily 4,000 = other	No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = multifamily 4,000 = other	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = multifamily 4,000 = other	No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	See also 18.06.100(D) for regulations on existing undersized lots of record.
FRONT YARD SETBACK	See City-Wide Design Guideline: "Building Design - Orientation & Form of	10' maximum, if located in a High Density Corridor; 10' minimum otherwise.	5' minimum for residential otherwise none.	0-10' See 18.06A.180	0-10' See 18.06A.180	0-10' See 18.06A.180	0-10' See 18.06A.180	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets.

EXHIBIT E

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
	Commercial & Public Buildings," 18.20.090.							2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. Must comply with site design standards, Chapter 18.06A.180.
REAR YARD SETBACK	15' minimum.	10' minimum; Except: 1. Next to an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR	10' minimum; Except: 1. Next to single-family use or an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates	10' minimum; Except: 1. Next to an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates	10' minimum; Except: 1. Next to single-family use or an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-	10' minimum; Except: 1. Next to single-family use or an <u>RLI</u> , R4, R4-8, or R6-12 district - 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with site design standards,

EXHIBIT E

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
		7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	HDC-1 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	HDC-2 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24, or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	Chapter 18.06A.180.
SIDE YARD SETBACK	15' minimum.	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each	No Minimum; Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor	No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-	No Minimum; Except: 1. Next to <u>RLI</u> , R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle

EXHIBIT E

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
		building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each building floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures; 5' except 6' on one side of zero lot.	18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures; 5' except 6' on one side of zero lot.	requirements, Section 18.40.060(C). 3. Residential sideyards can be reduced consistent with 18.04.080(H)(5). 4. Must comply with site design standards, Chapter 18.06A.180.
MAXIMUM BUILDING HEIGHT	Up to 35', whichever is less.	Up to 35', if any portion of the building is within 100' of R	Up to 35', if any portion of the building is within 100' of R 4, R 4-	The portion of a building within 100' of land zoned for maximum	The portion of a building within 100' of land zoned for maximum	The portion of a building within 100' of land zoned for maximum	The portion of a building within 100' of land zoned for maximum	1. Not to exceed height limit set by State Capitol Group Height

EXHIBIT E

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
		4, R 4-8, or R 6-12 district; Up to 60' otherwise.	8, or R 6-12 district; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential.	density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district. Up to 60' otherwise. Provided that one additional story may be built for residential development only.	density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district. Up to 60' otherwise. Provided that one additional story may be built for residential development only.	density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district. Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to	density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district. Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to	District, 18.10.060, for properties near the State Capitol Campus. 2. Must comply with site design standards, Chapter 18.06A.180. 3. HDC-1 and HDC-2 additional story must comply with OMC 18.06.100.A.6.

EXHIBIT E

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
						75', if at least one story is residential.	75', if at least one story is residential. See 18.06A.251(4) Significant Building Entry tower exemption (allows an additional 30' for a tower element at Capital Mall). Up to 75' for HDC-4 zoned properties where the proposed project provides for the development of replacement dwelling units in a development agreement and the project site is	

EXHIBIT E

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
							all or part of an area of 40 acres or more that was in contiguous common ownership in 2009.	
MAXIMUM BUILDING COVERAGE	45%	70%, except 55% for residential only structures	70%; or 85% if at least 50% of the required parking is under the building.	70% for all structures	70% for all structures	70% for all structures, 85% if at least 50% of the required parking is under the building.	70% for all structures. 85% of the site if at least 50% of the required parking is under the building. On redeveloped sites, 85% if at least 50% of new required parking is under the building or in a structured parking	Must comply with site design standards, Chapter 18.06A.180. <u>For projects in the GC and HDC-4 zones west of Yauger Way, limitations of building size per 18.06.100(C) and 18.130.020 apply.</u>

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TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
							form. 85% for HDC-4 zoned properties where the proposed project provides for the development of replacement dwelling units in a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009.	
MAXIMUM DEVELOPMENT	60%	85%, except 75% for	85%	85% for all structures	85% for all structures	85% for all structures	85% for all structures	Must comply with site design



EXHIBIT E

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
COVERAGE		residential only structures						standards, Chapter 18.06A.180.
ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS	Maximum building size (gross sq. ft.): 3,000 for single use; 6,000 for mixed use.	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(ÐÐ) and Figure 6-3).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(ÐÐ)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(ÐÐ)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(ÐÐ)).	Building Floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(ÐÐ)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(ÐÐ)).	For properties in the vicinity of the <u>Downtown</u> or <u>Kaiser Road and Harrison Ave NE</u> , also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area, see Section 18.06.100(G) Large Scale Retail Uses. <b>EXCEPTION:</b>

EXHIBIT E

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
								Section 18.06.100(G) shall not apply to motor vehicle sales.

LEGEND		
NR = Neighborhood Retail GC = General Commercial	PO/RM = Professional Office/Residential Multifamily	HDC-1=High Density Corridor-1 HDC-2=High Density Corridor-2 HDC-3=High Density Corridor-3 HDC-4=High Density Corridor-4

EXHIBIT E

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MINIMUM LOT AREA	7,200 Sq. Ft.	No minimum.	No minimum.	No minimum.	7,200 Sq. Ft. if bldg. height is 35' or less. 12,500 Sq. Ft. if bldg. height is over 35'.	No minimum.	
FRONT YARD SETBACK	10' maximum.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	No minimum.	30' minimum for buildings; 15' for other structures except signs	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. See Design Guidelines, Chapter 18.100.

EXHIBIT E

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
REAR YARD SETBACK	15' minimum; If next to a residential zone, 15' minimum plus 5' for every story over 3 stories.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories.	15' minimum.	50' minimum from property line for agriculture buildings (or structures) which house animals other than pets.
SIDE YARD SETBACK	10' minimum; 15' minimum plus 5' for every story over 3 stories if next to a residential zone.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories; AND the sum of the 2 side yards shall be no less than 1/2 the building height.	5' minimum 30' minimum for buildings and 15' minimum for other structures from flanking streets.	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. See Design Guidelines, Chapter 18.100.

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TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MAXIMUM BUILDING HEIGHT	75'; except hospitals, which may exceed that height.	See Figure 6-2, Urban Waterfront District Height Limits Exceptions: 1) In the portion of the area Downtown with a height limit of 65', two additional residential stories may be built. See 18.06.100(A)(2)(b). 2) In the portion of the area on West Bay Drive with a height limit of 42' to 65', the taller height limit is conditioned upon the provision of certain waterfront amenities. See 18.06.100(A)(2)(c).	Refer to Figure 6-2 and 6-2B for specific height and building configurations required on specific blocks.	75'; PROVIDED, however, that two additional stories may be built, if they are residential. There are also restrictions around Sylvester Park. For details, see 18.06.100(C)(6) Height, Downtown Business District.	75' Exception: Up to 100' may be allowed with conditional approval by the City Council, upon recommendation of the Hearing Examiner. For details, see 18.06.100(C)(5), Height, Commercial Services-High Density.	40' accessory building limited to 20'.	Not to exceed height limit set by State Capitol Group Height District, 18.10.060, for properties near the State Capitol Campus.
MAXIMUM BUILDING COVERAGE	50%	60% for properties between the shoreline and the nearest upland street.	100%	No requirement.	No requirement.	85%	

EXHIBIT E

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
		100% for properties not between the shoreline and the nearest upland street. See also Chapter 18.100 for design guidelines for pedestrian access and view corridors.					
MAXIMUM DEVELOPMENT COVERAGE	65%	100% development coverage.	100%	100%	100%	85%	
ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(F). Residential uses (Section 5 of	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to Section 12.16.050(D) OMC. See also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access;	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to OMC Section 12.16.050(D).		Residential uses must comply with High Rise Multi-family (RM-H) development standards.	6' of sight-screening buffer shall be provided along north, east, and west district boundaries. See Olympia Park Replat covenants for access, and	For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area, see Section 18.06.100 (G) Large

EXHIBIT E

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
	<p>Table 6.01) may not be constructed within 600 feet of Lilly Road except in upper stories of mixed use building; all other development standards are the same as for commercial uses.</p>	<p>Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(c) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors. See also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(c) for West Bay Drive building height</p>				<p>other standards applicable to replat lots.</p>	<p>Scale Retail Uses. EXCEPTION: Section 18.06.100 (G) shall not apply to motor vehicle sales.</p>

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
		and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors.					

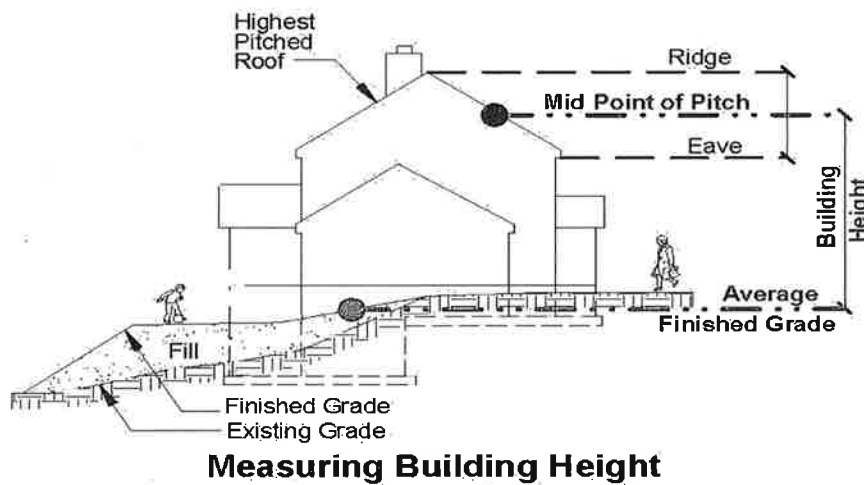
LEGEND		
MS = Medical Services	CS-H = Commercial Services - High Density	UW = Urban Waterfront UW-H = Urban Waterfront-Housing AS=Auto Services
DB = Downtown Business		



**18.06.100 Commercial districts' development standards--Specific**

**A. Height.**

1. Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smoke stacks, wireless masts, T.V. antennas, steeples and similar structures may be erected above the height limits prescribed in this Title, provided that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. This height exception does not apply to the additional story provision for residential development described in OMC 18.06.100.A.6. Provided, further, that no roof structure or architectural feature shall be erected more than eighteen (18) feet above the height limit of the district, whether such structure is attached to it or free-standing.



**FIGURE 6-1A**

**2. Urban Waterfront (UW) District.**

a. Allowed building heights in the Urban Waterfront (UW) District are specified in Figure 6-2.

b. Bonus for residential development.

i. In the area labeled sixty-five (65) feet on Figure 6-2, up to two additional stories may be built, if the project is located in the downtown, if the added stories are stepped back from the street wall at least eight (8) feet, and if floor area equal to the amount from the added stories is provided for residences:

- (a) In the same building--i.e., it is a residential or a mixed use building; or
- (b) With commercial and residential uses in separate buildings on the same site; or
- (c) With commercial and residential uses on separate sites within the Urban Waterfront (UW) district.

ii. Occupancy. Housing provided under this bonus provision as part of a mixed use project must receive an occupancy permit at the same time as, or in advance of, issuance of an occupancy permit for non-residential portions of the project.

iii. Conversion. Housing provided under this bonus provision shall not be converted to commercial use.

iv. Source of housing units. Housing provided under this bonus provision may be:

- (a) New construction,
- (b) Adaptive reuse of a formerly non-residential structure, or
- (c) Rehabilitation of existing housing.

c. West Bay Drive building height and view blockage limits.

i. In order to retain public and private view access to Budd Inlet from hillside sites above West Bay Drive, the maximum building height in the West Bay Drive portion of the Urban Waterfront (UW) District labeled " 42'-65' " on Figure 6-2 shall be up to a maximum of 42 feet, except as provided in subsections (iii) and (iv) below.

ii. In order to retain public view access of Budd Inlet from street level in the West Bay Drive portion of the Urban Waterfront (UW) District labeled " 42'-65' " on Figure 6-2, view blockage shall be limited as follows:

- (a) Views of the water will be defined as area without obstruction by buildings or major structures measured between 45 and 90 degrees to West Bay Drive, as illustrated in Figure 6-2A.
- (b) Said view blockage shall be limited to 45 percent of the views of the water from West Bay Drive by buildings or major structures located between West Bay Drive and the mean high water line.
- (c) Exceptions are provided in subsections (iii) and (iv) below.

iii. Development shall be subject to the alternate standards for building height and view blockage, if alternate waterfront view access is provided through public amenities as follows:

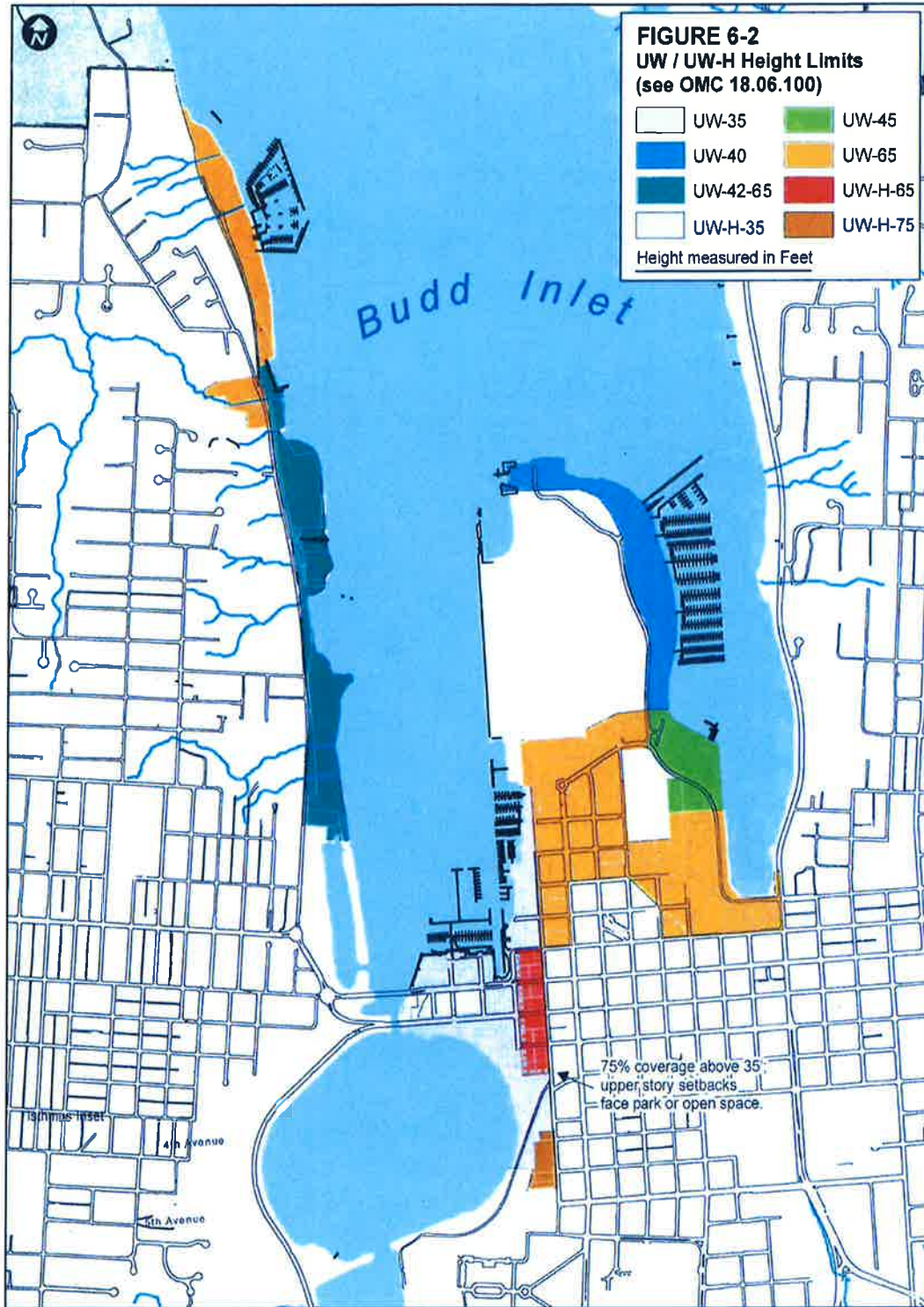
Amenity Provided	Limits on Horizontal View Blockage and Height
Waterfront Trail	70% up to 42 ft., OR 45% up to 65 ft.
Expanded Waterfront Trail Corridor Facility (or small waterfront park area).	50% up to 42 ft., OR 45% up to 50 ft.
Both	70% up to 65 ft.
Any development over 42 feet shall be required to include a minimum of 20% of the usable building area for residential purposes.	

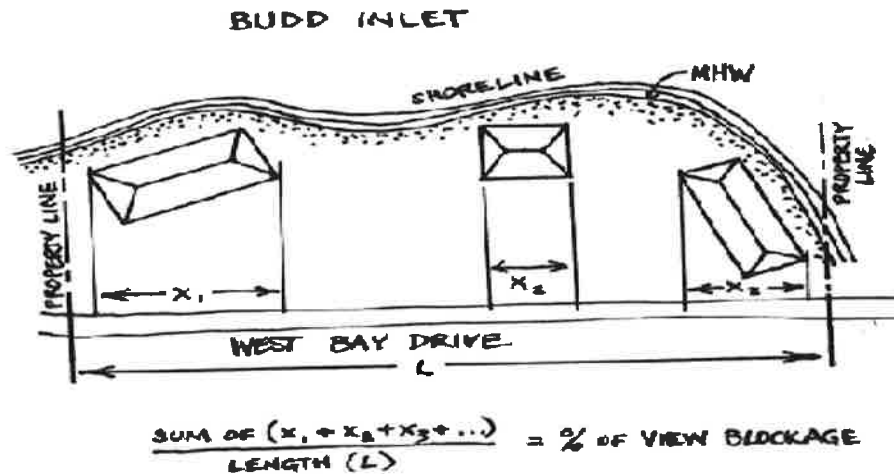
iv. Criteria for approval of alternate waterfront view access.

- (a) Waterfront Trail.

- (1) Trail right-of-way consistent with City trail standards shall be dedicated to the City.
  - (2) The trail shall be designed consistent with City standards and requirements, or as otherwise approved by the Olympia Parks, Arts and Recreation Department. Because the trail passes by different land uses, it may take a different character in different locations, for reasons of safety, privacy, or environmental protection.
  - (3) The developer shall design, build, and dedicate the facility to the City.
  - (4) An analysis of recreation needs shall be provided by the Olympia Parks, Arts and Recreation Department. An analysis of environmental impacts, hazardous waste risks, and engineering issues sufficient to determine the design and location for the trail facility shall be approved by the Olympia Parks, Arts and Recreation Department but provided by the developer. All analysis shall be complete prior to approval.
- (b) Expanded Waterfront Trail Corridor Facility or Small Waterfront Park.
- (1) The developer shall build and dedicate the facility and its site to the City.
  - (2) The expanded waterfront trail corridor facility or small park area shall be designed consistent with City and other applicable government standards and requirements, or as otherwise approved by the Olympia Parks, Arts and Recreation Department. The expanded waterfront trail corridor facility or small park may vary in size from City park standards and could include additional right-of-way for the expanded trail, landscaping, habitat enhancement, benches, lighting, parking, restrooms, garbage receptacles, telephones, interpretive signs and other park facilities.
  - (3) An analysis of environmental impacts, hazardous waste risks, trail improvements, and engineering issues sufficient to design the expanded waterfront trail corridor facility or small park area shall be approved by Olympia Parks, Arts and Recreation Department but provided by the developer. All analysis shall be complete prior to approval.
  - (4) The expanded waterfront trail corridor facility or small park shall have a publicly accessible connection to West Bay Drive, designed, constructed, and dedicated for public use by the developer.
- v. The view blockage rules shall be applied on a project-wide basis and not for each lot or parcel in a project, thus allowing projects providing more views on some lots to have more view blockage on other lots as long as the overall project meets the view blockage requirements.

Figure 6-2 Urban Waterfront and Urban Waterfront Height Limits



**FIGURE 6-2A****Calculating View Blockage in a portion of the Urban Waterfront District along West Bay Drive.**

3. Commercial Services-High Density. The maximum building height allowed is one hundred (100) feet. Provided, however, that no building or structure may exceed seventy-five (75) feet in height without conditional review and approval by the Hearing Examiner. Approval of structures exceeding seventy-five (75) feet in height shall meet the following criteria:

a. The building design shall be compatible with or enhance the physical characteristics of the site, the appearance of buildings adjacent to the site and the character of the district.

b. The site plan shall facilitate efficient and convenient circulation, shall include landscaping that creates a pleasing appearance from both within and off the site and shall be an asset to the community at large.

c. Enhancement of public view access or direct public access to usable open space areas shall offset any potential upland view loss which may occur as a result of the proposal.

4. Downtown Business District.

a. Building height allowed outright in the DB zone is seventy-five (75) feet.

b. Bonus for residential development.

c. Enhancement of public view access or direct public access to usable open space areas shall offset any potential upland view loss which may occur as a result of the proposal.

i. Buildings may exceed the height allowed outright (75 feet) by up to two (2) stories, if the added stories are stepped back from the street wall at least eight (8) feet, and if floor area equal to the amount from the added stories is provided for residences:

(a) In the same building--i.e., it is a residential or a mixed use building; or

(b) With commercial and residential uses in separate buildings on the same site; or

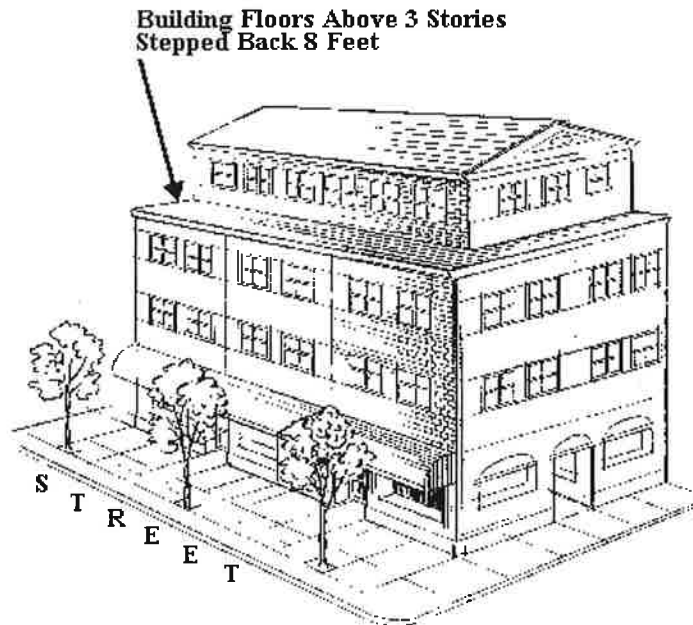
(c) With commercial and residential uses on separate sites within the Downtown Business (DB) zone.

- ii. Occupancy. Housing provided under this bonus provision as part of a mixed use project must receive an occupancy permit at the same time as, or in advance of, issuance of an occupancy permit for non-residential portions of the project.
  - iii. Conversion. Housing provided under this bonus provision shall not be converted to commercial use.
  - iv. Source of housing units. Housing provided under this bonus provision may be:
    - (a) New construction,
    - (b) Adaptive reuse of a formerly non-residential structure, or
    - (c) Rehabilitation of existing housing.
5. Urban Waterfront - Housing.
- a. Allowed building heights in the Urban Waterfront-Housing District are specified in Figure 6-2.
  - b. Required step backs and placement of step backs over 35 feet on specific blocks are specified in Figure 6-2.
6. High Density Corridor (HDC - 1 and HDC - 2).
- a. Building height allowed outright in the HDC-1 and HDC-2 zones as outlined in OMC 18.06.080, Table 6.02.
  - b. Additional story for residential development.
    - i. Additional story can only be allowed for those development that do not provide a mechanical "penthouse" room as allowed under the provisions of OMC 18.06.100.A. However, the additional story can be occupied with both residential development and mechanical equipment.
    - ii. Buildings may exceed the height allowed outright in OMC 18.06.080, Table 6.02, by one (1) story. The additional story cannot exceed fourteen (14) feet above the maximum allowable height requirement as specified in OMC 18.06.080, Table 6.02.
    - iii. The additional story must be stepped back at least eight (8) feet from any abutting street or any abutting residential zoning district. See OMC 18.06.100.B.2.
    - iv. Housing provided under this additional story as part of a mixed use project must receive an occupancy permit at the same time as, or in advance of, issuance of an occupancy permit for non-residential portions of the project.
    - v. Housing provided under this additional story provision shall not be converted to commercial use. Except that the residential units may conduct business activities under the provision for home occupations. See OMC 18.04.060.I.
    - vi. Housing provided under this bonus provision may be:
      - (a) New construction;
      - (b) Adaptive reuse of a formerly non-residential structure, or
      - (c) Rehabilitation of existing housing.

B. Upper Story StepBacks.

1. High Density Corridor-1 (HDC-1), Community Retail (CMR), High Density Corridor-2 (HDC-2), General Commercial (GC), High Density Corridor-4 (HDC-4), Medical Services (MS), and Professional Office/Residential Multifamily (PO/RM) District Requirements:

Building floors above three (3) stories which abut a street or residential district must be stepped back a minimum of eight (8) feet (see Figure 6-3).



**FIGURE 6-3**

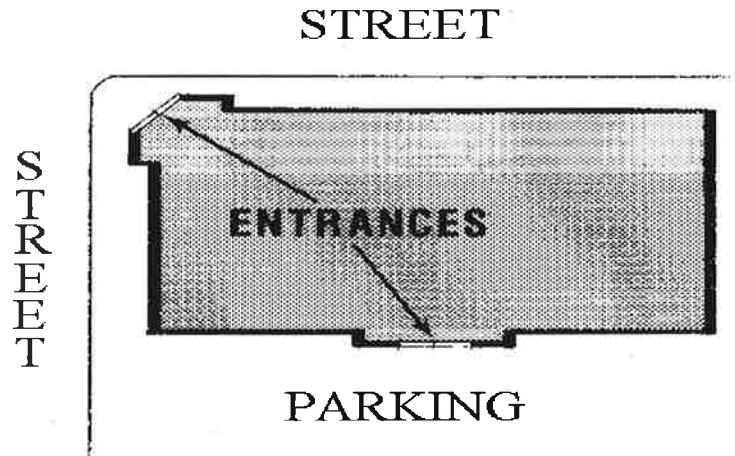
2. Additional Story Provision for HDC-1 and HDC-2. Projects within the HDC-1 and HDC-2 zoning districts which use the additional story provisions for residential development as outlined in OMC 18.06.100.A.6, must step the additional story back by a minimum of eight (8) feet. The step back is required for the additional story which abuts a street or residential district.

C. Large Scale Retail Uses. Retail uses over twenty-five thousand (25,000) square feet in gross floor area under common ownership or use shall meet the design requirements of this section. For purposes of this section, a retail use under common ownership or use shall mean a single establishment which shares checkstands, management, a controlling ownership interest, or storage areas, e.g., a plant nursery or a grocery store associated with a general merchandise store, such as a home improvement store.

In General Commercial and HDC-4 zones west of Yauger Way, single story or single use commercial retail space shall not occupy more than 60,000 square feet of enclosed building space on the ground floor, unless a development agreement is approved. These buildings shall be designed and oriented to provide for pedestrian and bicycle circulation throughout the site and to adjacent buildings and properties. A building larger than 60,000 square feet can be allowed when it is not directly adjacent to a street designated as an "A" street in the Pedestrian Street Overlay and if a development agreement is approved that at a minimum addresses:

- 1) Building orientation, massing, and use of high quality materials
- 2) Parking is located to the rear or side of the building, or is separated from the street by additional retail buildings
- 3) Pedestrian, bicycle, and vehicular circulation on site and connections to adjacent properties
- 4) Community assets, such as the multi-use trail identified in the Kaiser Harrison Opportunity Area Plan

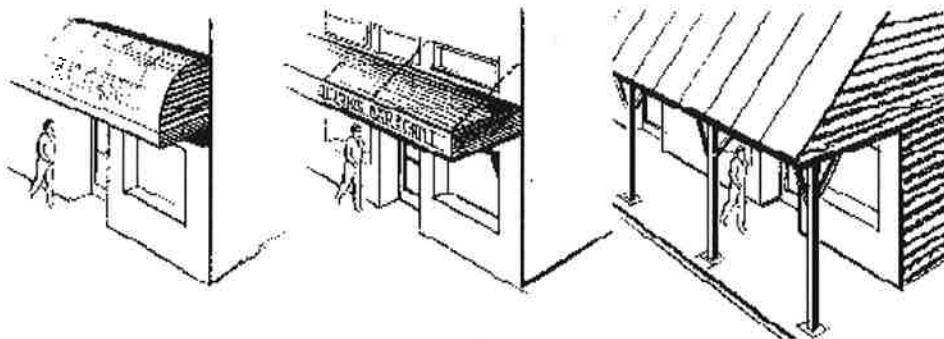
1. Customer entrances. Customer entrances shall be provided on each facade that faces an abutting street, customer parking, or a public park or plaza, up to a maximum requirement of three customer entrances per business occupancy. If there are two or more facades facing abutting streets, at least two such facades must provide a customer entrance. An entrance on a corner of the building may count as serving two facades. Such entrances shall provide both ingress and egress, and shall be double doors, not just single units. See Figure 6-4.



**Customer Entrances must be provided on facades facing abutting streets and parking. Example shows corner entrance serving two street facades, plus entrance serving parking.**

**FIGURE 6-4**

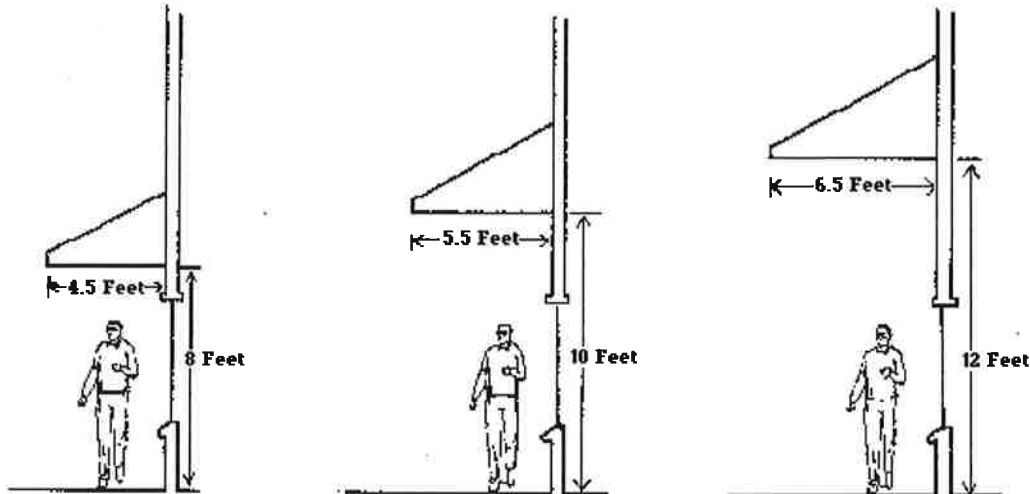
2. Rain protection. Awnings, canopies, marquees, arcades, building overhangs or similar forms of pedestrian weather protection, at least four and one half (4 1/2) feet wide, shall be provided over a pedestrian walkway along at least eighty (80) percent of any facade with a customer entrance. See Figure 6-5. Such weather protection shall be placed no less than eight (8) feet above the walkway. If placed more than eight (8) feet above the walkway, such weather protection shall be at least an additional six (6) inches in width for each additional foot of height, or portion thereof. See Figure 6-6. Development in the HDC-4 Capital Mall Area shall use design standards established for this area instead of the above rain protection regulation. See 18.06A.280 Building Design - B.4 Building elements.



**Rain Protection (L to R): Awning, Marquee, Arcade**

**FIGURE 6-5**





**Width of Rain Protection is determined by height above walkway.**

**FIGURE 6-6**

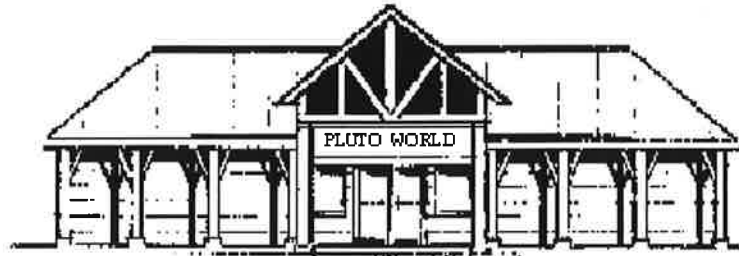
3. Wall articulation. Facades greater than fifty (50) feet in length shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending in the aggregate at least twenty percent (20%) of the length of the facade. No uninterrupted length of any such facade shall exceed fifty (50) horizontal feet. EXCEPTION: This requirement shall not apply to walls which:

- a. have no customer entrance; and
- b. are only visible from service areas, and not from nearby residences or from the customer parking lot or an abutting street.

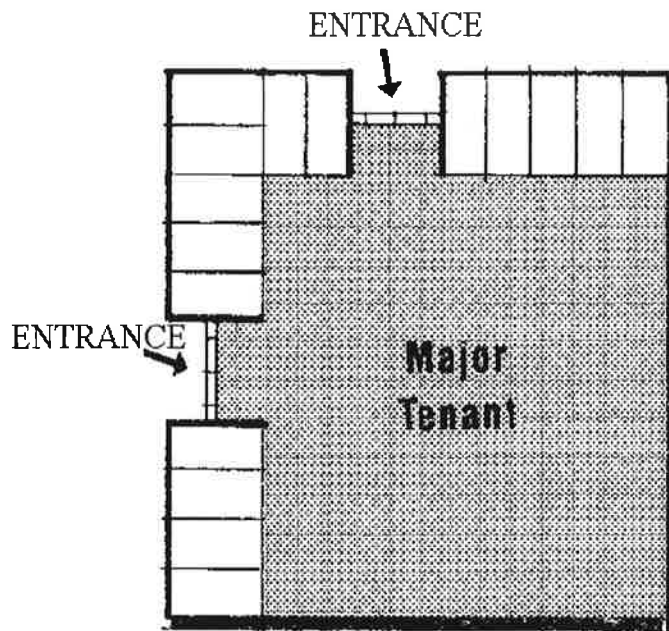
Development in the HDC-4 Capital Mall Area shall use design standards established for this area instead of the above wall articulation regulation. See 18.06A.280 through 18.06A.284, Building Design.

4. Frontage limit. The frontage per business occupancy shall be limited to one hundred (100) feet along any facade facing an abutting street, unless sixty percent (60%) or more of the facade between two (2) and eight (8) feet above the sidewalk is in transparent glazing; i.e., transparent windows, display windows, or transparent store doors (staff note: this would allow a major tenant to have lots of its own display windows, or to lease peripheral space to lots of small tenants, or to look like it was doing so, or to build added stories to get added floor area). See Figures 6-7 through 6-12. EXCEPTION: This requirement shall not apply to that portion of a facade where the average grade level of the sidewalk of the abutting street is 4 feet or more above or below the adjacent floor level of the building. See Figure 6-13.

Development in the HDC-4 Capital Mall Area shall use design standards established for this area instead of the above frontage limit. See 18.06A.280 through 18.06A.284, Building Design.



Example of building with 100' frontage, hence exempt from transparent glazing requirement.  
FIGURE 6-7



Frontage limited by placing small shops on periphery of building, plan view.  
FIGURE 6-8



Small shops on periphery of building, elevation view.  
FIGURE 6-9



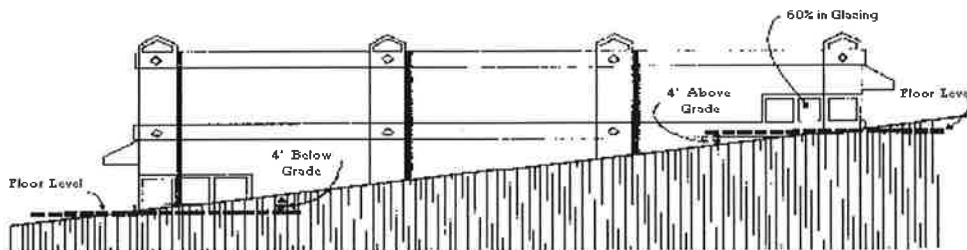
150 foot frontage with 60% of facade between 2' and 8' in transparent glazing.  
FIGURE 6-10



25,000 square foot 1-story building with 150 feet of frontage  
FIGURE 6-11



50,000 square foot building on 2 stories with 150 feet of frontage  
FIGURE 6-12



Transparency requirement does not apply to the portion of a facade with a floor level over 4' above or below grade.

FIGURE 6-13

5. Very Large Scale Retail Facilities. Retail uses under common ownership or use, which exceed size thresholds set forth in subsection (a) below for the zone in which the retail uses are proposed, shall meet the additional development and design requirements specified in subsections (a)(ii)-(iv). Those which exceed size thresholds set forth in subsection (b) below for the zone in which the retail uses are proposed shall be subject to the requirements for Conditional Use approval provided in subsection (b)(ii).

a. Added development and design requirements for Very Large Scale Retail Facilities

i. Thresholds for requirements

District	Size (gross floor area)
GC	60,000 sq. ft.
HDC-2	40,000 sq. ft.
HDC-3	50,000 sq. ft.
HDC-4, except Capital Mall Area	60,000 sq. ft.
UW	40,000 sq. ft.
UW-H	25,000 sq. ft.
DB	25,000 sq. ft.
UC	50,000 sq. ft.

ii. Adaptability for Reuse/Compartmentalization. The building design shall include specific elements that facilitate the structure’s adaptation for multi-tenant reuse. Such elements may include but are not limited to compartmentalized construction, including plumbing, electrical service, heating, ventilation and air conditioning. The building design shall also allow for all of the following:

- (1) Subdivision of the interior of structure into separate tenancies. The design for interior subdivision shall accommodate multiple potential tenancies, each no larger than fifty percent (50%) of the size threshold for the district defined in subsection (i) above. Example A: An applicant designs a 120,000 sq. ft. Very Large Scale Retail Use in the GC district to accommodate reuse by four potential tenancies of 30,000 sq. ft. each. Example B: An applicant designs the same building to accommodate two potential tenancies of 30,000 sq. ft., and four potential tenancies of 15,000 sq. ft.
- (2) Facades that readily adapt to multiple entrances without compromising the structural integrity of the building, and adapt to entrances on at least two sides of the building; or, if the building is designed to have only one front facade, all potential tenancies shall be designed for access from the front facade.
- (3) Parking lot designs that are shared by establishments or are linked by safe and functional pedestrian connections.
- (4) Landscaping schemes that complement the multiple entrance design.
- (5) Design and placement of loading docks/loading bays to accommodate multiple potential tenancies.
- (6) Other elements of design which facilitate the multi-tenant reuse of the building and site.

iii. Parking Design.

- (1) Parking lots with over one acre in paving shall be designed for on-site infiltration of the stormwater generated on site. This may be accommodated by underground infiltration vaults, porous paving, or other techniques permitted by the City of Olympia Stormwater Drainage Manual, and subject to the approval of the Department of Public Works.

(2) Bicycle parking shall meet all requirements of the City's bicycle parking regulations, in particular Sections 18.38.100 Vehicular and Bicycle Parking Standards, and 18.38.220 Design Standards - General.

iv. Site Design.

(1) The site design shall include a plan for pedestrian circulation with logical connections between buildings, between buildings and adjacent streets, and from buildings to parking areas. (See also Sections 18.110.030, 18.120.110, and 18.150.030.)

(2) Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in materials, and shall be designed to accommodate persons with disabilities, such as wheelchair users.

b. Conditional Use Approval

i. Thresholds for Conditional Use Approval

District	Size (gross floor area)
GC	125,000 sq. ft.
HDC-2	60,000 sq. ft.
HDC-3	75,000 sq. ft.
HDC-4, except Capital Mall Area	125,000 sq. ft.
UW	60,000 sq. ft.
UW-H	40,000 sq. ft.
DB	40,000 sq. ft.
UC	100,000 sq. ft.

ii. Conditions for Approval. The following requirements apply to all Very Large Scale Retail Facilities subject to conditional use approval.

(1) The Hearing Examiner shall determine that the proposed facilities meet the development and design requirements of subsection (a) above, and all other requirements of this Title.

(2) The Hearing Examiner shall determine that the proposed facilities will not be detrimental to the health, safety, or welfare of the general public, nor injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor; and
- (d) The treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

(e) The impact upon public facilities or public services.

6. Additional Regulations. Refer to the following Chapters for additional related regulations:

- a. Chapter 18.36, Landscaping and Screening
- b. Chapter 18.38, Parking and Loading
- c. Chapter 18.48, Conditional Uses
- d. Chapter 18.100, Design Review
- e. Chapter 18.110, Basic Commercial Design
- f. Chapter 18.120, Commercial Design Criteria Downtown
- g. Chapter 18.130, Commercial Design Criteria High Density Corridor (HDC)
- h. Chapter 18.150, Port Peninsula

**18.06.120 Additional regulations**

Refer to the following Chapters for additional related regulations.

Chapter 18.06A	Design Guidelines
Chapter 18.36	Landscaping and Screening
Chapter 18.38	Parking and Loading
Chapter 18.40	Property Development and Protection Standards
Chapter 18.42	Signs
Article III	Overlay Districts

## Chapter 18.16 PEDESTRIAN STREET OVERLAY DISTRICT

### 18.16.000 Chapter Contents

#### Sections:

- 18.16.020 Intent.
- 18.16.040 Map.
- 18.16.060 General requirements.
- 18.16.080 Specific development standards.

### **18.16.020 Intent**

This chapter will implement City and regional transportation plans by establishing a pedestrian street overlay district that results in a network of active, aesthetically pleasing, and interesting streets that link the downtown retail core, the Capitol Campus, the waterfront, and residential neighborhoods. In the Kaiser-Harrison area, it will provide a highly integrated and pedestrian friendly mix of office, retail, and residential use. In these is high quality, compact pedestrian-oriented environments people will be encouraged to work, shop, play, and live in an area that supports decreased dependence on motor vehicles, makes travel on foot pleasant and easy, and encourages around-the-clock activity to occur. The downtown form development should: 1) acknowledge the need to accommodate arrival by vehicle, 2) support increased arrival by transit, carpool, bike, and on foot, 3) create incentives to circulate within the areadowntown by non-auto modes (on foot, by shuttle or bus, or bicycle), 4) encourage employee Transportation Demand Management Program success.

In addition, development in the area should:

- A. Increase architectural and historic continuity between the existing downtown retail core and the remainder of downtown, or provide for continuity between new and existing uses in other mixed use areas.
- B. Provide a comfortable sense of enclosure along the street by providing strong, continuous edges which clearly define public open spaces and rights-of-way.
- C. Contribute to the streetscape by incorporating human-scaled elements into building design.
- D. Provide direct visual contact between activities occurring inside buildings and the street environment.
- E. Incorporate artistic elements and public art into the streetscape and buildings.
- F. Result in urban building patterns and curtail the construction of suburban building patterns.

### **18.16.040 Map**

- A. Relationship to Underlying Zoning. This overlay zone contains regulations that apply in addition to the regulations included within each downtown zonethe underlying zoning district.
- B. Areas Subject to Pedestrian Streets Regulations.
  - 1. "A" Streets. All of the requirements of this Chapter apply to the "A" Streets identified in Figure 16-1.

2. "B" Streets. The following requirements of this Chapter apply to "B" Streets as identified in Figure 16-1:

- a. Blank Wall Limitations, Section 18.16.080(F);
- b. Primary Building Entrance, Section 18.16.080(G);
- c. Parking Structure Design, Section 18.16.080(J).

3. The Pedestrian Streets Overlay District Map and this text regulate the Pedestrian Streets Overlay District. The Pedestrian Streets Overlay District regulates portions of the DB, RMH, RMU, UR, UW-H, and UW districts in downtown Olympia, and in the HDC-4, GC, and PO/RM districts west of Yauger Way. All properties which abut the Pedestrian Streets shown on Figure 16-1 are subject to the rules of this District.

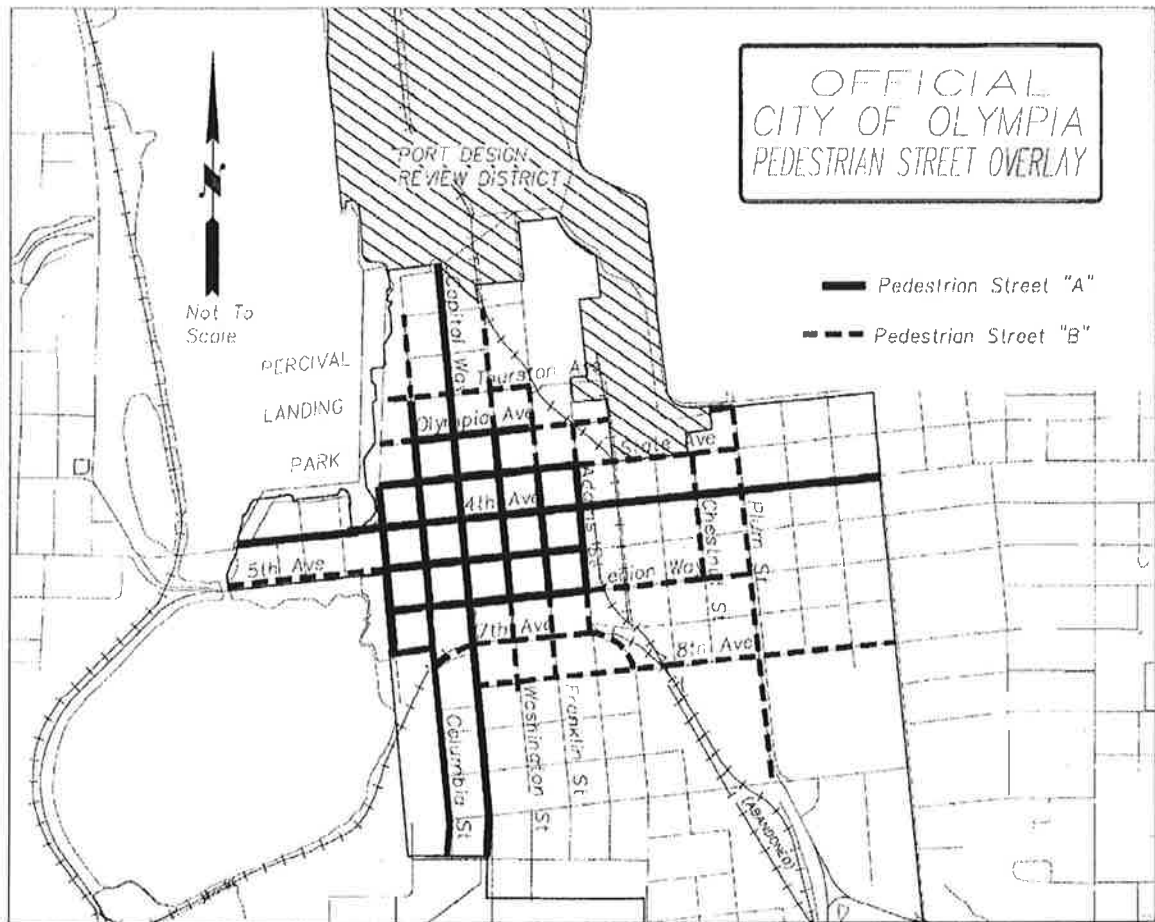
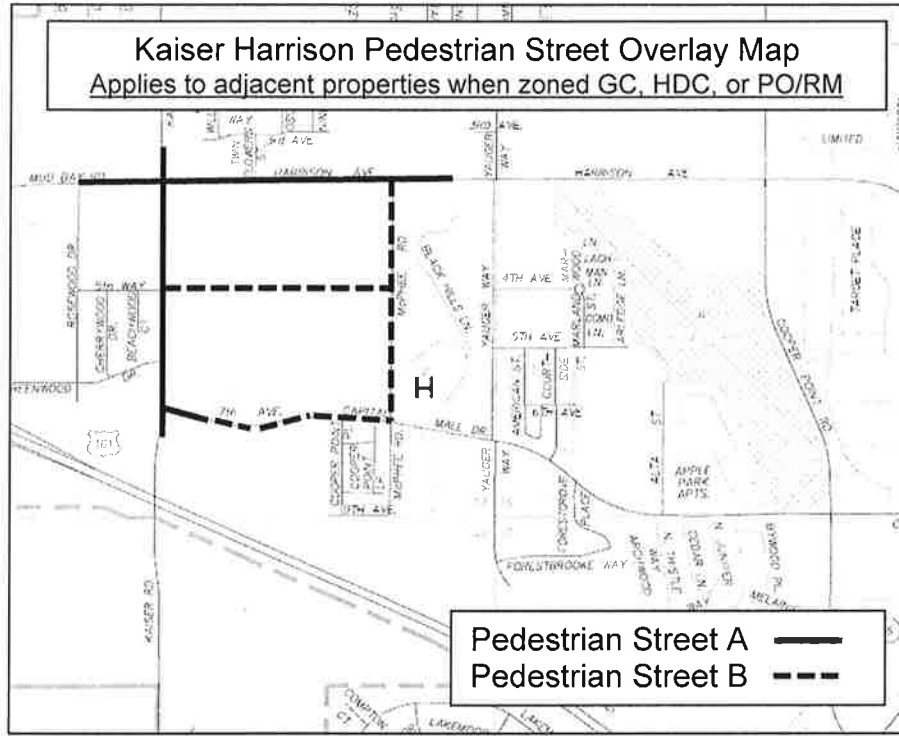


FIGURE 16-1





**FIGURE 16-1b**

**18.16.060 General requirements**

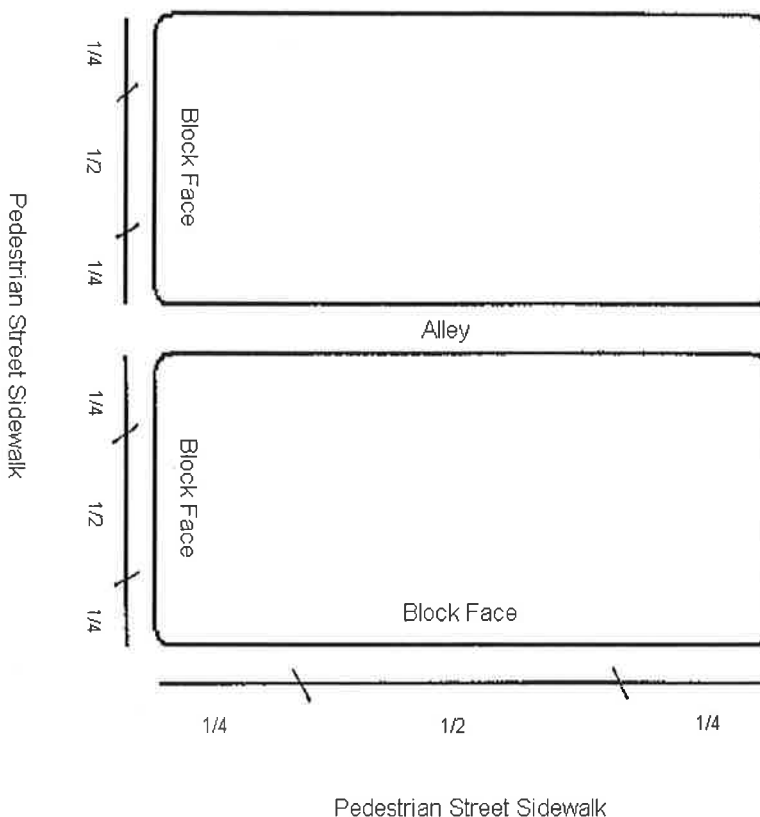
**A. Types of Projects Regulated.**

1. **New Development.** The regulations in this chapter apply to all properties which abut the Streets identified in Figure 16-1 and Figure 16-1b (both "A" and "B" Streets). The regulations of this Chapter apply to all new building construction.
2. **Existing Buildings.** The regulations in this Chapter also apply to all remodel projects if both of the following conditions apply: (1) the value of the remodel project is greater than fifty (50) percent of the assessed value of the pre-remodeled building excluding land value, and (2) structural facade renovation will be done. (Painting and routine maintenance are not considered structural facade renovation).

**B. Exemptions**

1. **Residential Exemption.** Residential projects must comply with the applicable design criteria of Chapters 18.100 through 18.180 Downtown Design Guidelines (18.06A) and Citywide Design Guidelines (18.20). All or a portion of a residential project shall be exempt from the requirements of this Chapter as follows:
  - a. In the event a residential project comprises the entire block face, 50% of the block face shall comply with this Chapter; provided, that the area of compliance must be evenly placed at each corner of the block face.
  - b. In the event a residential project is proposed for a portion of a block face which block face has been partially developed in compliance with this Chapter, a portion of the project shall comply with this Chapter according to this formula. The amount of project compliance shall equal the difference between 50% and the percentage of existing improvements on the block which complies with this Chapter. For example, 15% of the project must comply

with this Chapter where 35% of existing improvements on the block face meets the requirements of this Chapter. In the event the proposed project is located at a corner of a block face, that portion of the project which is required to comply with this Chapter shall be located at the corner.



**FIGURE 16-9**

2. Historic Buildings. All buildings on the Heritage Register at the time of application are exempt from the requirements of this District.
3. Small Buildings. Buildings with less than five thousand (5,000) square feet in gross floor area are exempt from the requirements of this District.
4. Existing Parking Lots in Front of Buildings. When the requirements of this Chapter are triggered by remodels or renovations, existing parking lots remain conforming as an exception to the "Maximum Setbacks Allowed" of this Chapter.

C. See applicable Design Review Chapters, Chapters 18.100 through 18.180 Downtown Design Guidelines, Sections 18.105.020.

**18.16.080 Specific development standards**

The following requirements apply to "A and/or B" Streets.

- Setbacks (A)
- Pedestrian Plaza (A)
- Minimum Street Wall Height (A)
- Awnings, Marquees, and Canopies (A)
- Blank Wall Limitations (A & B)

Primary Building Entrance (A & B)  
 Surface Parking (A)  
 Street Frontage - Retail and Service Use (A)  
 Parking Structure Design (A & B)

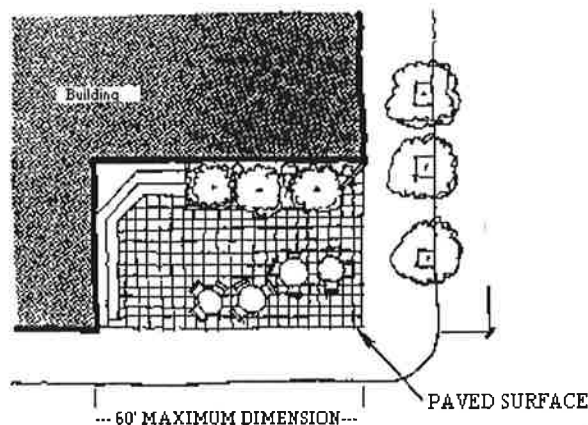
A. Maximum Setbacks ("A" Streets).

1. Intent. Enclose and define the street space. Place building, walls, and design height and massing that will:
  - a. Provide human scaled street enclosure and building edge continuity on key downtown pedestrian-oriented streets.
  - b. Contribute to a continuous building edge on lots adjacent to designated pedestrian streets.
  - c. Increase liveliness on the street by making physical and visual contact between interior building activities and the street.
2. Maximum Setback.
  - a. The maximum street wall setback is ten (10) feet.
  - b. Street wall setback areas (the area between the front property line and street wall):
    - i. May be used for landscaping and small commercial uses designed primarily to cater to pedestrians, including, but not limited to vendors, newsstands, flowers, and cafes.
    - ii. May not be used for fences, large trees and landscaping, or other features which form visual barriers or block views to street wall windows.
  - c. Exceptions to Maximum Setbacks.
    - i. The street wall may be set back to retain water views and to provide transition to residential neighborhoods, to allow privacy in residential development, to meet centerline setback requirements, for building entrances, for pedestrian plazas, and to allow existing setback buildings as conforming uses.
    - ii. Building Entrances Allowance. Large entryways which are integral to a building design may be set back more than ten (10) feet.
    - iii. Pedestrian Plazas.

B. Pedestrian Plazas ("A" Streets).

1. Intent. When proposed, plazas will provide small spaces which will attract concentrations of people to gather along the most intensively developed streets ~~in downtown~~. Buildings will be grouped around small pedestrian plazas; will be carefully located and integrated into the streetscape or building; will make the most of light and sun exposure; and, when proposed, will integrate landscaping and/or public art into the design.
2. Pedestrian Plaza Requirements. Pedestrian plaza designs shall meet the following development standards:
  - a. Size and dimension. The maximum pedestrian plaza dimension shall be sixty (60) feet across (see Figure 16-2).
  - b. Access. The surface of all pedestrian plazas shall be visually and physically accessible from the public rights-of-way. Allowances may be made on sites with steep topography.
  - c. Surface. Paved walking surfaces shall be provided.

- d. Landscaping and/or Public Art.
  - i. Required landscaping and/or public art. At least ten (10) percent of the plaza area shall be landscaped with living plants or use public art incorporated into the plaza to provide texture, breakup unadorned expanses of hard surfaces, and add human scale interest to the space.
  - ii. Landscaping. The landscaping shall be planted and maintained according to the City of Olympia development standards (Section 18.38).
  - iii. Location of landscaping and/or public art. Landscaping and/or public art shall not block pedestrian views into the plaza.
- e. Seating.
  - i. Required seating. Seating shall be provided in all pedestrian plazas.
  - ii. Allowed seating walls and steps. Tops of walls and steps may be considered seating.
- f. Exposure to sunlight. Southern locations are encouraged to allow direct sunlight to enter the space and strike the plaza floor.
  - i. Required sunlight. Pedestrian plazas shall be designed to allow measurable direct sunlight to enter the plaza and shall not be blocked by landscaping or art.



- PLAZA MUST BE ENCLOSED ON AT LEAST TWO SIDES
- 30% OF ENCLOSURE WALLS MUST BE OCCUPIED BY PEDESTRIAN-ORIENTED USE
- 10% OF PLAZA AREA MUST BE LANDSCAPED AND/OR USE PUBLIC ART INCORPORATED INTO THE PLAZA TO PROVIDE TEXTURE, BREAK UP UNADORNED EXPANSES OF HARD SURFACES, AND ADD HUMAN SCALE INTEREST TO THE SPACE

**Required Pedestrian Plaza Conditions**  
**FIGURE 16-2**

- g. Plaza edges.
  - i. Plaza enclosure. All pedestrian plazas shall be enclosed on at least two sides by a structure or by landscaping and/or art which creates a wall-like effect.
  - ii. Prohibited edge conditions.
    - (a) Unscreened parking lots, chain link fences, barbed wire, and other inhibiting conditions are prohibited adjacent to pedestrian plazas.
    - (b) Blank walls in pedestrian plazas are subject to the blank wall limitation standards.
- h. Uses in pedestrian plazas.
  - i. Permitted uses. The following uses are permitted: playground equipment, fountains, waterfalls, pools, sculptures, works of art, arbors, trellises, benches, trees, planting beds, trash receptacles, drinking fountains, bicycle racks, open air cafes, kiosks, vending carts, outdoor furniture, lighting, flagpoles, public telephones, temporary exhibits, canopies, awnings, and similar uses which encourage pedestrian use of these spaces.
  - ii. Allowed motor vehicle use. Motor vehicle use of pedestrian plazas for passenger drop off and pick up at a building entrance may be allowed. All other loading or motor vehicle access is prohibited.
- i. Exceptions. The Director of Community Planning & Development or his or her delegate may grant exceptions to the Pedestrian Plaza Standards if the proposed design meets the intent of this Section and Subsection.

C. Minimum Street Wall Height Requirement ("A" Streets).

- 1. Intent. To ensure spatial enclosure on the street and achieve dense land use in the downtown.
- 2. The minimum street wall height is sixteen (16) feet above the average sidewalk elevation.

D. Awnings, Marquees or Canopies, and Arcades ("A" Streets). Awnings, marquees, canopies, and other projections are allowed to project into the ROW. See Downtown Building Design Guidelines - Projections into the ROW. These provisions apply to all Pedestrian-Oriented Streets in the City, even when not located in the downtown.

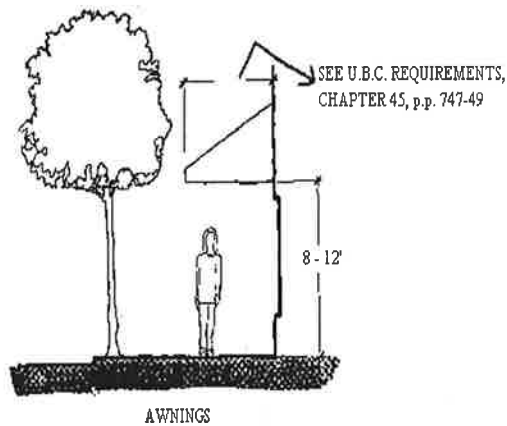
- 1. Intent. Provide pedestrians rain protection, contribute to overall integration of individual buildings within the streetscape, and help define the pedestrian zone. When awnings are used, they should cover the pedestrian clear zone.
- 2. Awnings, Marquees or Canopies, and Arcade Requirements.
  - a. Coverage allowed in public rights-of-way. Awnings, canopies, or marquees may project into the public rights-of-way (see Downtown Building Design Guidelines - Projections Into the ROW). Arcades must be on private property.
  - b. Types of material allowed. Awnings, marquees, and canopies must be fabric on a retractable frame, metal, glass, or plexiglass. On historic buildings, wood may be used.
  - c. Area and coverage requirements. Awnings, marquees, and arcades shall be provided along the street wall, or that portion of the street wall that abuts or is parallel to the sidewalk. The maximum depth (projection from street wall) for awnings and marquees or canopies is regulated in the applicable Section of the Uniform Building Code. Awnings,

marquees, or canopies should extend to the maximum depth allowed by the UBC, with allowance for street tree and street light clearance. (See Figure 16-4 of this Chapter.)

d. Height requirements. Except valances, the lower edge of all awnings, marquees, canopies, and arcades must be between the heights of eight (8) and twelve (12) feet above finished grade. Every attempt should be made to make awnings of like heights on a given block.

e. Historic buildings. Historic buildings may be reviewed for exceptions to these standards. Exceptions shall be jointly reviewed by the Design Review Board and Heritage Commission, called the Joint Review Committee or the Heritage Commission and Design Review staff. (See Chapter 18.12 OMC)

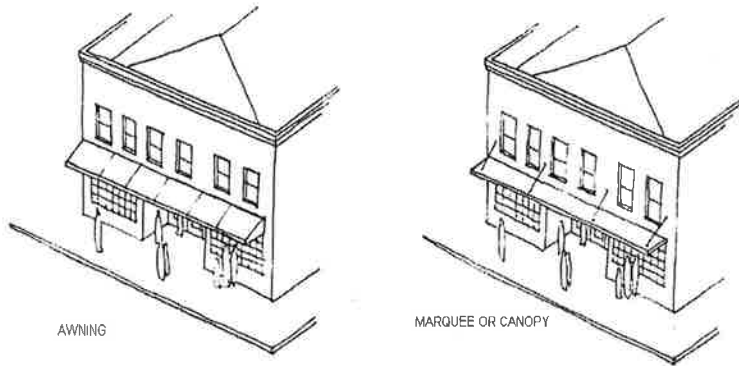
3. Prohibited Awnings. Back-lit awnings or canopies are prohibited.



**FIGURE 16-4**



ARCADE



AWNING

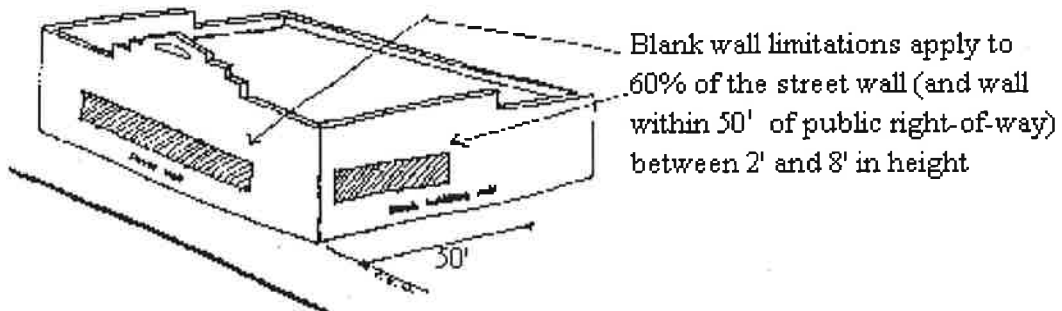
MARQUEE OR CANOPY

**FIGURE 16-5**

**F. Blank Wall Limitation ("A" and "B" Streets).**

1. Intent. Reduce blank wall impacts on the pedestrian and business district environment. Provide varied, pedestrian-friendly building facades and sidewalk activities. Avoid the creation of blank walls and dull facades that deaden the surrounding space and create an uninviting street environment.

2. Development Standards. Blank walls are not allowed adjacent to or within fifty (50) feet of a pedestrian street right-of-way or a public park. At least sixty percent (60%) of these walls between two (2) feet and eight (8) feet in height must be pedestrian friendly. Pedestrian-friendly facades shall have one or more of the following characteristics:



**BLANK WALL LIMITATIONS: AREAS REGULATED**

**FIGURE 16-6**

- a. Transparent windows. Transparent window area or display windows which provide visibility into building interiors. The following transparency standards apply.
    - i. Glass must be clear or lightly tinted in windows, doors, and displays. Because it does not provide visibility between the street and building interiors, reflective or opaque or painted glass is prohibited.
    - ii. Doors and entry windows must be transparent to meet this requirement. If they are not, they shall be considered blank walls.
  - b. Art or architectural treatment. Sculpture, mosaic, glass block, opaque art glass as relief artwork, or similar features of visual interest. Structural architectural elements may be acceptable as an administrative waiver if the design meets the intent of this Section.
  - c. Vertical trellis. A permanent vertical trellis in front of the wall with climbing plants or plant materials.
  - d. Pedestrian plazas. Pedestrian plazas may meet this requirement if the design complies with Section 18.16.080(A), Maximum Setbacks Allowed.
  - e. Display windows. Display windows may be used to meet this requirement.
3. Retaining Walls. Retaining walls on Pedestrian Streets shall be considered blank walls and are subject to the regulations in this Section.
4. Exceptions. Where this Section is in conflict with the Uniform Fire Code, the Uniform Fire Code shall govern.
5. Approval. All proposed blank wall treatments are subject to City approval. The applicant must submit architectural plans and elevations showing proposed treatments for approval.
- G. Primary Building Entrance ("A" and "B" Streets).
- 1. Intent. Allow people to arrive on foot, by transit, or by other means (in addition to by car), and to increase pedestrian and street activity. Create a prominent entry that conveys a clear sense of arrival and that uses high quality products that contribute to the richness and detail of the facade.
  - 2. Primary Building Entrance Requirements.
    - a. The primary entrance to all buildings must face the street.
    - b. All primary building entrances must be clearly visible from the sidewalk.
    - c. Direct access shall be provided either:
      - i. From the sidewalk if the building facade is adjacent to the sidewalk; or
      - ii. From a pedestrian plaza if the building facade is not directly adjacent to the sidewalk.
    - d. For properties west of Yauger Way, the Primary Building Entrance Requirements may be altered upon approval of a development agreement if it is determined that an entry from a location other than the wall facing a "B" street provides equal or better building orientation and human scaled design elements to integrate into the mixed use neighborhood.
- H. Surface Parking Lots ("A" Streets).



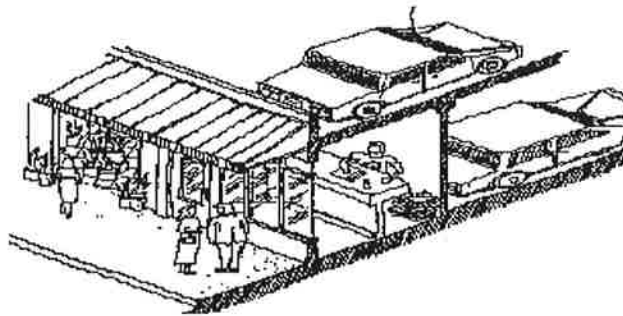
1. Intent. Prohibit the disruption of the continuous building edge along the street.
  2. Surface Parking Lot Requirements. Surface parking lots are prohibited on lots abutting pedestrian streets, except when they are located behind buildings.
  3. Exception. Properties west of Water Street and east of Budd Inlet, and properties west of Yauger Way in this District may have surface parking directly abutting twenty (20) percent of the street frontage.
- I. Street Frontage - Active Street Edge Requirements ("A" Streets).
1. Intent. Provide interest and activity that contribute to the pedestrian streets, reinforce existing service business uses (retail, office, commercial), and establish new activity along the main pedestrian links between downtown and the surrounding neighborhoods and around other pedestrian oriented streets designated west of Yauger Way (see Figure 16-1b).
  2. Development Standards. Seventy-five (75) percent of the street frontage will look like a storefront by including one or more of the following: direct at-grade sidewalk entries, high ceilings, recessed doors, storefront windows, awnings, canopies, large room spaces, and similar features in the building. Building entries and lobbies along the street wall are exempt from the street level use requirement calculations;
  3. Exemption.
    - a. Structured parking or that portion of a project used as structured parking are not subject to this requirement. See Section J below for structured parking requirements.
    - b. See 18.16.060(1)(B)(1) for residential experience.
- J. Parking Structure Design ("A" and "B" Streets).
1. Intent. Design structured parking in a way that will fit the real and intended human scale of downtown and on other designated pedestrian oriented streets. Acknowledge that while structured parking provides convenient, less intrusive, less land consumptive parking than surface parking, the buildings themselves can be intrusive, since they are often large, monolithic structures with few refinements and little interest or activity.
  2. Street Level Treatment. Retain the downtown pedestrian oriented scale and character on structured parking and ground level covered parking facing a pedestrian street by breaking up horizontal openings and incorporating at least one of the following techniques:
    - a. Provide at least one (1) of the five (5) pedestrian-friendly facade techniques in Section 18.16.080(F), Blank Wall Limitations. Transparent windows shall be permitted only where pedestrian-oriented uses or businesses are located in a parking structure.
    - b. Provide enclosed occupiable space for "pedestrian-oriented uses or businesses" at least ten (10) feet in depth along all of the building frontage facing the Pedestrian Street, excluding vehicle and pedestrian entries. If there are multiple pedestrian street frontages, this option should be used on the dominant pedestrian street frontage.
    - c. Incorporate public art into the design or use decorative metal grille work or similar architectural detailing which provides texture and covers the parking structure opening. EXCEPTION: Parallel vertical bars (resembling a jail cell pattern or HVAC intake grills) are prohibited, and do not meet the intent of this requirement.
  3. Parking structures over one-half block in size must provide enclosed occupiable space for "pedestrian-oriented uses or businesses" at least ten (10) feet in depth along the dominant

pedestrian street frontage of the building facing the pedestrian street, excluding vehicle and pedestrian entries.

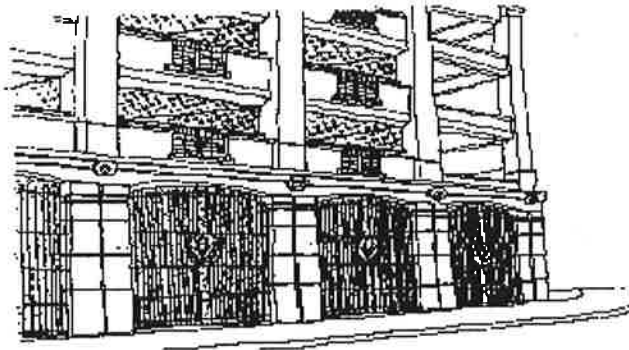
4. Vehicle Entry. The width of garage doors shall be limited to the width of the driveway plus five (5) feet. Vehicular entries shall be recessed at least six (6) feet from the primary facade plane in order to minimize their prominence in the facade.

5. Upper Level Treatment. Assure that upper levels of parking structures remain compatible with downtown-pedestrian oriented scale and character. Break up horizontal openings by:

- a. Providing relief, detail, and variation on the facade by employing well-proportioned openings that are designed to create shade and shadow detail.
- b. Public art, decorative metal grille work or similar art or architectural detailing which provides texture and covers the opening in the facade.
  - i. Parallel vertical bars (resembling a jail cell pattern or HVAC intake grilles) are prohibited, and do not meet the intent of this requirement.



**FIGURE 16-7**



**Parking garage facade treated with decorative grill work.**

**FIGURE 16-8**

Chapter 18.100  
DESIGN REVIEW

18.100.000 Chapter Contents

Sections:

- 18.100.020 Statement of Policy.
- 18.100.040 Purpose.
- 18.100.060 Projects Subject to Design Review.
- 18.100.080 Design Review Districts and Corridors.
- 18.100.090 Design Review Process.
- 18.100.100 How to Use Design Criteria.
- 18.100.110 Submission Requirements.

**18.100.020 Statement of policy**

The City Council finds that new development can have a substantial impact on the character of the area in which it is located. Some harmful effects of one land use upon another can be prevented through zoning, subdivision regulations and building codes. Other aspects of development are more subtle and less amenable to exacting rules promulgated without regard to specific development proposals. Among these are: the general form of the land before and after development, the spatial relationships of the structures and open spaces on adjacent land uses, and the appearance of buildings, signs and open spaces. Such matters require the timely exercise of judgment in the public interest by people qualified to evaluate the design of a new development.

**18.100.040 Purpose**

The purposes of design review are:

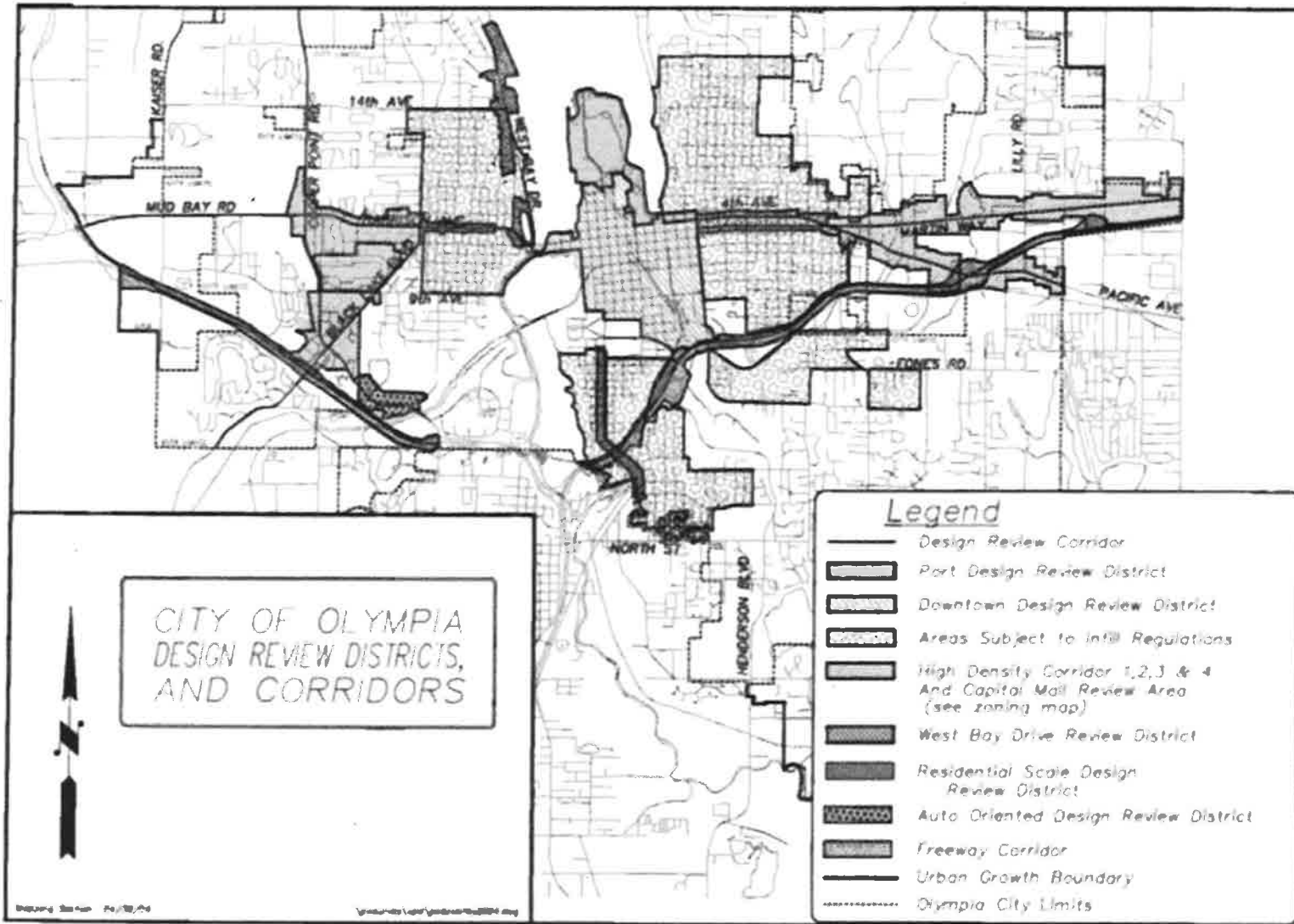
- A. To promote those qualities in the natural environment which bring value to the community;
- B. To foster the attractiveness and functional utility of the community as a place to live and work;
- C. To preserve the special character and quality of Olympia by maintaining the integrity of those areas which have a discernible character or are of special historic significance;
- D. To raise the level of community expectations for the quality of the built environment;
- E. To encourage originality and creativity in site planning and architecture;
- F. To communicate these purposes to the applicant and to assist the applicant in achieving these purposes;
- G. To preserve and enhance property value;
- H. To ensure that new developments maintain or improve neighborhood character and livability; and
- I. To consider the applicants' needs and goals and the broader public impact of any proposal.

**18.100.060 Projects Subject to Design Review**

- A. The following projects are subject to design review:
  1. Projects within designated design review districts and corridors, as shown on the Official Design Review Map (See OMC Section 18.100.080);
  2. Commercial projects adjacent to residential zones;
  3. Commercial or residential projects for Heritage Register properties or those within an historic district;
  4. Projects with a building area greater than 5000 square feet that require a Conditional Use Permit in a residential zone;
  5. Multifamily projects;

6. Single family housing, including designated manufactured homes, on lots less than 5000 square feet or on substandard lots;
7. Dwellings proposed on lots within the area depicted on Figure 4-2a, "Areas Subject to Infill Regulations";
8. Master Planned Developments;
9. Manufactured housing parks;
10. Duplexes, triplexes, fourplexes, townhouses, accessory dwelling units, and cottage housing;
11. All projects within scenic vistas as identified on the official maps of the City (See OMC Section 18.100.110); and,
12. Signs within designated design review districts and corridors or associated with a project that is subject to design review.

B. Exceptions: Evergreen Park PUD; interior work; and projects which do not affect the character, use, or development of the surrounding properties, or the architectural character of the structure, such as fences, parking lots with less than twenty (20) spaces or minor repair or renovation of, or minor additions to, existing structures.

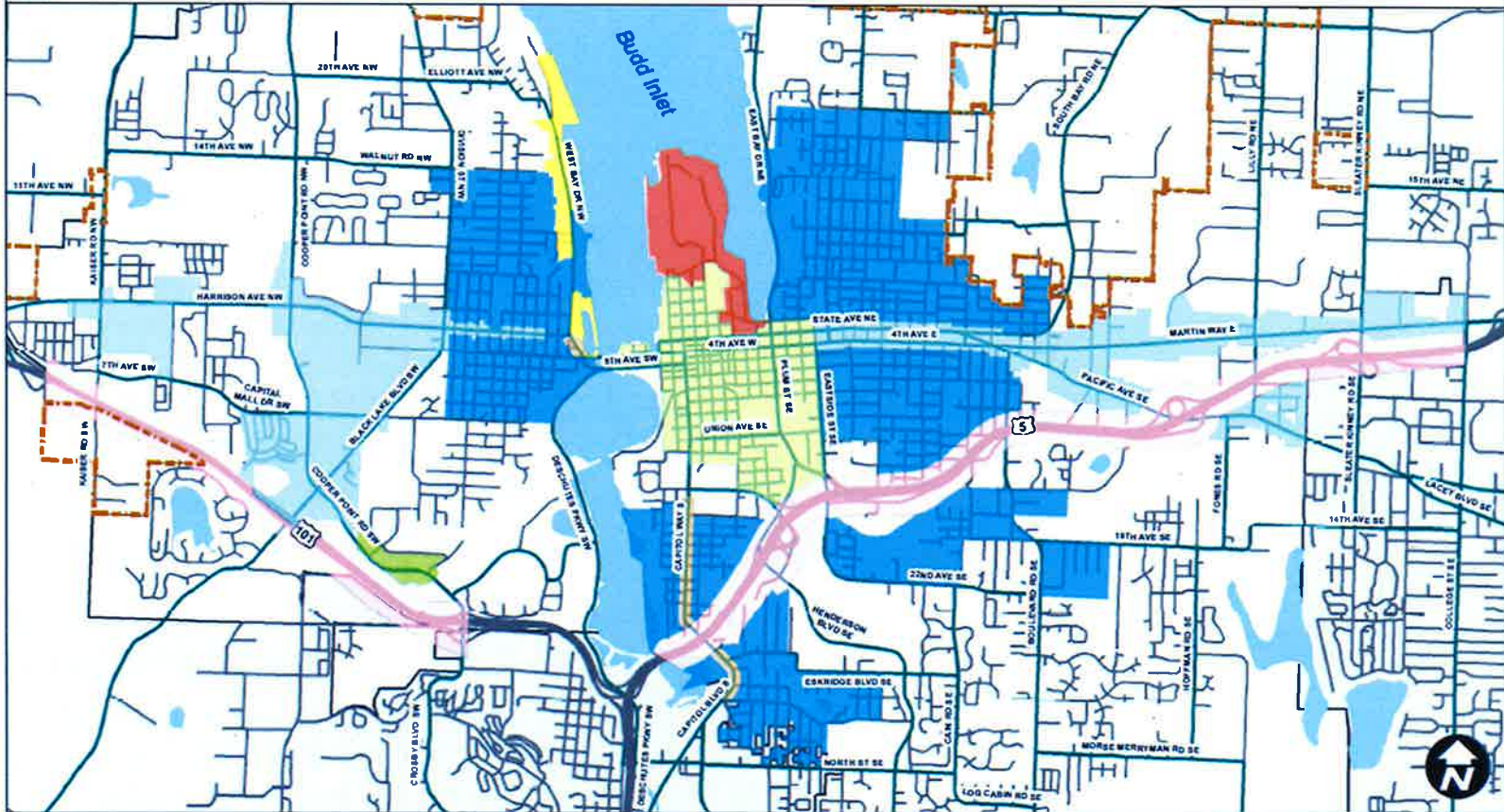




# Design Review Districts and Corridors

Proposed Addition - Kaiser-Harrison Opportunity Area - **DRAFT**

Date Published: 5/25/2016



## Design Review Districts and Corridors

- |                         |                            |                    |
|-------------------------|----------------------------|--------------------|
| Auto Oriented District  | High Density Corridor      | Infill Regulations |
| Downtown District       | Freeway Corridor           | Urban Growth Area  |
| Port Design District    | Design Review Corridor     | City Limits        |
| West Bay Drive District | Residential Scale Corridor |                    |

0 0.5 1 Miles 1 inch = 3,756 feet

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcel, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.

This map is intended for 8.5x11" landscape printing.

For more information, please contact: Joyce Phillips, Senior Planner | [jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us) | (360)570-3722

File name and path: C:\work\44\25\Map\_AutoOrientedArea\Harrison Opportunity Area\DRG\DRG\Harrison.mxd

EXHIBIT G

**18.100.080 Design Review Districts and Corridors**

The following districts and corridors are hereby established as Design Review Districts and Corridors: Downtown, Port Peninsula, High Density Corridor 1, 2, 3, and 4 (HDC), High Density Corridor-4 Capital Mall Area, Freeway Corridor, West Bay Drive, Residential Scale, Auto Oriented, and Infill Districts. Said districts and corridors are defined on the "Official Design Review Districts and Corridors Map," on file with the City Clerk and generally described in the illustration below. In the event of a conflict between this illustration and the official map, the official map shall govern.

**18.100.090 Design Review Process**

All projects subject to design review shall be reviewed either by the Design Review Board (DRB), the Joint Review Committee (JRC) or by staff as noted below. The DRB, JRC, or staff shall provide a recommendation to the review authority. The review authority shall give substantial weight to the recommendation of the DRB or JRC. (A project reviewed by the JRC shall not also be reviewed by the Heritage Review Committee.)

A. Projects subject to review by the Design Review Board or Joint Design Review Committee, as described in OMC 18.76.180:

1. Any proposed development project located within the following design districts:
  - a. Downtown District; and,
  - b. Residential Scale Design District.
2. Any proposed building development over 5,000 square feet in gross floor area, located within the following design districts and corridors:
  - a. High Density Corridors;
  - b. West Bay Drive District;
  - c. Auto Mall District;
  - d. Port Peninsula District;
  - e. Freeway Corridor; and,
  - f. Design Review Corridors.
3. Any multifamily building with five (5) units or more, any townhouse building with five (5) units or more, and any multifamily development with twenty (20) units or more.
4. All Master Planned Developments.
5. Projects with a building area greater than 5,000 square feet that require a Conditional Use Permit in a residential zone.

B. Projects subject to review by Staff:

1. Single family dwellings on lots within the area depicted on Figure 4-2a.
2. Minor additions or alterations to residential or commercial projects on a Heritage Register or within a Historic District.
3. Any proposed development of 5,000 square feet or less in gross floor area, and signs in the following design districts and corridors:
  - a. High Density Corridors;
  - b. West Bay Drive District;
  - c. Auto Mall District;
  - d. Port Peninsula District;
  - e. Freeway Corridor; and,



f. Design Review Corridors.

4. Any other project subject to design review not described in "A" above.

#### **18.100.100 How to Use Design Criteria**

- A. Requirements and Guidelines. Each section of the design review chapters consists of a requirement and possibly several guidelines. Compliance with each requirement is necessary; the guidelines provide methods to achieve compliance with the requirement. Applicable guidelines must be incorporated into the project design except in cases where proposed design solutions are considered by the Board and/or staff to be equal to or better than the guidelines, and meet the intent of the requirement. If the project does not conform to the design criteria, the Board and/or staff will indicate the requirements that have not been met.
- B. Illustrations. Illustrations contained within specific criteria sections are intended to be in harmony with the text of the same section. In the event of conflict between text and an illustration, the text shall govern.
- C. Design Review Criteria Chapters. Design criteria are separated into chapters, depending on whether the development is commercial or residential, and the location or type of that development, as outlined below.

18.105 Historic Structures and Buildings within the Historic Districts. This Chapter applies to structures listed on the Olympia Heritage Register, Washington Heritage Register, and the National Register of Historic Places, and all structures within a Historic District.

18.110 Basic Commercial Design Criteria. This chapter applies to all commercial projects throughout the City that require design review, in addition to the district-specific requirements found in the following chapters, as applicable. It also applies to projects with a building area greater than 5,000 square feet in gross floor area that require a Conditional Use Permit in a residential zone, to commercial projects adjacent to residential buildings, to commercial or residential projects. The design districts are shown on the Official Design Review Districts and Corridors.

18.120 Commercial Design Criteria - Downtown District. This chapter applies to all commercial projects that require design review that are located in the Downtown Design Review District. In addition, commercial projects in the Downtown Design District may also be subject to the requirements of Chapter 18.16, Pedestrian Streets.

18.130 Commercial Design Criteria - High Density Corridors. This chapter applies to all projects that require design review that are located in the HDC districts.

18.135 Commercial Design Criteria - Residential Scale District. This chapter applies to all projects that require design review that are located in the Residential Scale District.

18.140 Commercial Design Criteria - Auto Oriented District. This chapter applies to all projects that require design review that are located in the Auto Oriented District.

18.145 Commercial Design Criteria - Freeway Corridor. This chapter applies to all projects that require design review that are located in the Freeway Corridor District.

18.150 Commercial Design Criteria - Port Peninsula. This chapter applies to all projects that require design review that are located in the Port Peninsula design review district. This chapter contains the only design criteria that apply to the Port Peninsula.



18.155 Commercial Design Criteria - West Bay Drive District. This chapter applies to all projects that require design review that are located in the West Bay Drive District.

18.170 Residential Design Criteria - Multifamily. Design criteria contained in this chapter (Sections 18.170.030 - 18.170.160) apply to all multifamily residential buildings with five or more units and any multifamily development with twenty (20) units or more throughout the city. Projects of this type and size are reviewed by the Design Review Board.

18.175 Residential Design Criteria - Infill and other residential. Sections 18.175.020 through 18.175.060 of this chapter apply to single-family dwellings, including designated manufactured housing, proposed on lots within the area depicted on Figure 4-2a, on lots less than 5000 square feet, or on substandard lots, duplexes, triplexes, fourplexes, and townhouse buildings of four (4) units or less throughout the city. Sections 18.175.080 and 18.175.090 apply to accessory dwelling units throughout the city. Section 18.175.100 applies to cottage development.

18.180 Residential Design Criteria - Manufactured home parks. This chapter applies only to manufactured home parks.

#### **18.100.110 Submission Requirements**

- A. Conceptual Design Review. Applications for review of the Conceptual Design shall be filed with the Department as part of a land use review application on forms provided by the Department.
- B. Detailed Design Review. Applications for review of the Detailed Design shall be submitted to the Department prior to or at the same time as a building permit application on forms provided by the Department.
- C. Combined Conceptual & Detailed Design Review. For those projects which have had a presubmission conference, do not have any apparent environmental issues, (such as those listed in the Critical Areas Ordinance, Title 14.10, or transportation issues), and which do not require a public hearing, upon request by the applicant and with the concurrence of staff, the Design Review Board may conduct both Conceptual and Detailed Design Review of a project at the time of Land Use Review.
- D. Time Limitations. Except in cases where the applicant agrees to an extension of time, the Design Review Board shall have a public meeting on an application for a major project within thirty (30) days after an application is deemed complete pursuant to OMC 18.72.

**Chapter 18.130**  
**COMMERCIAL DESIGN CRITERIA**  
**HIGH DENSITY CORRIDOR (HDC)**

18.130.000 Chapter Contents

Sections:

- 18.130.020 Building orientation.
- 18.130.030 Building design.
- 18.130.040 Surface parking.
- 18.130.050 Historic building types - HDC 1 & 2.
- 18.130.060 HDC 4 Capital Mall - Incremental expansion.

**18.130.020 Building Orientation**

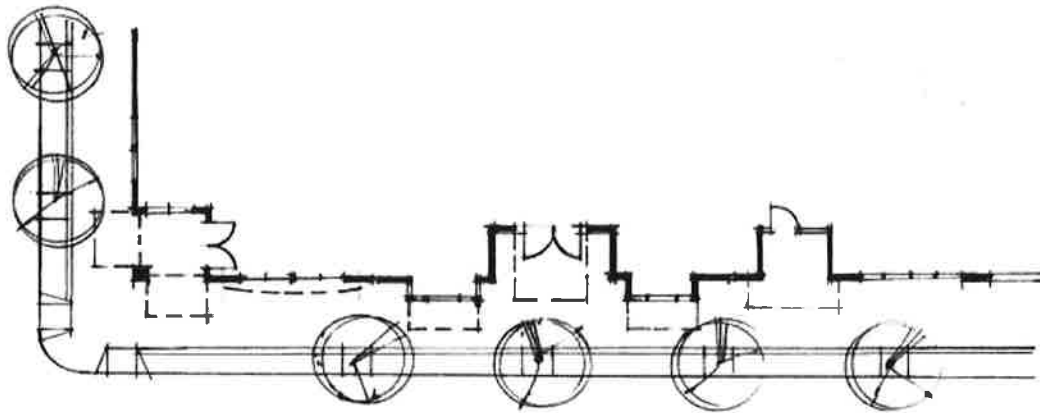
A. REQUIREMENTS:

1. Primary building entries, storefront windows, and building facades shall face the street, create a continuous row of storefronts along the street frontage, and provide direct access from the street to the building with close pedestrian access to the nearest bus stop. In the case of multifamily housing or townhouse projects, stoops and porches or distinctive entryways can substitute for commercial storefront window openings.
2. In the case of buildings at corners of street intersections, this requirement applies to both street frontages. An entrance at the corner would meet this requirement.
3. In General Commercial and HDC-4 zones west of Yauger Way, single story or single use commercial retail space shall not occupy more than 60,000 square feet of enclosed building space on the ground floor, unless a development agreement is approved. These buildings shall be designed and oriented to provide for pedestrian and bicycle circulation throughout the site and to adjacent buildings and properties. A building larger than 60,000 square feet can be allowed when it is not directly adjacent to a street designated as an "A" street in the Pedestrian Street Overlay and if a development agreement is approved that at a minimum addresses:
  - 1) Building orientation, massing, and use of high quality materials
  - 2) Parking is located to the rear or side of the building, or is separated from the street by additional retail buildings
  - 3) Pedestrian, bicycle, and vehicular circulation on site and connections to adjacent properties
  - 4) Community assets, such as the multi-use trail identified in the Kaiser Harrison Opportunity Area Plan
4. For HDC zones west of Yauger Way, where a local transit route does not exist, meet with the local public transit provide to ascertain the viability of developing a bus stop for the site. Provide improvements for a future bus shelter if the future route and bus stop locations are generally known and applicable to the project site. The improvements shall be constructed to City and transit provider standards and sized to allow for the future installation of a transit shelter and related appurtenances, such as transit signage and refuse collection.
5. HDC-4 exceptions: The following exceptions apply if excellent pedestrian connections to the HDC street are provided:

- a. Building entries need not face the HDC street edge but may be located on the corner, off a publicly accessible pedestrian plaza or on the side of the building. All other applicable design guidelines apply.
- b. Hotels and multifamily developments may be set back greater than 10 feet provided that the setback area does not include parking.
- c. Setbacks may be increased where street improvements do not exist or where they do not provide the separation from vehicles as described in the Development Guidelines and Public Works Standards (Street Standards) to include the additional distance required by those standards for sidewalk and planter strips. The setback area may not include parking.

**B. GUIDELINES:**

- 1. Locate service and delivery entries in the rear whenever possible.
- 2. On transit routes, site design should accommodate transit bus stop zones as may be needed, including:
  - a. in-lane bus stop(s) or possible stop pullout(s),
  - b. ADA accessible pedestrian pathways,
  - c. shelter and/or provision for cover to help reduce pedestrian exposure to the elements, and
  - d. other amenities such as such as lighting, benches, or information kiosks.
- 3. Where a transit route does not exist, meet with the local public transit provider to ascertain the viability of developing a bus stop for the site.

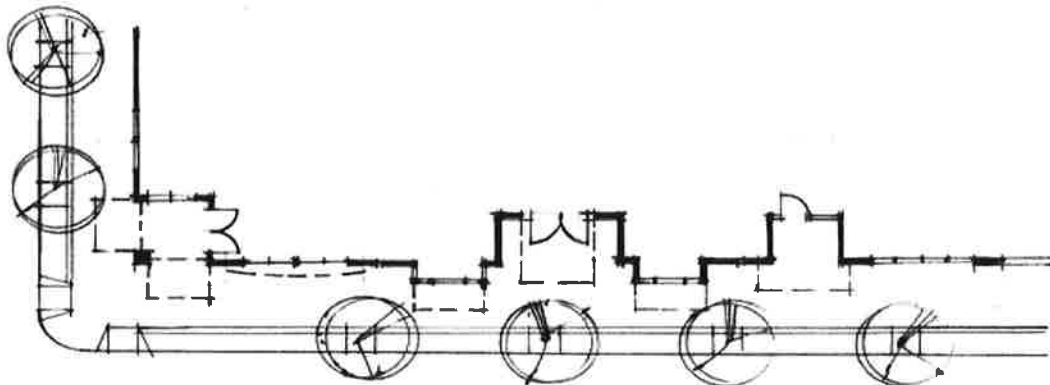


**FIGURE 18.130.020-A**



**FIGURE 18.130.020-B****18.130.030 Building Design**

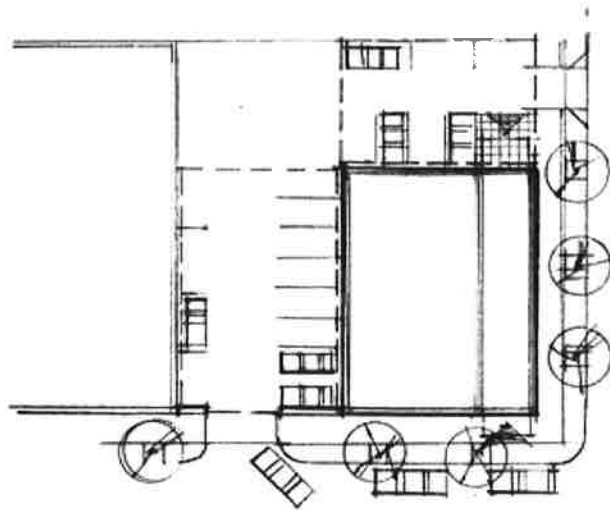
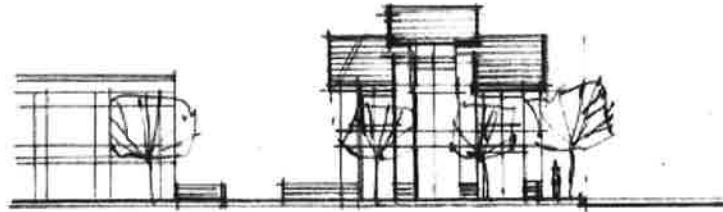
- A. REQUIREMENT: Where visible to pedestrians, walls over thirty (30) feet in length shall be modulated and building elements shall be articulated. Orient buildings and locate windows to provide privacy, to the extent practical, both within the project and to the adjacent residential neighborhood.
- B. GUIDELINES:
1. Provide vertical and horizontal modulation in the facade;
  2. Provide features that identify a clear base to the building;
  3. Provide recessed entries;
  4. Provide awnings, canopies, marquees, building overhangs, or similar forms of pedestrian weather protection. Such elements should be at least four and one half (4-1/2) feet wide and cover at least eighty (80) percent of the length of buildings, including entries, which abut a pedestrian walkway, subject to Section 18.06.080, Commercial Development Standards.
  5. Use fenestration;
  6. Vary roof lines; use dormers;
  7. Provide porches or balconies.

**FIGURE 18.130.030-A****FIGURE 18.130.030-B**

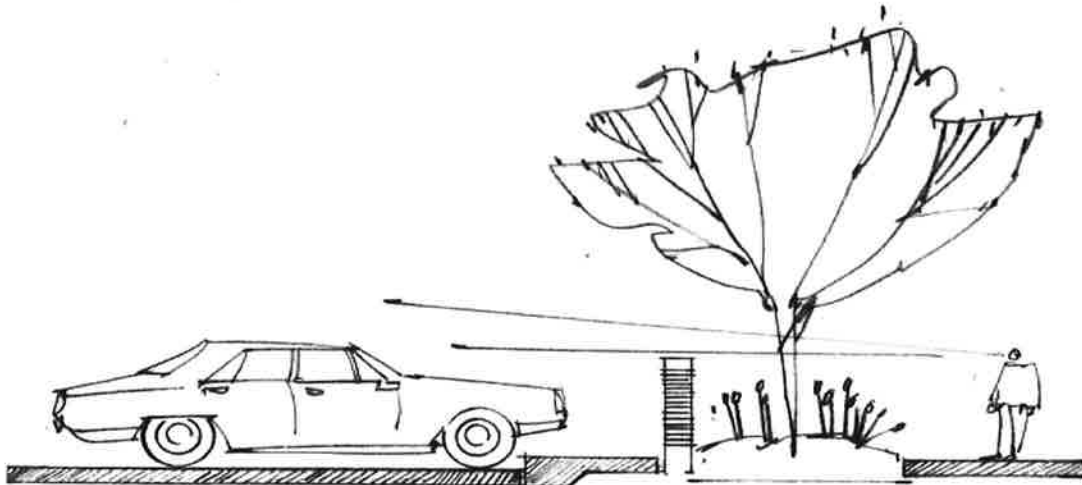
**18.130.040 Surface Parking**

- A. REQUIREMENT: Locate parking behind or on the side of buildings. On corner lots, parking shall not be located on the corner. Minimize curb cuts and provide landscaping, berms and/or low walls for screening.

(See also Section 18.38.200, Parking Facility Location.)



**FIGURE 18.130.040-A**



**FIGURE 18.130.040-B**

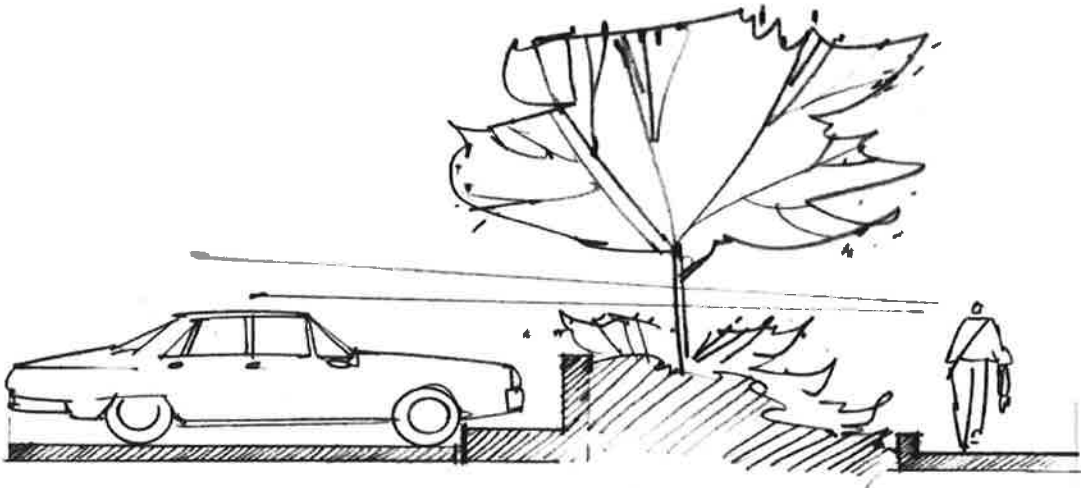
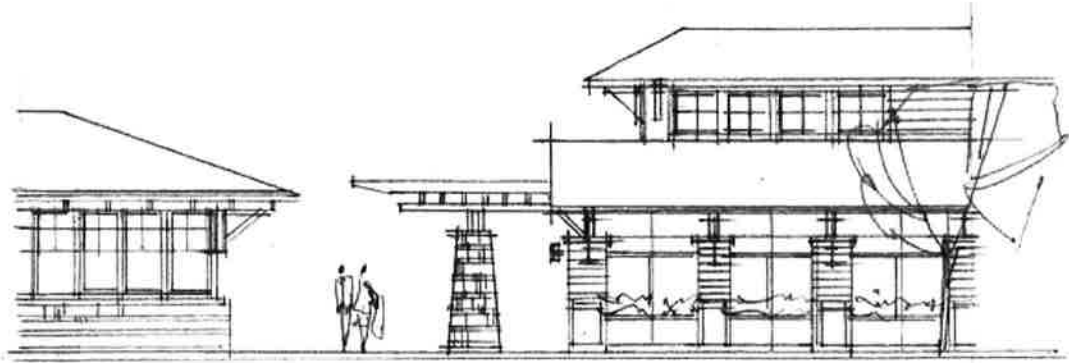


FIGURE 18.130.040-C

### 18.130.050 Historic Building Types - HDC 1 and HDC 2

- A. **REQUIREMENT:** In HDC 1 and 2 districts, buildings shall include similar details to one of the historic building types as found on the corridor and in the adjacent neighborhoods. Orient buildings and locate windows to provide privacy, to the extent practical, both within the project and to the adjacent residential neighborhood. In the case of multifamily housing or townhouse projects, stoops and porches or distinctive entryways can substitute for commercial storefront window openings.
- B. **GUIDELINES:**
1. Craftsman design may include:
    - a. Wide pitched roofs with broad overhangs;
    - b. Visible structural detail such as rafter tails and knee brackets;
    - c. Heavy porch columns;
    - d. Deep covered porches;
    - e. Broad, horizontal lines.
  2. Vernacular design may include:
    - a. Gable roof;
    - b. Horizontal clapboard exterior material;
    - c. Vertical windows;
    - d. Minimal detailing.
  3. Tudor design may include:
    - a. Steeply pitched gabled or hipped roofs and cross-gables;
    - b. Stone, stucco or brick (sometimes with decorative patterns);
    - c. Arched doorways;
    - d. Tall, vertical proportions.



**FIGURE 18.130.050-A (Craftsman)**



**FIGURE 18.130.050-B (Vernacular)**



**FIGURE 18.130.050-C (Tudor)**

**18.130.060 HDC 4-Capital Mall –Incremental Expansion**

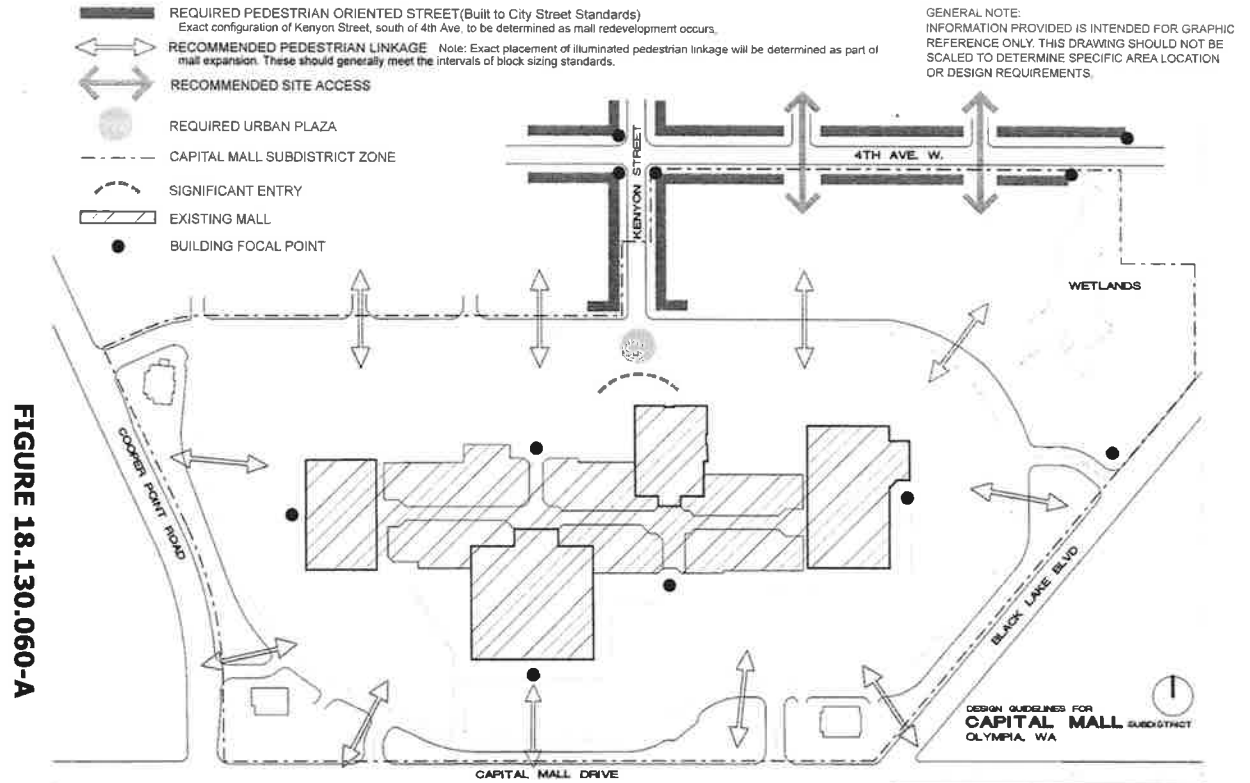
- A. Pedestrian Streets - 4th Avenue West and Kenyon Street. (Pedestrian Street Requirement does not apply to existing mall vehicular circulation.)
1. **Building Frontages.** Buildings are required to front the sidewalk and be a minimum of 20 feet in height. The building facades shall convey an urban character and include significant retail office storefronts at the ground level. (Building frontage requirement does not apply to below grade structures.) No less than 60% of the street-level building facade, between 2 feet and 8 feet above grade, shall be transparent storefront. Mixed-Use development, including residential and office uses, is encouraged on upper levels. Variations from the setback are allowed in order to encourage unique storefront building design features, and to create plazas. Canopies, arcades and/or colonnades shall be provided as overhead weather protection.
  2. **Interim Surface Parking Allowance.** Interim surface parking is allowed along 4th Avenue W and Kenyon Street as long as minimum 20 foot sidewalk / landscape area (see required sidewalks below) is provided. The area within 60 feet of the sidewalk/landscape link should be planned for future infill development. The planning of this area shall be reviewed by the Design Review Board for consistency with Pedestrian Street requirements, other design standards and street slope conditions along 4th Avenue W. and Kenyon Street.
  3. **Required Sidewalks.** 15 foot sidewalk with street trees when building faces street; (Staff note: Current major commercial collector street standards include a 10 foot sidewalk. Urban designers suggest that a wider sidewalk is necessary where a retail/commercial storefront is combined with a canopy and street tree.) 20 foot linkage when parking lot faces the street. The linkage will include a 10 foot sidewalk and a 10 foot landscaped planter. See street cross section illustrations. (This allows for development of full street improvements when buildings are developed that face the street edge.)
- B. **Building Focal Points.** A focal point, including tower elements and entryway features shall enhance street intersections, plaza areas and mall entry points. (Renovation of existing mall entries shall not



be required when minor renovations - such as a new coat of paint or new signage - or interior remodeling by tenant or anchor store are constructed within existing building envelope.) Renovated exterior entry and new mall entries shall include significant entry features, retail facades, display windows and streetscape elements to enhance the pedestrian experience, improve safety, and encourage walking between uses in the area.

- C. Transit Facility. A Transit stop or facility shall be integrated into the Capital Mall Area. It shall be located to provide a direct link to the shopping mall while supporting transit plans for the area. Transit stop or facility location can change as mall area expansion occurs over time. Transit routing through the site to the facility shall be designed to reduce conflicts with customer vehicles and parking. Transit stops will: a) be a short walking distance to the significant building entrance, b) be located at a safe and attractive location, c) be weather protected, d) include amenities such as benches and illumination, e) have adequate space to accommodate transit arrivals and departures and, f) be efficiently integrated into a transit route.
- D. Significant Building Entry. At the north side of the mall a significant entry shall be provided. (Development of this site feature is required when expansion on the north side of the Capital Mall Area meets or exceeds a cumulative total of 100,000 SF of new floor area). It is recommended that the Significant Building Entry be oriented toward Kenyon Street. The design of this entry shall include a tower element that is visible from intersection of Black Lake Blvd. and Capital Mall Drive. This element is allowed to extend up to 30 feet beyond the height limit. The feature tower shall be subject to Design Review Board approval based on design appropriateness and compatibility with overall shopping center renovation design.
- E. Urban Plaza. An urban plaza shall be located in the general area shown on the attached diagram. (Development of this site feature is required when expansion on the north side of the Capital Mall Area meets or exceeds a cumulative total of 100,000 SF of new floor area.) The plaza shall be integrated with a Significant Building Entry.
- F. Pedestrian Linkages. Increments of new development, including parking lot expansion, shall include landscaped illuminated walkways or paths that link the new mall development to surrounding commercial development, allowing people to walk or bike through parking areas safely and conveniently. (Pedestrian linkages shall be added and integrated into any parking lot expansion consistent with UDC Chapter 18.36 Landscaping and Screening regulations.) The intent is that pedestrian linkages and parking lot improvements be made incrementally as building improvements are made--not to require the entire mall parking lot to be improved at once but in proportion to the amount of mall area being developed.
- G. Site Access Points. These would create an urban block pattern along 4th Avenue by locating intersecting streets or pedestrian paths between buildings. (The Site Access Point may be connected to parking or internal circulation in the mall, but not impose block pattern to the mall as long as adequate vehicle and illuminated pedestrian connections are maintained to the surrounding High Density Corridor street network.) These shall be developed incrementally when buildings are added in the Capital Mall area and when 4th Avenue street improvements are made.

# Capital Mall Redevelopment



**FIGURE 18.130.060-A**

**Note 1: The location of a transit stop/facility is required and will be determined at each development phase. See 18.06.251-A.3**

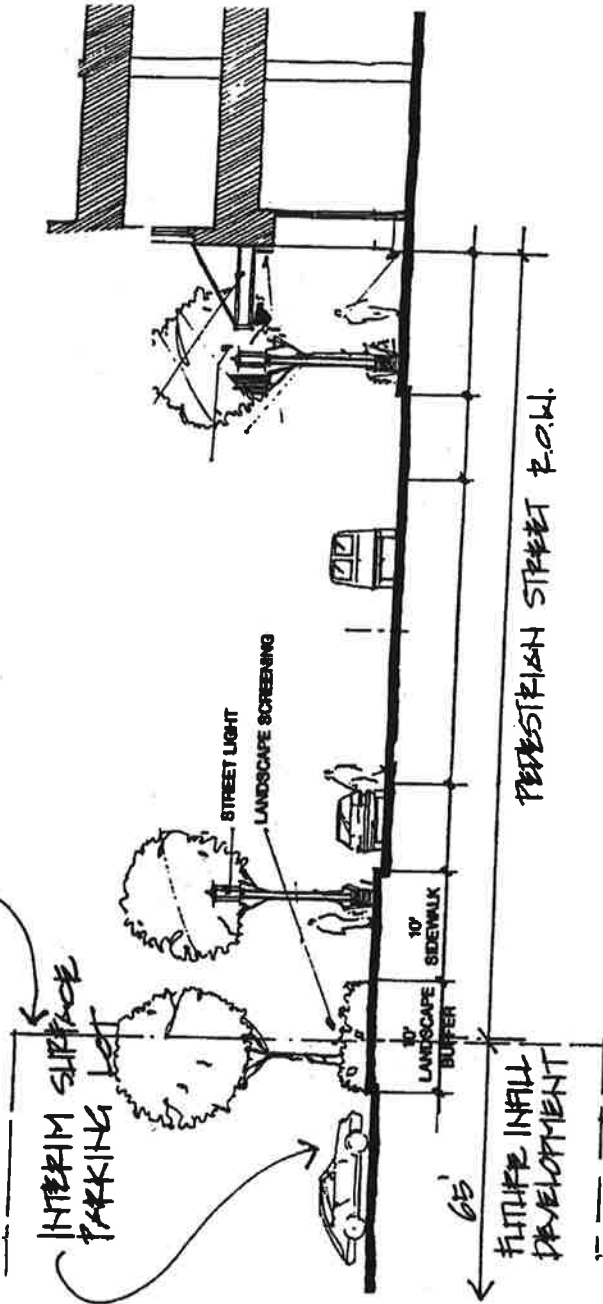
**Note 2: The private road network shown maybe altered but must offer comparable road network redundancy in order to supplement the public street network.**

CAPITAL MALL AREA

Possible Interim Development of 4<sup>th</sup> Avenue

NOTE: STREETSCAPE & STREET FRONT ELEVATIONS MAY VARY DUE TO STREET SLOPE CONDITIONS.

FUTURE BUILDING



PEDESTRIAN STREET W/  
INTERIM SURFACE PARKING

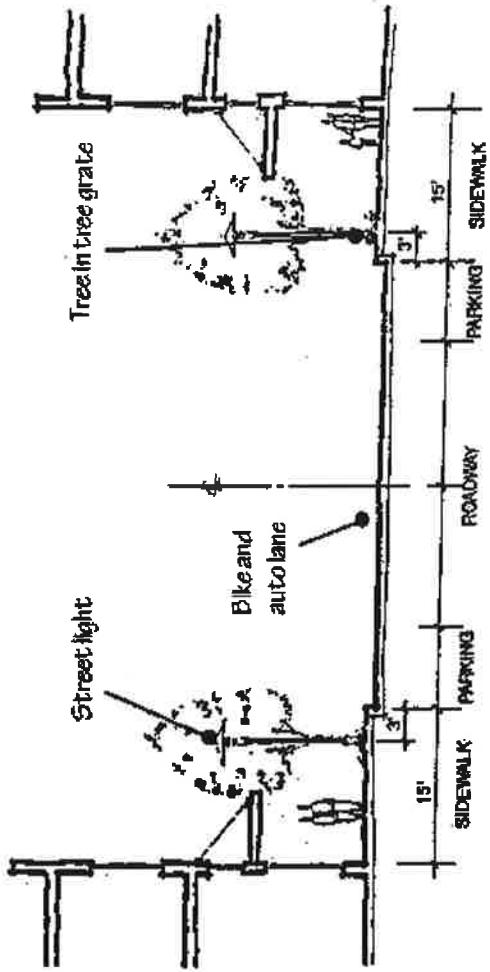
BELOW-GRADE BUILDING

Details of the street cross section will be determined at the time of development.

FIGURE 18.130.060-B

CAPITAL MALL AREA

Expected Later  
Development  
of 4<sup>th</sup> Avenue



PEDESTRIAN STREET

Details of the street  
cross-section will be  
determined at the time of  
development.

FIGURE 18.130.060-C



# Kaiser Harrison Opportunity Area Plan

Summer 2016

Draft – May 24, 2016

City of Olympia  
Community Planning & Development  
601 Fourth Avenue East  
Olympia, WA

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## Executive Summary

The Kaiser Harrison Opportunity Area Plan will allow for the development of a mixed use, pedestrian-friendly neighborhood. A vibrant and integrated neighborhood that allows for a mix of housing, shopping, office, and recreation opportunities will be developed. The area will have a distinct character with a lifestyle center including public gathering spaces and outdoor seating. This will be accomplished by a combination of these proposed changes:

- Broader variety of housing types allowed
- Broader variety of commercial uses allowed
- Designating pedestrian oriented streets in order to achieve a higher degree of walkability than might otherwise exist
- Requiring design review criteria be met
- Providing for a multi-use trail to connect residential and commercial uses within the area
- Provide for Neighborhood Park, dependent upon future development by the City

## Background

In 2013 property in the vicinity of Harrison Ave NW and Kaiser Road was identified as one of six "Opportunity Areas" in the *Investment Strategy: City of Olympia Opportunity Areas* report. These were identified as areas the City was interested in furthering development outcomes, and for which it recognized that it should proactively participate in the future development of these sites.

The Kaiser Harrison Opportunity Area was identified as having potential for neighborhood commercial/mixed use/retail district on large single-ownership tract, although there are multiple properties included in the study area. The Investment Strategy identified barriers and opportunities of redevelopment, specifically noting in the action plan that for the Kaiser Harrison Opportunity Area the City should:

- reduce development barriers for mixed use development
- fund infrastructure improvements
- support the area and explore additional development opportunities

These opportunity areas were further considered as part of the 2014 Comprehensive Plan and are addressed in the Economy Chapter. The plan called for Subarea Plans to be developed for these Opportunity Areas.

Community Planning & Development staff was set to begin the subarea planning process for the Kaiser Harrison Opportunity Area in 2016. An application for a comprehensive plan and rezone for a significant portion of the opportunity area was submitted in 2015. The Council directed staff to combine the application with the subarea planning process.

## **Subarea Planning Process**

Initial steps included updating the market study for the area, interviewing stakeholders, and developing a public participation plan.

A series of public meetings occurred during February and March 2016. Findings from the market analysis and interviews were shared with property owners in and around the study area. At the public workshops photographs of a variety of housing, retail, office, and medical land uses were shown. People had the opportunity to identify which types of land uses they preferred for the area, as well as to provide additional comments for consideration.

Three draft alternative scenarios were developed. At a public workshop on March 31, 2016, people were invited to identify what they liked or disliked about each of the alternatives and to provide additional comments.

Those who participated in the planning process were clear that they want mixed use development that accommodates cars but is designed for public transportation, pedestrians, and bicyclists. They also wanted a greater variety of housing types, including cottages, duplexes, triplexes, and four-plexes in addition to the single family and multifamily development in the area. Many supported opportunities for four story mixed use buildings, with apartments above the ground floor or the opportunity for live-work units. They wanted commercial areas to serve the needs of the growing neighborhood and surrounding area and wanted there to be design review criteria and strong walkability provisions for future development. People also wanted a neighborhood park, connections to nearby attractions such as parks and trails, and more sidewalks in the surrounding areas.

Based on the comprehensive plan, market analysis, interviews, and public comments received throughout the process (including preferences of the three draft alternatives), a preferred alternative was developed.



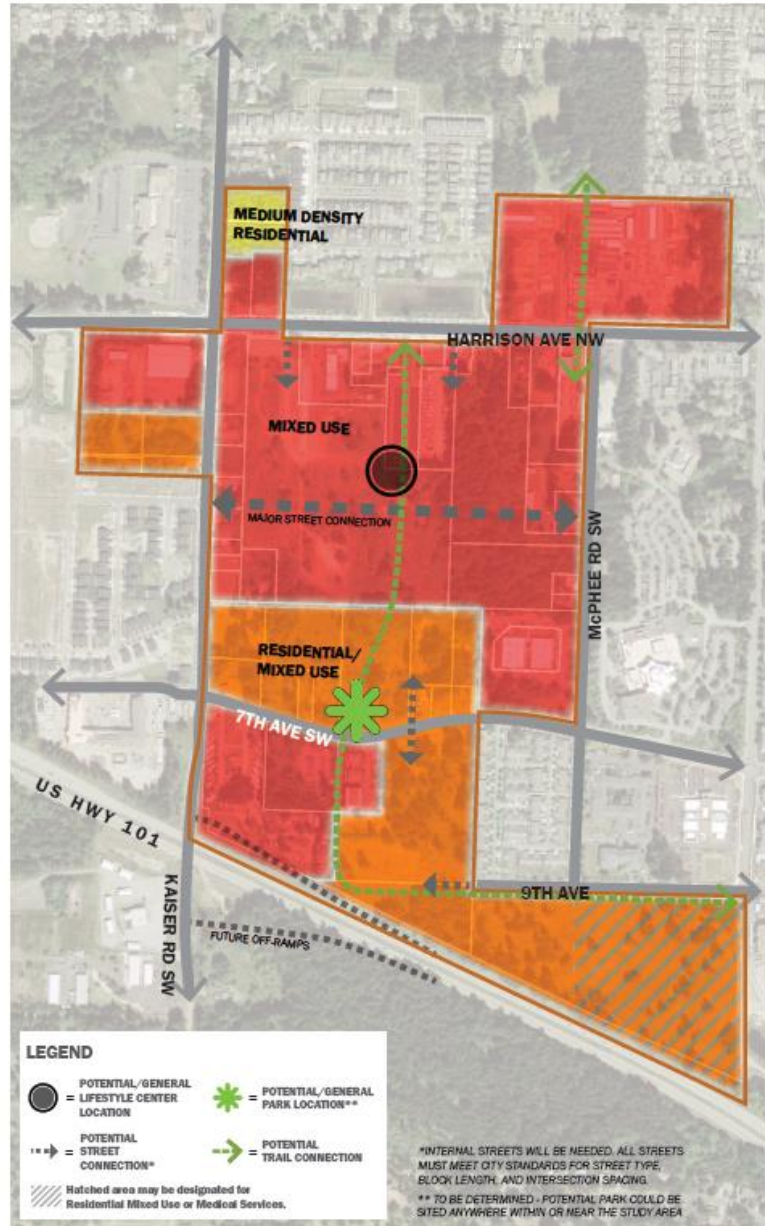
The **preferred alternative** includes a broader mix of housing and commercial uses, consistent with the findings of the Investment Strategy. However, it is also envisioned as a bicycle- and pedestrian- friendly area, including a trail that runs generally north and south through the site to connect residents and businesses throughout the area.

Based on comments received from the public, the area is intended to be walkable, accessible by transit, and to provide amenities such as gathering spaces and outdoor seating. Ultimately, the preferred alternative is a combination of the three draft alternatives based on the comments received at the public workshops.

### Intent Statement

To guide implementation efforts staff developed an intent statement for the area:

- A. Encourage development of an integrated, vibrant, planned community where people want to live, work, shop, and recreate, by supporting compatible residential and business uses to develop in close proximity to each other, with strong functional and aesthetic links between uses. Create a highly bicycle- and pedestrian-friendly, mixed use neighborhood that provides connections internally and to adjacent uses.



**PREFERRED ALTERNATIVE**

City of Olympia | Kaiser-Harrison Opportunity Area

- B. The area has a distinct character with a lifestyle retail center that includes outdoor seating and gathering spaces, with the retail center primarily serving the broader neighborhood. A lifestyle retail center is a place that accommodates cars but is also designed for the safe and convenient enjoyment of bicyclists and pedestrians. Small to medium scale anchor stores help facilitate the viability of additional retail stores and uses designed to serve the residents in the neighborhood and greater area.
- C. A larger scale retail store (greater than 60,000 square feet) may be appropriate in the study area. In order to accommodate larger scale retail, a process should be in place that addresses specific issues, such as but not limited to:
- building location, orientation, and massing;
  - pedestrian and bicycle circulation;
  - amenities for pedestrians and bicyclists;
  - parking lot orientation and design; and
  - community assets such as the multi-use trail.
- D. A variety of residences will be permitted, including single family, duplexes, triplexes, four-plexes, townhouses, cottages, apartments, live-work units, and residences in mixed use structures. A variety of commercial uses will also be allowed, such as retail, dining, services, entertainment, and offices.
- E. Encourage originality, flexibility, and innovation in site planning and development, including architecture, landscaping, public art, and design, as well as circulation and infrastructure systems. Where feasible, site development features (such as low impact development stormwater improvements) should be designed into the project as an amenity.
- F. A planned trail will connect from Harrison Avenue NW and run north-south through the approximate mid-point of the site, down past 7<sup>th</sup> Ave, and then generally south and then west along 9<sup>th</sup> Ave to Yauger Way. This trail feature is integral to connect the residents and businesses in the area. It creates an important travel means and could provide a connection to a neighborhood park in the future.
- G. A Neighborhood Park is planned in this general area. The location and development will be subject to public funding and timing. It is intended to serve as a gathering place and area for recreation. Ideally the park will be highly accessible by all transportation modes planned for this area, and integrated with the north-south trail.

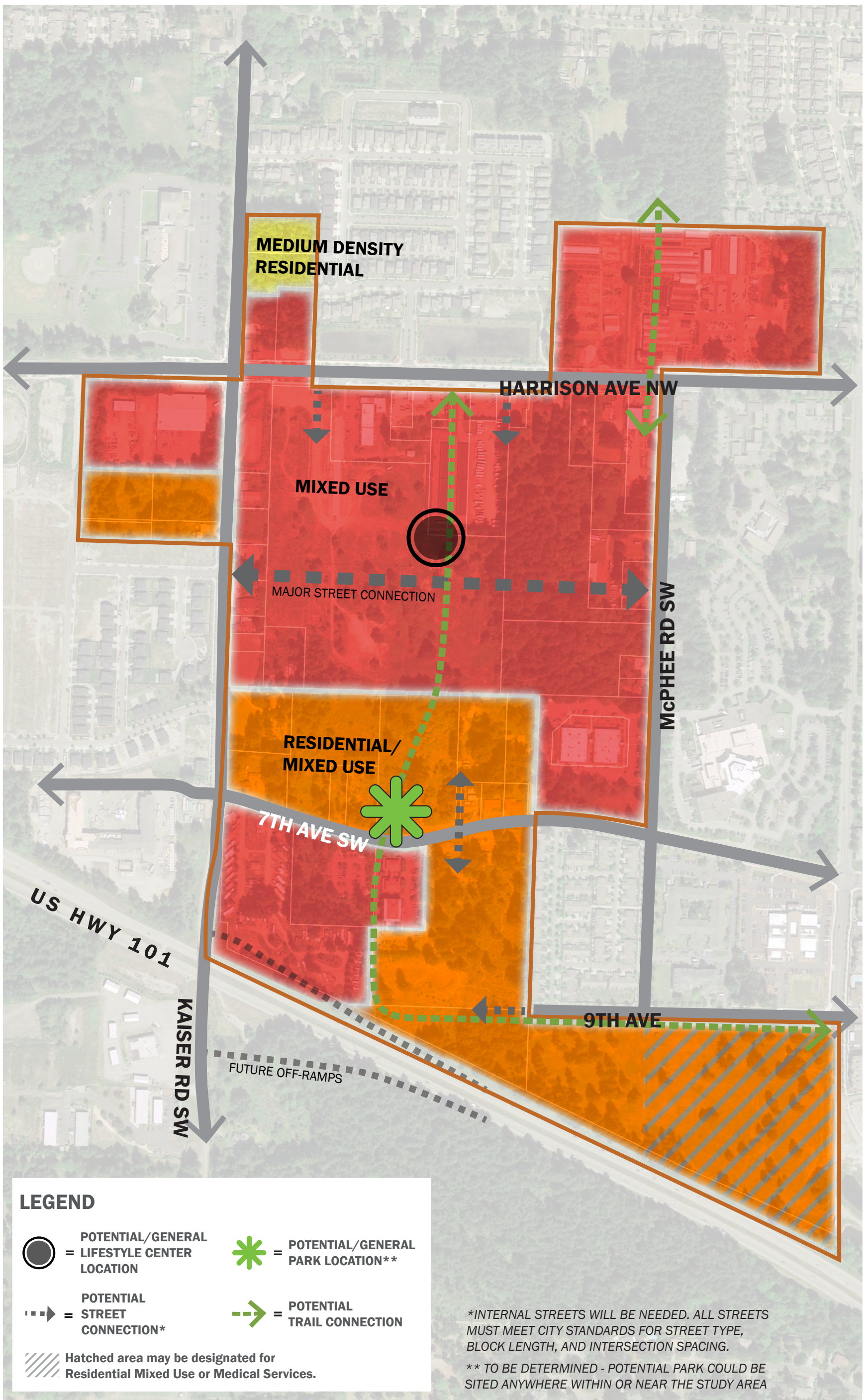
- H. Encourage and facilitate the use of transit and other forms of transportation alternatives to the single occupant vehicle. While development will accommodate vehicular access and parking, equal consideration should be given to those arriving on foot or by non-motorized vehicles.
- I. Design and urban form are key elements to how the area will look and function.

## **Proposed Changes**

In order to implement the preferred alternative several changes are being proposed, as follows:

- Reference the Kaiser Harrison Opportunity Area Plan in the Land Use and Urban Design Chapter of the Comprehensive Plan.
- Amend the Future Land Use Map in the comprehensive plan.
- Amend the Zoning Map
- Amend the Design Review Map
- Adopt Pedestrian Oriented Streets in this area
- Amend text in the following chapters of the Unified Development Code:
  - Chapter 18.06, Commercial Districts
  - Chapter 18.16, Pedestrian Street Overlay District
  - Chapter 18.100, Design Review
  - Chapter 18.130, Commercial Design Criteria High Density Corridor





# PREFERRED ALTERNATIVE





[Home](#) » [City Services](#) » [Economic Development](#) » [Kaiser-Harrison Area Plan](#)

## Kaiser-Harrison Area Plan

### Featured Links

### Navigation

- [Building Permits-Land Use](#)
- [Code Enforcement](#)
- [Engineering & Construction](#)
- [Fire Department](#)
- [Historic Preservation](#)
- [Housing & Social Service Funding Program](#)
- [Neighborhood Programs](#)
- [Online Services](#)
- [Parking Services](#)
- [Parks, Arts & Recreation](#)
- [Police Department](#)
- [Transportation](#)
- [Urban Forestry](#)

### Opportunity Areas

In 2013, the City's consultant, ECONorthwest, completed a report, Investment Strategy: City of Olympia Opportunity Areas. The study analyzed five Opportunity Areas in the city outside of the downtown, and recommended actions the City could take to facilitate redevelopment of these areas.

For the Kaiser/Harrison Area, the Olympia Comprehensive Plan envisions a mix of medical services, retail and housing. The existing zoning segregates these uses in separate portions of this area. The Investment Strategy recommends re-examining these zoning issues as part of a broader planning process for this area.

The City is now conducting this planning process for the Kaiser-Harrison Area.

View the [Preferred Alternative Map](#)

The following amendments are proposed to the City's Comprehensive Plan and Development Regulations in order to implement the Preferred Alternative

- [Kaiser Harrison Opportunity Area Plan](#)
- [Future Land Use Map](#)
- [Zoning Map](#)
- [Design Review Map](#)

The text amendments below are shown in "bill format" meaning that new text is underlined - existing hyperlinks are also shown underlined - and any language proposed to be deleted is shown in ~~strikethrough~~ text"

- [Comprehensive Plan Text Amendments](#)
- [Chapter 18.06, Commercial Districts](#)
- [Chapter 18.16, Pedestrian Street Overlay District](#)
- [Chapters 18.100, Design Review; and Chapter 18.130, Commercial Design Criteria High Density Corridor](#)

View the updated [Kaiser-Harrison Analysis Executive Summary](#)

[Supporting Materials](#)

- [Submarket Analysis Update](#)
- [Stakeholder Interview Summary](#)
- [Alternate Land Use Scenarios](#)
- [Types of uses Envisioned in the Land Use Categories](#)
- [Presentation from March 31, 2016 Public Workshop](#)

### Kaiser-Harrison Area Plan Schedule

[Public Participation Plan](#)

#### 1. Update Market Analysis (Aug-Oct 2015) Complete

Update market research and analysis from 2013 Investment Strategy report.

#### 2. Interview Interested Parties (Sep-Oct 2015) Complete



### Online Services

TRANSACTION CITY BUSINESS ONLINE AT YOUR CONVENIENCE



### Contact Us

DEPARTMENT PHONE NUMBERS AND EMAILS



### Walking

WALKING TIPS, OPTIONS AND RESOURCES



### City Calendar

- 08/23 - 5:30 p.m. [Neighborhood Meeting Pioneer Elementary Mini Building Addition](#)
- 08/23 - 7:00 p.m. [City Council Meeting](#)
- 08/24 - 09:00 a.m. [Site Plan Review Committee](#)
- 08/24 - 09:30 a.m. [Volunteer Work Party](#)
- 08/24 - 4:30 p.m. [General Government Committee](#)

→ [View full calendar...](#)

### City Updates

#### APPLY NOW FOR 2017 TOURISM FUNDING.

Non profit and government agencies that provided tourism services or operate tourism facilities are eligible to apply. Application deadline is 4:00 p.m. on Wednesday, September 21, 2016. [More...](#)

#### CUSTOMER SERVICE SURVEY.

Have you contacted Public Works Customer Service in the past year? Take [this survey](#) and tell us how we did!

#### LEAD INFORMATION - OLYMPIA'S WATER QUALITY.

In the midst of recent news stories about lead and water quality, we have compiled some helpful information about Olympia's water system, our quality control measures and how you can keep your water safe at home. [More...](#)

#### 2017-2022 PRELIMINARY CAPITAL FACILITIES PLAN.

The [2017-2022 Preliminary Capital Facilities Plan](#) is now available to view online. For more information on Olympia's Budget process or how you can be involved please see our [Budget 365 page](#)

**US 101/WEST OLYMPIA ACCESS PROJECT.** Learn about the recommended highway ramp additions on US-101 at West

Interview a sample of property owners, neighbors, real estate professionals, and interested citizens.

**3. Develop Alternative Scenarios (Nov 2015-Mar 2016)** Complete ✓

Based on the results of Tasks 1 and 2, and other available information, develop two to four scenarios of future land uses and transportation for the area.

**4. Review Scenarios (Mar-Apr 2016)** Complete ✓

Review alternative scenarios, conduct required environmental review of the preferred alternative.

**5. Planning Commission (May-June 2016)** Complete ✓

Olympia Planning Commission review and recommendation of a preferred alternative.

**6. City Council (July 2016)**

City Council review and adoption of amendments to comprehensive plan and/or zoning.

**Questions?**

Contact Joyce Phillips, Senior Planner with the Community Planning & Development Department at 360.570.3722 or [jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)

Olympia. [More...](#)

**OLYMPIA MUNICIPAL CODE.**  
Quick link to codes and standards including [Olympia Municipal Code](#).  
[PDF](#)

**MEETINGS. [Agenda and Minutes](#)**  
[PDF](#) for City Council and most advisory committees.

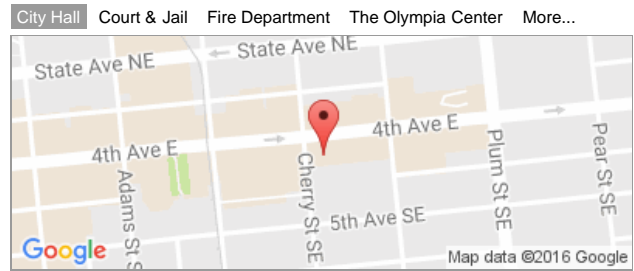
[back to top...](#)

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## City Council

### Approval of Ordinance Amending the Public Health, Arts, Parks and Recreation Chapter of the Comprehensive Plan

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 6.B  
**File Number:** 16-0858

---

**Type:** ordinance **Version:** 1 **Status:** Other Business

---

#### **Title**

Approval of Ordinance Amending the Public Health, Arts, Parks and Recreation Chapter of the Comprehensive Plan

#### **Recommended Action**

##### **Committee Recommendation:**

The Planning Commission recommends that City Council adopt the attached ordinance amending the Public Health, Arts, Parks and Recreation chapter of the Comprehensive Plan.

##### **City Manager Recommendation:**

Move to approve on first reading and forward to second reading an ordinance amending the Public Health, Arts, Parks and Recreation chapter of the Comprehensive Plan.

#### **Report**

##### **Issue:**

Whether to adopt the attached ordinance amending the Public Health, Arts, Parks and Recreation chapter of the Comprehensive Plan.

##### **Staff Contact:**

Jonathon Turlove, Associate Director, Parks, Arts and Recreation, 360.753.8068  
Joyce Phillips, Senior Planner, Community Planning and Development, 360.570.3722

##### **Presenter(s):**

Joyce Phillips, Senior Planner, Community Planning and Development

##### **Background and Analysis:**

The Comprehensive Plan was adopted in December 2014. In February 2016 the City adopted a new Parks, Arts and Recreation Plan. Although the plans are primarily consistent, it was determined that some amendments to the text would be needed to ensure consistency between the two plans. The amendments do not alter the goals and policies of the Comprehensive Plan but do update the information regarding the number of acres needed for Neighborhood Parks, Community Parks, and Open Space. Other modifications to text are minor and related to using the same terminology within

the two plans.

**Neighborhood/Community Interests (if known):**

While there was considerable public participation and interest in the development of both plans there have been no inquiries or concerns raised regarding this text amendment.

**Options:**

1. Approve the attached ordinance amending the Comprehensive Plan
2. Modify the proposed Comprehensive Plan text amendment.
3. Deny the proposed Comprehensive Plan text amendment.

**Financial Impact:**

None.

**Attachments:**

Ordinance  
Application



Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING THE PUBLIC HEALTH, ARTS, PARKS AND RECREATION CHAPTER OF THE OLYMPIA COMPREHENSIVE PLAN TO BE CONSISTENT WITH THE OLYMPIA 2016 PARKS, ARTS, AND RECREATION PLAN.**

WHEREAS, on May 16, 2016, the Olympia Planning Commission received a briefing on the proposal to amend the Public Health, Arts, Parks and Recreation Chapter of the Olympia Comprehensive Plan (herein the Amendments), which addresses how many acres of Neighborhood Parks, Community Parks, and Open Space will be needed, so the text is consistent with the recently adopted Olympia Parks, Arts and Recreation Plan; and

WHEREAS, on June 6, 2016, the Olympia Planning Commission held a public hearing on the proposal and deliberated the Amendments on June 20, 2016; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended amendments to the Comprehensive Plan text in the Public Health, Arts, Parks and Recreation Chapter as proposed; and

WHEREAS, pursuant to RCW 43.21C and WAC 197-11-800(19)(b), this action is exempt from the State Environmental Policy Act (SEPA); and

WHEREAS, this Comprehensive Plan text amendment is consistent with the Olympia Comprehensive Plan's Future Land Use Map and is specifically proposed for consistency with the Olympia Parks, Arts, and Recreation Plan adopted by the City Council on February 9, 2016; and

WHEREAS, the text amendment involves updating the references to acres of Neighborhood Parks, Community Parks, and Open Space needed for the City. The amendment does not change the goals, policies, or maps of the comprehensive plan; and

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

WHEREAS, this comprehensive plan amendment has been reviewed pursuant to the Olympia Comprehensive Plan Amendment Process outlined in Chapter 18.59 of the Olympia Municipal Code; and

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

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

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

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

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

**Section 1. Amendment of Olympia Comprehensive Plan Text.** The Public Health, Arts, Parks and Recreation Chapter of the City of Olympia Comprehensive Plan is hereby amended as shown on the attached Exhibit A, which is hereby incorporated as though fully set forth herein.

**Section 2. Olympia Comprehensive Plan.** Copies of the City of Olympia Comprehensive Plan are and shall be retained on file with the City Clerk.

**Section 3. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

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

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

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

Darren Nienaber DCA  
CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**

## EXHIBIT A

# Public Health, Arts, Parks and Recreation



Extraordinary parks, arts and recreation provide opportunities for meaningful life experiences.

### **What Olympia Values:**

*Olympians value the role parks, open space, recreation and art play in our lives; as these contribute to our sense of community, and to our physical, spiritual and emotional well-being.*

### **Our Vision for the Future:**

*A healthy, fun and enriching place to live.*

Read more in the Community Values and Vision chapter

## **Introduction**

Olympia's great parks, vibrant arts community, and many recreation and enrichment programs enrich our lives and strengthen our connection to the community. Public gathering places, whether a small pocket park or large playfield satisfy our need to join with others in the community. One only has to walk to a neighborhood park, search for a new skill to learn, or catch the latest downtown Arts Walk to experience this. The City, community groups, volunteers, and businesses all play a vital role in shaping parks, arts, and recreation. These

facilities and programs improve people's quality of life, promote active lifestyles, create a sense of place and contribute to the local economy. The City of Olympia takes an active role, when appropriate, in influencing regional health policy where it relates to Olympians.

## **Parks, Arts and Recreation Programs and Facilities**

Parks and recreation programs support healthy lives, and those healthy individuals and families help sustain a healthy community. City programs offer opportunities to exercise and reduce stress, as well as support personal growth and emotional well-being.

Some recreational amenities are regional in nature and a regional approach to their implementation can be effective. As it developed this plan, the City looked at opportunities for coordinating with other local and regional governments to develop more parks and recreational facilities. For example, community parks lend themselves to a regional approach, particularly if a potential site is located near a border with Lacey, Tumwater, or Thurston County. Other regional efforts could include an Art Center, a regional trail network, recreational programming, or even an ice skating rink or swimming pool. The City will continue to explore these opportunities.

The following goals and policies apply to all parks, arts and recreation programs, and facilities.

### **GR1 Unique facilities, public art, events, and recreational programming encourage social interaction, foster community building, and enhance the visual character and livability of Olympia.**

**PR1.1** Continue to provide extraordinary parks and community programs that contribute to our high quality of life and attract tourism and private investment to Olympia.

**PR1.2** Promote City parks, arts, and recreation programs and facilities so they are used and enjoyed by as many citizens as possible.

**PR1.3** Be responsive to emerging needs for programs, facilities, and community events.

**GR2 The City leverages its investments in parks, arts and recreation programs and facilities.**

**PR2.1** Seek non-profit organization and citizen partnerships, sponsorships, grants, and private donations for park and facility acquisition, development, operation, programming, and events.

**PR2.2** Use creative problem-solving and cost-effective approaches to development, operations, and programming.

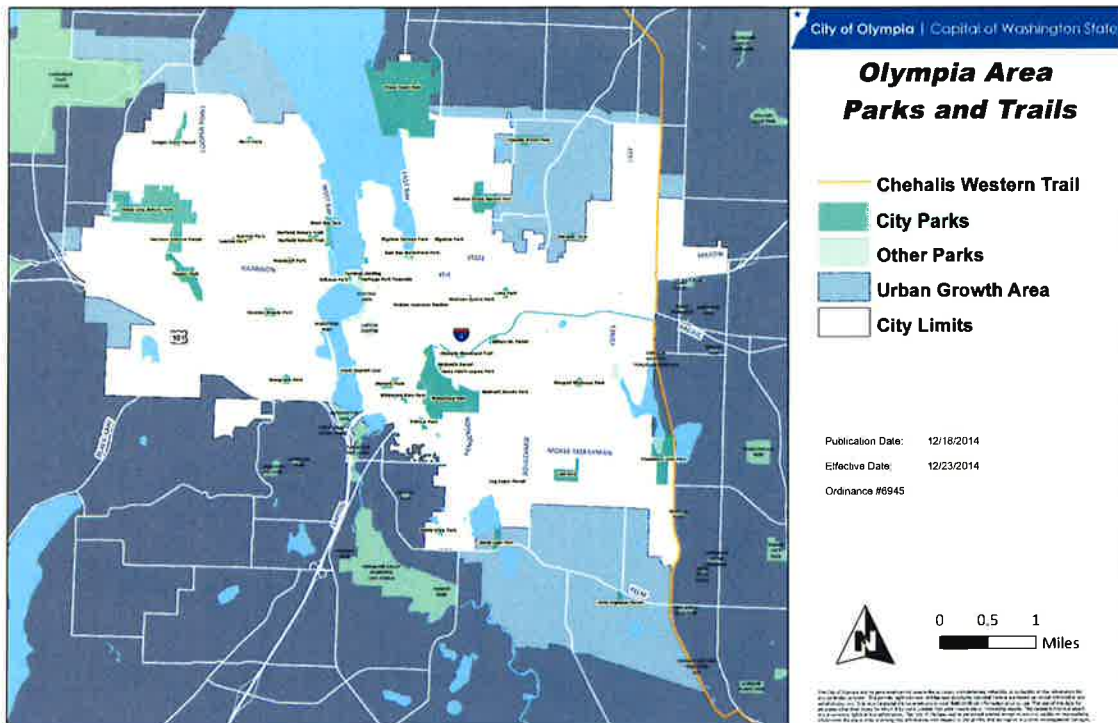
**PR2.3** Continue the Joint Use Agreement between the City and the Olympia School District to provide recreation facilities and programming for the community.

**PR2.4** Seek opportunities to increase revenues generated by users of park facilities and concessions.

**PR2.5** Search for opportunities for mixed-use facilities and public/private partnerships.

## **Parks**

There are 52 parks and open spaces in the City of Olympia that give us a variety of opportunities to enjoy the outdoors from hiking in Watershed Park, to keeping cool in the Heritage Park Fountain, to strolling along Percival Landing, to getting married in the Rose Garden at Priest Point Park. Despite the number of parks we have, however, there are still unmet needs, such as soccer fields, dog parks, community gardens, bike and nature trails, and open space. For a complete inventory of all existing park, recreation and open space lands in Olympia see the Parks, Arts and Recreation Plan.



View Map – Olympia Area Parks and Trails

Over the next 20 years, Olympia will face a number of challenges as it works to meet the demand for parks and open space:

- **Funding for Large Capital Projects.** Current funding is not adequate to complete the Percival Landing project and the Isthmus gateway, acquire and develop a 40-acre community park, and complete the West Bay Park and Trail. These are all multi-million dollar projects.
- **Acquiring Land for New Parks.** As our population increases we will need more parks and open space to maintain the same level of service standards yet less land and fewer large parcels will be available.
- **Maintaining an Aging Infrastructure.** As Olympia’s park infrastructure ages, it becomes more important, and more expensive, to maintain.

# **Maintaining the quality of Olympia's parks and recreation system**

## **Level of Service Standards**

### **The Parks and Recreation Plan:**

Every six years, the City undertakes an extensive public outreach effort to update its Parks, Arts and Recreation Plan. During this time, citizens have an opportunity to share what they want from our park system, and our arts and recreation needs, which are used to update Olympia's park level of service standards. ~~Level of service standards are referred to as "Target Outcome Ratios in the Parks, Arts and Recreation Plan.~~ These standards -- the ratio of developed park land per 1,000 residents --- are used to evaluate the need to acquire more park land or build more recreation facilities.

### **The Capital Facilities Plan:**

The Capital Facilities Plan describes how the City finances new park acquisition and development, which is funded by a variety of sources including the two percent private utility tax, park impact fees, Washington's State Environmental Policy Act (SEPA) mitigation fees, grants and donations. While most of the park projects proposed in the Parks, Arts and Recreation Plan already have identified funding sources, some do not.

## **Neighborhood Parks**

A Neighborhood Park is usually a small playground and open area designed primarily for non-supervised, non-organized recreational activities. A typical Neighborhood Park might include a children's playground, a picnic shelter, a restroom, and open grass areas for passive and active use. These parks also may include trails, tennis courts, basketball courts, skate courts, public art, and community gardens. Since each Neighborhood Park is unique, residents will often travel throughout the City to experience a variety of them. The service area for Neighborhood Parks is thus the entire City and its Urban Growth Area.





Neighborhood parks such as Lion's Park provide nearby places to be active.

There are currently 2326 Neighborhood Parks in Olympia totaling 6972 acres. As Olympia's population grows, some of our Neighborhood Parks are nearing capacity. To address this, the City estimates that it needs to acquire threeten additional Neighborhood Park sites totaling approximately 1120 acres within 1020 years. This is also consistent with the goal expressed in the Parks, Arts and Recreation Plan of having a neighborhood park within one mile of all walking distance to most residences.

For more information on the Neighborhood Park standard see the Parks, Arts and Recreation Plan.

## **Community Parks**

Community Parks are designed to serve the larger community, and are either athletic fields or sites that have a special focus.

Athletic field space can range from a single field at a park to a multiple-field complex. Large athletic field complexes are the most cost-effective for efficient scheduling and maintenance. Though they are designed for organized activities and sports, individual and family activities are also encouraged. Athletic field complexes bring large groups together and require more facilities, such as parking, restrooms and picnic shelters. Olympia's three existing athletic field complexes are: LBA Park, Yauger Park and Stevens Field. Combined, these parks total 75 acres.



Other Community Parks may have a special focus, such as a waterfront, garden, or water feature. Some examples include the Heritage Park Fountain, Yashiro Japanese Garden, and Percival Landing.



Community parks add to Olympia's vitality (Percival Landing).

Olympia provides athletic fields through a combination of City parks and school fields. But there still is a need for additional rectangular fields. In recent years, soccer groups have been turned away and have used fields available in other jurisdictions. Some athletic fields have been so over-used that they cannot recover for the following season, which is leading to long-term deterioration. While the City will continue its efforts to acquire large parcels for future athletic field complexes, it recognizes that with very few large undeveloped parcels available, it may be necessary to meet the future athletic field need with single fields at multiple parks.

Community Parks also can have special features such as off-leash dog areas, bicycle courses, freshwater swim beaches, waterfront access and community gardens. Based on community needs, Olympia will also need to add additional Community Park acreage to provide for these desired recreational amenities.

For organized sports, it matters less where the player lives, but rather where a game is scheduled. Much like a transit system or library system that is "area-wide", Community Parks serve the entire Olympia urban growth area. Thus the service area for Community Parks is defined as being all of Olympia and all of Olympia's urban growth area.

~~The Community Park level of service standard is determined by analyzing athletic field and non-athletic field community needs separately. The City estimates that it needs two additional athletic field oriented community parks totaling 63 acres and 7 special use oriented community parks totaling 29 acres to acquire an additional 84 acres of community parks to meet the demand for Community Parks within 1020 years. For more information on the Community Park standard see the Parks, Arts and Recreation Plan.~~

## **Open Space**

Open Space is defined as primarily undeveloped land set aside for citizens to enjoy nature and to protect the natural character of Olympia's landscape. It may include trails; wetlands; wetland buffers; stream or river corridors and aquatic habitat; forested or upland wildlife areas; ravines, bluffs, or other geologically hazardous areas; prairies/meadows; and undeveloped areas within existing parks. Trail development to allow passive recreation such as nature observation and hiking is encouraged in these areas, except in cases where wildlife conservation is the primary function. Parking and trailhead facilities such as restrooms, information kiosks and environmental education facilities are also appropriate.

(Note that the term "Open Space" as used in this chapter has a more specific meaning than as used in the Natural Environment Chapter pursuant to RCW 36.70A.160).



Open spaces such as Mission Creek Nature Park provide opportunities to experience nature within the city.

Research has shown that residents are willing to travel across town looking for the special and unique features associated with one Open Space in particular. For instance, Watershed Park provides walking trails in a stream and wetland complex while Priest Point Park provides saltwater beach access and old growth forests. Much like a transit system or library system that is "area-wide", Open Spaces serve the entire Olympia urban growth area. Thus the service area for Open Space is defined as being all of Olympia and all of Olympia's urban growth area.

Olympia already has a substantial inventory of Open Space acreage. Priest Point Park, Grass Lake Refuge, and Watershed Park alone comprise over 630 acres. To retain the current ratio of Open Space to population would require acquiring approximately 140 more acres to the inventory every 10 years. Lack of available land parcels and insufficient funding makes this unfeasible. Yet, Open Space has a very high value to Olympia residents. At the Parks, Arts & Recreation public workshops related to parks planning, when people were asked, "What parks, arts or recreation experience do you value most?" the number one response was "nature." In a series of neighborhood workshops conducted for a recent update to the Parks, Arts and Recreation Plan, one of the most dominant themes was

"Buy open space/natural areas – provide nearby access to nature."

~~Four Open Space projects totaling 111313 acres of Open Space acquisition are therefore proposed for development within the next 1020 years. While this will result in a slightly lower ratio of Open Space to population in 10 years, these projects will be valuable additions to Olympia's Open Space inventory and These acquisitions will meet the Open Space Level of Service Standard and will help address the impact of projected population growth on the Open Space system. For more information on the Open Space standard see the Parks, Arts and Recreation Plan.~~

The level of service standards outlined above and the following goals and policies will guide Olympia's park system towards achieving its vision over the next 20 years.

## **Goals and Policies**

### **GR3 A sustainable park system meets community recreation needs and Level of Service standards.**

**PR3.1** Provide parks in close proximity to all residents.

**PR3.2** Ensure that Olympia's park system includes opportunities for its citizens to experience nature and solitude as a healthy escape from the fast pace of urban life.

**PR3.3** Preserve and enhance scenic views and significant historic sites within Olympia's park system.

**PR3.4** Identify and acquire future park and open space sites in the Urban Growth Area.

**PR3.5** Beautify entry corridors to our City and our neighborhoods, giving priority to street beautification downtown and along Urban Corridors.

**PR3.6** Continue to collect park impact fees within the Olympia City Limits and SEPA-based mitigation fees in the Olympia Urban Growth Areas so new development pays its fair share to the park and open space system based on its proportionate share of impact. Work with Thurston County to devise an alternative system for funding parks and open space in the unincorporated Urban Growth Area.

**PR3.7** During development review, if consistent with park level of service

standards or other needs, encourage developers to dedicate land for future parks, open space, and recreation facilities.

**PR3.8** Develop parks or plazas near Urban Corridors.

**GR4 An urban trails system interconnects parks, schools, neighborhoods, open spaces, historical settings, neighboring jurisdictions' trails systems, important public facilities, and employment centers via both on- and off-street trails.**

**PR4.1** Coordinate with adjacent jurisdictions and State agencies to build a regional trail network and coordinated trail signage program that is consistent with the Thurston Regional Trails Plan.

**PR4.2** Use existing rail, utility, and unopened street rights-of-way, alleys, streams (where environmentally sound), and other corridors for urban trails.

**PR4.3** Preserve unimproved public rights-of-way for important open space, greenway linkages, and trails.

**PR4.4** Encourage walking and bicycling for recreation and transportation purposes by linking parks to walking routes, streets and trails.

**PR4.5** When located in areas where future trails are shown on the adopted map, ensure that new development provides appropriate pieces of the trail system using impact fees, the SEPA process, trail Right-of-Way dedication, or other means.

**GR5 A lively public waterfront contributes to a vibrant Olympia.**

**PR5.1** Complete Percival Landing reconstruction and West Bay Park construction.

**PR5.2** Encourage creation of a public shoreline trail as property north of West Bay Park is developed.

**PR5.3** Develop a West Bay trail alignment that follows the shoreline and connects to Deschutes Parkway to the south.

**PR5.4** Designate waterfront trails and important waterfront destinations as the "Olympia Waterfront Route" as outlined in the Thurston Regional Trails Plan.



**PR5.5** Encourage the acquisition of saltwater shoreline property and easements to create more public access to the waterfront.

**PR5.6** Preserve street rights-of-way when they extend to shorelands and install signs that indicate public access.

### **GR6 Olympia's parks, arts and recreation system investments are protected.**

**PR6.1** Continue to implement and refine the City-wide Asset Management Program to make sure the City's public facilities remain functional and safe for as long as they were designed for.

**PR6.2** Establish a dedicated and sustainable funding source for maintaining City parks, landscape medians, roundabouts, entry corridors, street trees, City buildings, and other landscaped areas in street rights-of-way.

**PR6.3** Protect the City's investment from damage by vandalism, encampments, and other misuse in a manner that preserves the intended purpose.

**PR6.4** Consider regional approaches to funding major recreational facilities, such as swimming pools, regional trails, art centers, and tournament-level athletic fields.

**PR6.5** Establish a strategy for funding maintenance and operation of new park facilities before they are developed.

## **Arts**

Olympia is now home to approximately 2,500 individual artists and almost 100 arts organizations and venues. Our resident artists are musicians, writers, actors, and visual artists who are both nationally known and emerging. Olympia hosts award-winning theater, ground breaking music performances, the Procession of the Species, and a strong visual arts community that ranges from informal artists to those with nationwide gallery representation.



Arts Walk is one of the largest public events in the community and a source of civic spirit and pride.

Over the next 20 years, Olympia will face two challenges:

- **Creating an Arts Center.** In 1989, the City first identified a need for a regional arts center with exhibition space, working studios, and rehearsal space for regional artists.
- **Retaining Artists.** Social and economic factors such as cost of living, affordable housing, and stable economy may make it harder for Olympia to retain its artists.

## Goals and Policies

**GR7 Permanent and temporary public art is located in parks, sidewalks, roundabouts, public buildings, alleys and other public spaces.**

**PR7.1** Include diverse works of art.

**PR7.2** Ensure opportunities and participation by local, regional and national artists.

**PR7.3** Use public art to create unique community places and visible landmarks.

**PR7.4** Incorporate art into public spaces such as sidewalks, bridges, parking meters, tree grates, buildings, benches, bike racks and transit stops.

**PR7.5** Encourage community participation at all levels of the public art process.

**PR7.6** Ensure our public art collection is regularly maintained so it retains its beauty and value.

**PR7.7** Encourage art in vacant storefronts.

**PR7.8** Encourage neighborhood art studios.

**PR7.9** Support art installations that produce solar or wind generated energy.

**PR7.10** Help artists, organizations and businesses identify possible locations in commercial areas for studios and exhibition space.

**PR7.11** Establish an "art in city buildings" program that would host rotating art exhibits.

### **GR8 Arts in Olympia are supported.**

**PR8.1** Pursue a regional community arts center.

**PR8.2** Pursue affordable housing and studio/rehearsal space for artists, including support for, or participation in, establishing or constructing buildings or sections of buildings that provide living, work and gallery space exclusively for artists.

**PR8.3** Encourage broad arts participation in the community.

**PR8.4** Provide opportunities for the public to learn about and engage in the art-making process.

**PR8.5** Provide opportunities that highlight the talent of visual, literary and performing artists.

**PR8.6** Provide technical support to art organizations.

**PR8.7** Establish and promote a theater and entertainment district in downtown Olympia.



**PR8.8** Create a range of opportunities for the public to interact with art; from small workshops to large community events.

**PR8.9** Encourage early arts education opportunities.

## Recreation

The City's recreation programs promote physical and mental well-being, bring citizens together in a positive, supportive, and fun atmosphere, and create memorable experiences for individuals and families. The City offers traditional programs such as sports leagues, youth camps and clinics, and special interest classes. It also responds to emerging recreational interests, such as the Ultimate Frisbee league, high-energy dance classes, and community gardens. ~~In 2010~~ Each year, approximately 400 teams participated in City sports leagues, more than 4,000 citizens ~~took~~ take a leisure recreation class, and more than 1,500 ~~kids and teens~~ youth participated in camp programs. In addition to enhancing participants' wellness, people who participate in these programs also gain a sense of belonging to the community.



Recreation Programs foster community health and wellness ("Kids Love Soccer" Program).

### **Olympia's recreation programs face the following challenges:**

- **Activating our Community.** Our sedentary lifestyles are contributing to health problems. The City must find places and programs that can compete with the ease and simplicity of TV and computers for our time and attention
- **Connecting with Nature.** Our electronic toys and indoor jobs have created a culture less connected to nature. If our residents are not

connected to nature it will become increasingly difficult for them to understand or embrace environmental stewardship

- **An aging population that's ready for action:** Between 2010 and 2030, Olympia's senior population is projected to double. But the seniors of the future are likely to be more active and adventurous than in prior generations. Olympia's recreation programs need to embrace this trend.

## **Goals and Policies**

### **GR9 Olympians enjoy lifelong happiness and wellness.**

**PR9.1** Provide opportunities that promote a mentally and physically active lifestyle and healthy food choices, including participation in local food production.

**PR9.2** Provide programs and facilities that stimulate creative and competitive play for all ages.

**PR9.3** Provide programs, facilities, and community events that support diverse self-expression.

**PR9.4** Provide opportunities for bringing balance, relaxation, and lifelong learning into one's life.

### **GR10 Families recreate together.**

**PR10.1** Enhance recreation opportunities for the Olympia area's physically and mentally disabled populations.

**PR10.2** Provide recreational opportunities for all family structures.

**PR10.3** Work towards providing recreation programs that are affordable and available to all citizens.

**PR10.4** Provide parks and programs to serve people of all ages, and with many different abilities, and interests.

**PR10.5** Develop programs and design park facilities that encourage activities people can do together regardless of their age.

**PR10.6** Provide convenient, safe, active, outdoor recreation experiences suited for families.

## **For More Information**

- Parks, Arts and Recreation Plan
- Olympia's Capital Facilities Plan shows how park projects will be funded during a six year period
- For a complete list of all of Olympia's parks and trails, see Parks and Trails
- For a comprehensive look at regional trail planning, see the Thurston Regional Trails Plan
- Information on the City's Public Art Collection can be found at Public Art
- In 2007, the Art's Commission participated in an Arts Center Feasibility Study

To learn more about the City of Olympia's recreational programs and classes, see Recreation



# GENERAL LAND USE APPLICATION

OFFICIAL USE ONLY

Case #: 16-0039

Master File #: 16-0001

Date: 3/25/16

Received By: jmp

Project Planner: Joyce

Related Cases: 16-0001

One or more of the following **Supplements** must be attached to this **General Land Use Application**:

- |   |   |
|---|---|
| <input type="checkbox"/> Adjacent Property Owner List                 | <input type="checkbox"/> Large Lot Subdivision  |
| <input type="checkbox"/> Annexation Notice of Intent                  | <input type="checkbox"/> Parking Variance   |
| <input type="checkbox"/> Annexation Petition (with BRB Form)          | <input type="checkbox"/> Preliminary Long Plat  |
| <input type="checkbox"/> Binding Site Plan                            | <input type="checkbox"/> Preliminary PRD  |
| <input type="checkbox"/> Boundary Line Adjustment (Lot Consolidation) | <input type="checkbox"/> Reasonable Use Exception (Critical Areas)                    |
| <input type="checkbox"/> Conditional Use Permit                       | <input type="checkbox"/> SEPA Checklist   |
| <input type="checkbox"/> Design Review – Concept (Major)              | <input type="checkbox"/> Shoreline Development Permit (JARPA Form)                    |
| <input type="checkbox"/> Design Review – Detail                       | <input type="checkbox"/> Short Plat   |
| <input type="checkbox"/> Environmental Review (Critical Area)         | <input type="checkbox"/> Tree Plan  |
| <input type="checkbox"/> Final Long Plat                              | <input type="checkbox"/> Variance or Unusual Use (Zoning)                             |
| <input type="checkbox"/> Final PRD                                    | <input checked="" type="checkbox"/> Other <u>Rezone or Code Text Amendment Suppl.</u> |
| <input type="checkbox"/> Land Use Review (Site Plan) Supplement       |   |

Project Name: Comp Plan Amendment – Public Health, Arts, Parks and Recreation Chapter

Project Address: N/A

Applicant: Jonathon Turlove, Olympia Parks, Arts and Recreation

Mailing Address: P.O. Box 1967, Olympia, WA 98507

Phone Number(s): 360.753.8068

E-mail Address: jturlove@ci.olympia.wa.us

Owner (if other than applicant): Olympia Parks, Arts and Recreation

Mailing Address: P.O. Box 1967, Olympia, WA 98507

Phone Number(s): 360.753.8068

Other Authorized Representative (if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Project Description: The sections of the Public Health, Arts, Parks and Recreation chapter that discuss how many acres of Neighborhood Parks, Community Parks, and Open Space needed will be updated to be consistent with the Parks, Arts and Recreation Plan that was adopted February 9, 2016.

Size of Project Site: N/A

Assessor Tax Parcel Number(s): N/A

Section : N/A Township: N/A Range: N/A

Full Legal Description of Subject Property (attached ):

N/A

Zoning: N/A

Shoreline Designation (if applicable): N/A

Special Areas on or near Site (show areas on site plan):

- |   |  |
|---|--|
| <input type="checkbox"/> Creek or Stream (name): _____  | <input type="checkbox"/> Historic Site or Structure            |
| <input type="checkbox"/> Lake or Pond (name): _____     | <input type="checkbox"/> Flood Hazard Area (show on site plan) |
| <input type="checkbox"/> Swamp/Bog/Wetland              | <input type="checkbox"/> None                                  |
| <input type="checkbox"/> Steep Slopes/Draw/Gully/Ravine |  |
| <input type="checkbox"/> Scenic Vistas                  |  |

Water Supply (name of utility if applicable): \_\_\_\_\_

Existing: \_\_\_\_\_

Proposed: \_\_\_\_\_

Sewage Disposal (name of utility if applicable): \_\_\_\_\_

Existing: \_\_\_\_\_

Proposed: \_\_\_\_\_

Access (name of street(s) from which access will be gained): \_\_\_\_\_

I affirm that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner of the subject site or am duly authorized by the owner to act with respect to this application. Further, I grant permission from the owner to any and all employees and representatives of the City of Olympia and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application. I agree to pay all fees of the City that apply to this application.

Signature



Date

3/22/16

JT  
Initials

I understand that for the type of application submitted, the applicant is required to pay actual Hearing Examiner costs, which may be higher or lower than any deposit amount. I hereby agree to pay any such costs.

**Applicants are required to post the project site with a sign provided by the City within seven days of this application being deemed complete. Please contact City staff for more information.**

Each complete **General Land Use Application** shall include each of the following:

1. Vicinity map depicting location of project with respect to nearby streets and other major features, and encompassing at least one (1) square mile, and not more than forty (40) square miles.
2. Unless exempt, an environmental checklist with typed and title-company certified list of property owners of record within 300 feet of the project site. (See Olympia Municipal Code (OMC) 14.04.060 and WAC 197-11-800 regarding exemptions.)
3. All supplemental attachments for each and every land use approval required by the City of Olympia for the proposed project.
4. A map to scale depicting all known or suspected critical areas on the site or within 300 feet of the site. (See Chapter 18.32 of the OMC.)
5. An Environmental Review Report if within 300 feet of any critical area (wetland, stream, landslide hazard area or other critical area. (See Chapter 18.32 of the OMC.)





# Final Comprehensive Plan Amendment Application

OFFICIAL USE ONLY

Case #: 16-0039  
Received By: jmp

Master File #: \_\_\_\_\_  
Project Planner: Joyce

Date: 3/25/16  
Related Cases: 16-0001

One or more of the following supplements must be attached to this Comprehensive Plan Amendment Application:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Comprehensive Plan Amendment (Proposed Specific Text and/or Maps) | <input type="checkbox"/> Adjacent Property Owner List (If site-specific amendment) |
| <input type="checkbox"/> Any Related Zoning Map (Rezzone) or Text Amendment                           | <input type="checkbox"/> SEPA Checklist  |
| <input type="checkbox"/> Other  |  |

Applicant: Jonathon Turlove, Olympia Parks, Arts and Recreation  
Mailing Address: P.O. Box 1967, Olympia, WA 98507  
Phone Number(s): 360.753.8068  
E-mail Address: jturlove@ci.olympia.wa.us

Site Owner: Olympia Parks, Arts and Recreation  
Mailing Address: P.O. Box 1967, Olympia, WA 98507  
Phone Number(s): 360.753.8068

Other Authorized Representative (if any): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Description of Proposed Amendment: The sections of the Public Health, Arts, Parks and Recreation chapter that discuss how many acres of Neighborhood Parks, Community Parks, and Open Space needed will be updated to be consistent with the Parks, Arts and Recreation Plan that was adopted February 9, 2016.

Size of Proposed Amendment Area: N/A  
Assessor Tax Parcel Numbers (s): N/A

Site Address (if applicable): \_\_\_\_\_

Special areas on or near site (show areas on site plan):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> None               |   |
| <input type="checkbox"/> Creek or Stream (name): _____ |   |
| <input type="checkbox"/> Lake or Pond (name): _____    |   |
| <input type="checkbox"/> Swamp/Bog/Wetland             | <input type="checkbox"/> Steep Slopes/Draw/Gully/Ravine |
| <input type="checkbox"/> Scenic Vistas                 | <input type="checkbox"/> Historic Site or Structure     |
| <input type="checkbox"/> Flood Hazard Area             |   |

I affirm that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm  /do not affirm  that I am the owner of the subject site or am duly authorized by the owner to act with respect to this application (in the case of a rezone application). Further, I grant permission from the owner to any and all employees and representatives of the City of Olympia and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application.

<b>Print Name</b> <u>Jonathon Turlove, Associate Planner</u>	<b>Signature(s)</b> <u>Jonathon Turlove</u>	<b>Date</b> <u>3/23/16</u>
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# REZONE OR CODE TEXT AMENDMENT SUPPLEMENT

## OFFICIAL USE ONLY

Case #: 116-0039

Master File #: \_\_\_\_\_

Date: 3/25/14

Received By: jmp

Project Planner: JOLYCE

Related Cases: 116-0001

**Rezone**

**Text Amendment**

Current land use zone: \_\_\_\_\_

Proposed zone: \_\_\_\_\_

Answer the following questions (attach separate sheet):

- A. How is the proposed zoning consistent with the Comprehensive Plan including the Plan's Future Land Use map as described in OMC 18.59.055? If not consistent, what concurrent amendment of the Plan has been proposed, if any?
- B. How would the proposed change in zoning maintain the public health, safety and welfare?
- C. How is the proposed zoning consistent with other development regulations that implement the Comprehensive Plan?
- D. How will the change in zoning result in a district that is compatible with adjoining zoning districts?
- E. Please describe whether public facilities and services existing and planned for the area are now adequate, or likely to be available, to serve potential development allowed by the proposed zone.

A Rezone Or Code Text Amendment Application shall accompany a General Land Use Application and shall include:

1. The current zoning of the site.
2. The proposed zoning of the site.
3. Specific text amendments proposed in "bill-format." (See example.)
4. A statement justifying or explaining reasons for the amendment or rezone.
5. Reproducible maps (8½" x 17" or 11" x 17") to include a vicinity map with highlighted area to be rezoned and any nearby city limits, and a map showing physical features of the site such as lakes, ravines, streams, flood plains, railroad lines, public roads, and commercial agriculture lands.
6. A site plan of any associated project.
7. A site sketch 8½" x 11" or 11" x 17" (reproducible).
8. A typed and certified list, prepared by title company, of all property owners of record within 300 feet of the proposed rezone.
9. A copy of the Assessor's Map showing specific parcels proposed for rezone and the immediate vicinity.
10. An Environmental (SEPA) Checklist.

**NOTE:** *Although applications may be submitted at any time, site specific rezone requests are only reviewed twice each year beginning on April 1 and October 1.*

**Applicants are required to post the project site with a sign provided by the City within seven days of this application being deemed complete. Please contact City staff for more information.**

## **Proposed Changes to the Public Health, Arts, Parks and Recreation Chapter of the Olympia Comprehensive Plan**

The following shows proposed changes to the Public Health, Arts, Parks and Recreation chapter that will make the chapter consistent with the Parks, Arts and Recreation Plan that was adopted February 9, 2016. These changes primarily involve updating references to acres of Neighborhood Parks, Community Parks, and Open Space needed. There are no proposed changes to goals, policies, or maps.

### **Public Health, Arts, Parks and Recreation**

Extraordinary parks, arts and recreation provide opportunities for meaningful life experiences.

#### **What Olympia Values:**

*Olympians value the role parks, open space, recreation and art play in our lives; as these contribute to our sense of community, and to our physical, spiritual and emotional well-being.*

#### **Our Vision for the Future:**

*A healthy, fun and enriching place to live.*

Read more in the [Community Values and Vision](#) chapter

#### Introduction

Olympia's great parks, vibrant arts community, and many recreation and enrichment programs enrich our lives and strengthen our connection to the community. Public gathering places, whether a small pocket park or large playfield satisfy our need to join with others in the community. One only has to walk to a neighborhood park, search for a new skill to learn, or catch the latest downtown Arts Walk to experience this. The City, community groups, volunteers, and businesses all play a vital role in shaping parks, arts, and recreation. These facilities and programs improve people's quality of life, promote active lifestyles, create a sense of place and contribute to the local economy. The City of Olympia takes an active role, when appropriate, in influencing regional health policy where it relates to Olympians.

Parks, Arts and Recreation Programs and Facilities  SHARE

Parks and recreation programs support healthy lives, and those healthy individuals and families help sustain a healthy community. City programs offer opportunities to exercise and reduce stress, as well as support personal growth and emotional well-being.

Some recreational amenities are regional in nature and a regional approach to their implementation can be effective. As it developed this plan, the City looked at opportunities for coordinating with other local and regional governments to develop more



parks and recreational facilities. For example, community parks lend themselves to a regional approach, particularly if a potential site is located near a border with Lacey, Tumwater, or Thurston County. Other regional efforts could include an Art Center, a regional trail network, recreational programming, or even an ice skating rink or swimming pool. The City will continue to explore these opportunities.

The following goals and policies apply to all parks, arts and recreation programs, and facilities.

## GR1

Unique facilities, public art, events, and recreational programming encourage social interaction, foster community building, and enhance the visual character and livability of Olympia.

PR1.1 Continue to provide extraordinary parks and community programs that contribute to our high quality of life and attract tourism and private investment to Olympia.

PR1.2 Promote City parks, arts, and recreation programs and facilities so they are used and enjoyed by as many citizens as possible.

PR1.3 Be responsive to emerging needs for programs, facilities, and community events.

## GR2

The City leverages its investments in parks, arts and recreation programs and facilities.

PR2.1 Seek non-profit organization and citizen partnerships, sponsorships, grants, and private donations for park and facility acquisition, development, operation, programming, and events.


PR2.2 Use creative problem-solving and cost-effective approaches to development, operations, and programming.

PR2.3 Continue the Joint Use Agreement between the City and the Olympia School District to provide recreation facilities and programming for the community.

PR2.4 Seek opportunities to increase revenues generated by users of park facilities and concessions.

PR2.5 Search for opportunities for mixed-use facilities and public/private partnerships.

## Parks

There are 52 parks and open spaces in the City of Olympia that give us a variety of opportunities to enjoy the outdoors from hiking in Watershed Park, to keeping cool in the Heritage Park Fountain, to strolling along Percival Landing, to getting married in the Rose Garden at Priest Point Park. Despite the number of parks we have, however, there are still unmet needs, such as soccer fields, dog parks, community gardens, bike and nature trails, and open space. For a complete inventory of all existing park, recreation and open space lands in Olympia see the [Parks, Arts and Recreation Plan](#) .

## [Olympia Area Parks and Trails](#)

Over the next 20 years, Olympia will face a number of challenges as it works to meet the demand for parks and open space:

- **Funding for Large Capital Projects.** Current funding is not adequate to complete the Percival Landing project and the Isthmus gateway, acquire and develop a 40-acre community park, and complete the West Bay Park and Trail. These are all multi-million dollar projects.
- **Acquiring Land for New Parks.** As our population increases we will need more parks and open space to maintain the same level of service standards yet less land and fewer large parcels will be available.
- **Maintaining an Aging Infrastructure.** As Olympia's park infrastructure ages, it becomes more important, and more expensive, to maintain.

Maintaining the quality of Olympia's parks and recreation system

Level of Service Standards

### **The Parks and Recreation Plan:**

Every six years, the City undertakes an extensive public outreach effort to update its [Parks, Arts and Recreation Plan](#). During this time, citizens have an opportunity to share what they want from our park system, and our arts and recreation needs, which are used to update Olympia's park level of service standards. ~~Level of service standards are referred to as "Target Outcome Ratios in the~~ [Parks, Arts and Recreation Plan](#). These standards -- the ratio of developed park land per 1,000 residents --- are used to evaluate the need to acquire more park land or build more recreation facilities.

### **The Capital Facilities Plan:**

The [Capital Facilities Plan](#) describes how the City finances new park acquisition and development, which is funded by a variety of sources including the two percent private utility tax, park impact fees, Washington's State Environmental Policy Act (SEPA) mitigation fees, grants and donations. While most of the park projects proposed in the [Parks, Arts and Recreation Plan](#) already have identified funding sources, some do not.

### Neighborhood Parks

A Neighborhood Park is usually a small playground and open area designed primarily for non-supervised, non-organized recreational activities. A typical Neighborhood Park might include a children's playground, a picnic shelter, a restroom, and open grass areas for passive and active use. These parks also may include trails, tennis courts, basketball courts, skate courts, public art, and community gardens. Since each Neighborhood Park is unique, residents will often travel throughout the City to experience a variety of them. The service area for Neighborhood Parks is thus the entire City and its Urban Growth Area.

Neighborhood parks such as Lion's Park provide nearby places to be active.

There are currently 23-26 Neighborhood Parks in Olympia totaling 69-72 acres. As Olympia's population grows, some of our Neighborhood Parks are nearing capacity. To address this, the City estimates that it needs to acquire three-ten additional Neighborhood Park sites totaling approximately 11-20 acres within 10-20 years. This is also consistent with the goal expressed in the Parks, Arts and Recreation Plan of having a neighborhood park within one mile of all walking distance to most residences.

For more information on the Neighborhood Park standard see the Parks, Arts and Recreation Plan [↗](#).

## Community Parks

Community Parks are designed to serve the larger community, and are either athletic fields or sites that have a special focus.

Athletic field space can range from a single field at a park to a multiple-field complex. Large athletic field complexes are the most cost-effective for efficient scheduling and maintenance. Though they are designed for organized activities and sports, individual and family activities are also encouraged. Athletic field complexes bring large groups together and require more facilities, such as parking, restrooms and picnic shelters. Olympia's three existing athletic field complexes are: LBA Park, Yauger Park and Stevens Field. Combined, these parks total 75 acres.

Other Community Parks may have a special focus, such as a waterfront, garden, or water feature. Some examples include the Heritage Park Fountain, Yashiro Japanese Garden, and Percival Landing.

## Community parks add to Olympia's vitality (Percival Landing).

Olympia provides athletic fields through a combination of City parks and school fields. But there still is a need for additional rectangular fields. In recent years, soccer groups have been turned away and have used fields available in other jurisdictions. Some athletic fields have been so over-used that they cannot recover for the following season, which is leading to long-term deterioration. While the City will continue its efforts to acquire large parcels for future athletic field complexes, it recognizes that with very few large undeveloped parcels available, it may be necessary to meet the future athletic field need with single fields at multiple parks.

Community Parks also can have special features such as off-leash dog areas, bicycle courses, freshwater swim beaches, waterfront access and community gardens. Based on community needs, Olympia will also need to add additional Community Park acreage to provide for these desired recreational amenities.

For organized sports, it matters less where the player lives, but rather where a game is scheduled. Much like a transit system or library system that is "area-wide", Community Parks serve the entire Olympia urban growth area. Thus the service area for Community Parks is defined as being all of Olympia and all of Olympia's urban growth area.

~~The Community Park level-of-service standard is determined by analyzing athletic field and non-athletic field community needs separately.~~ The City estimates that it needs ~~two additional athletic field oriented community parks totaling 63 acres and 7 special use oriented community parks totaling 29 acres~~ to acquire an additional 84 acres of community parks to meet the demand for Community Parks within 20±0 years. For more information on the Community Park standard see the Parks, Arts and Recreation Plan [↗](#).

## Open Space

Open Space is defined as primarily undeveloped land set aside for citizens to enjoy nature and to protect the natural character of Olympia's landscape. It may include trails; wetlands; wetland buffers; stream or river corridors and aquatic habitat; forested or upland wildlife areas; ravines, bluffs, or other geologically hazardous areas; prairies/meadows; and undeveloped areas within existing parks. Trail development to allow passive recreation such as nature observation and hiking is encouraged in these areas, except in cases where wildlife conservation is the primary function. Parking and trailhead facilities such as restrooms, information kiosks and environmental education facilities are also appropriate.

(Note that the term "Open Space" as used in this chapter has a more specific meaning than as used in the [Natural Environment Chapter](#) pursuant to RCW [36.70A.160](#) [↗](#)).

Open spaces such as Mission Creek Nature Park provide opportunities to experience nature within the city.

Research has shown that residents are willing to travel across town looking for the special and unique features associated with one Open Space in particular. For instance, Watershed Park provides walking trails in a stream and wetland complex while Priest Point Park provides saltwater beach access and old growth forests. Much like a transit system or library system that is "area-wide", Open Spaces serve the entire Olympia urban growth area. Thus the service area for Open Space is defined as being all of Olympia and all of Olympia's urban growth area.

~~Olympia already has a substantial inventory of Open Space acreage. Priest Point Park, Grass Lake Refuge, and Watershed Park alone comprise over 630 acres. To retain the current ratio of Open Space to population would require acquiring approximately 140 more acres to the inventory every 10 years. Lack of available land parcels and insufficient funding makes this unfeasible. Yet, Open Space has a very high value to Olympia residents. At the Parks, Arts & Recreation public workshops related to parks planning, when people were asked, "What parks, arts or recreation experience do you value most?" the number one response was "nature." In a series of neighborhood workshops conducted for a recent update to the Parks, Arts and Recreation Plan, one of the most dominant themes was "Buy open space/natural areas – provide nearby access to nature."~~

~~Four Open Space projects totaling 111313 acres of Open Space acquisition are therefore proposed for development within the next 10-20 years. While this will result in a slightly lower ratio of Open Space to population in 10 years, these projects will be valuable additions to Olympia's Open Space inventory and These acquisitions will meet the Open Space Level of Service Standard and will help address the impact of projected population growth on the Open Space system. For more information on the Open Space standard see the Parks, Arts and Recreation Plan [↗](#).~~

The level of service standards outlined above and the following goals and policies will guide Olympia's park system towards achieving its vision over the next 20 years.

## Goals and Policies

### GR3

A sustainable park system meets community recreation needs and Level of Service standards. [SHARE](#)

PR3.1 Provide parks in close proximity to all residents.

PR3.2 Ensure that Olympia's park system includes opportunities for its citizens to experience nature and solitude as a healthy escape from the fast pace of urban life.

PR3.3 Preserve and enhance scenic views and significant historic sites within Olympia's park system.

PR3.4 Identify and acquire future park and open space sites in the Urban Growth Area.


PR3.5 Beautify entry corridors to our City and our neighborhoods, giving priority to street beautification downtown and along Urban Corridors.


PR3.6 Continue to collect park impact fees within the Olympia City Limits and SEPA-based mitigation fees in the Olympia Urban Growth Areas so new development pays its fair share to the park and open space system based on its proportionate share of impact. Work with Thurston County to devise an alternative system for funding parks and open space in the unincorporated Urban Growth Area.

PR3.7 During development review, if consistent with park level of service standards or other needs, encourage developers to dedicate land for future parks, open space, and recreation facilities.

PR3.8 Develop parks or plazas near Urban Corridors.

## GR4

An urban trails system interconnects parks, schools, neighborhoods, open spaces, historical settings, neighboring jurisdictions' trails systems, important public facilities, and employment centers via both on- and off-street trails.  SHARE

PR4.1 Coordinate with adjacent jurisdictions and State agencies to build a regional trail network and coordinated trail signage program that is consistent with the [Thurston Regional Trails Plan](#) .

PR4.2 Use existing rail, utility, and unopened street rights-of-way, alleys, streams (where environmentally sound), and other corridors for urban trails.

PR4.3 Preserve unimproved public rights-of-way for important open space, greenway linkages, and trails.

PR4.4 Encourage walking and bicycling for recreation and transportation purposes by linking parks to walking routes, streets and trails.

PR4.5 When located in areas where future trails are shown on the adopted map, ensure that new development provides appropriate pieces of the trail system using impact fees, the SEPA process, trail Right-of-Way dedication, or other means.


## GR5

A lively public waterfront contributes to a vibrant Olympia.

PR5.1 Complete Percival Landing reconstruction and West Bay Park construction.

PR5.2 Encourage creation of a public shoreline trail as property north of West Bay Park is developed.

PR5.3 Develop a West Bay trail alignment that follows the shoreline and connects to Deschutes Parkway to the south.

PR5.4 Designate waterfront trails and important waterfront destinations as the "Olympia Waterfront Route" as outlined in the [Thurston Regional Trails Plan](#) .

PR5.5 Encourage the acquisition of saltwater shoreline property and easements to create more public access to the waterfront.

PR5.6 Preserve street rights-of-way when they extend to shorelands and install signs that indicate public access.

## GR6

Olympia's parks, arts and recreation system investments are protected.

PR6.1 Continue to implement and refine the City-wide Asset Management Program to make sure the City's public facilities remain functional and safe for as long as they were designed for.

PR6.2 Establish a dedicated and sustainable funding source for maintaining City parks, landscape medians, roundabouts, entry corridors, street trees, City buildings, and other landscaped areas in street rights-of-way.

PR6.3 Protect the City's investment from damage by vandalism, encampments, and other misuse in a manner that preserves the intended purpose.

PR6.4 Consider regional approaches to funding major recreational facilities, such as swimming pools, regional trails, art centers, and tournament-level athletic fields.

PR6.5 Establish a strategy for funding maintenance and operation of new park facilities before they are developed.

## Arts

Olympia is now home to approximately 2,500 individual artists and almost 100 arts organizations and venues. Our resident artists are musicians, writers, actors, and visual artists who are both nationally known and emerging. Olympia hosts award-winning theater, ground breaking music performances, the Procession of the Species, and a strong visual arts community that ranges from informal artists to those with nationwide gallery representation.

Arts Walk is one of the largest public events in the community and a source of civic spirit and pride.

Over the next 20 years, Olympia will face two challenges:

- **Creating an Arts Center.** In 1989, the City first identified a need for a regional arts center with exhibition space, working studios, and rehearsal space for regional artists.

- **Retaining Artists.** Social and economic factors such as cost of living, affordable housing, and stable economy may make it harder for Olympia to retain its artists.

#### Goals and Policies

#### GR7

Permanent and temporary public art is located in parks, sidewalks, roundabouts, public buildings, alleys and other public spaces.

PR7.1 Include diverse works of art.

PR7.2 Ensure opportunities and participation by local, regional and national artists.

PR7.3 Use public art to create unique community places and visible landmarks.

PR7.4 Incorporate art into public spaces such as sidewalks, bridges, parking meters, tree grates, buildings, benches, bike racks and transit stops.

PR7.5 Encourage community participation at all levels of the public art process.

PR7.6 Ensure our public art collection is regularly maintained so it retains its beauty and value.

PR7.7 Encourage art in vacant storefronts.

PR7.8 Encourage neighborhood art studios.

PR7.9 Support art installations that produce solar or wind generated energy.

PR7.10 Help artists, organizations and businesses identify possible locations in commercial areas for studios and exhibition space.

PR7.11 Establish an "art in city buildings" program that would host rotating art exhibits.

#### GR8

Arts in Olympia are supported.

PR8.1 Pursue a regional community arts center.

PR8.2 Pursue affordable housing and studio/rehearsal space for artists, including support for, or participation in, establishing or constructing buildings or sections of buildings that provide living, work and gallery space exclusively for artists.

PR8.3 Encourage broad arts participation in the community.

PR8.4 Provide opportunities for the public to learn about and engage in the art-making process.

PR8.5 Provide opportunities that highlight the talent of visual, literary and performing artists.



PR8.6 Provide technical support to art organizations.

PR8.7 Establish and promote a theater and entertainment district in downtown Olympia.

PR8.8 Create a range of opportunities for the public to interact with art; from small workshops to large community events.

PR8.9 Encourage early arts education opportunities.

## Recreation

The City's recreation programs promote physical and mental well-being, bring citizens together in a positive, supportive, and fun atmosphere, and create memorable experiences for individuals and families. The City offers traditional programs such as sports leagues, youth camps and clinics, and special interest classes. It also responds to emerging recreational interests, such as the Ultimate Frisbee league, high-energy dance classes, and community gardens. ~~In 2010~~ Each year, approximately 400 teams participated in City sports leagues, more than 4,000 citizens ~~took~~ take a leisure recreation class, and more than 1,500 ~~kids and teens~~ youth participated in camp programs. In addition to enhancing participants' wellness, people who participate in these programs also gain a sense of belonging to the community.

Recreation Programs foster community health and wellness ("Kids Love Soccer" Program).

### **Olympia's recreation programs face the following challenges:**

- **Activating our Community.** Our sedentary lifestyles are contributing to health problems. The City must find places and programs that can compete with the ease and simplicity of TV and computers for our time and attention
- **Connecting with Nature.** Our electronic toys and indoor jobs have created a culture less connected to nature. If our residents are not connected to nature it will become increasingly difficult for them to understand or embrace environmental stewardship
- **An aging population that's ready for action:** Between 2010 and 2030, Olympia's senior population is projected to double. But the seniors of the future are likely to be more active and adventurous than in prior generations. Olympia's recreation programs need to embrace this trend.

## Goals and Policies

### GR9

Olympians enjoy lifelong happiness and wellness.

PR9.1 Provide opportunities that promote a mentally and physically active lifestyle and healthy food choices, including participation in local food production.

PR9.2 Provide programs and facilities that stimulate creative and competitive play for all ages.

PR9.3 Provide programs, facilities, and community events that support diverse self-expression.



PR9.4 Provide opportunities for bringing balance, relaxation, and lifelong learning into one's life.

## GR10

Families recreate together.

PR10.1 Enhance recreation opportunities for the Olympia area's physically and mentally disabled populations.

PR10.2 Provide recreational opportunities for all family structures.








PR10.3 Work towards providing recreation programs that are affordable and available to all citizens.

PR10.4 Provide parks and programs to serve people of all ages, and with many different abilities, and interests.

PR10.5 Develop programs and design park facilities that encourage activities people can do together regardless of their age.

PR10.6 Provide convenient, safe, active, outdoor recreation experiences suited for families.

For More Information

- [Parks, Arts and Recreation Plan](#) 
- Olympia's [Capital Facilities Plan](#)  shows how park projects will be funded during a six year period
- For a complete list of all of Olympia's parks and trails, see [Parks and Trails](#) 
- For a comprehensive look at regional trail planning, see the [Thurston Regional Trails Plan](#) 
- Information on the City's Public Art Collection can be found at [Public Art](#) 
- In 2007, the Art's Commission participated in an [Arts Center Feasibility Study](#) 
- To learn more about the City of Olympia's recreational programs and classes, see [Recreation](#) 



## City Council

### Approval of Ordinance Amending the Land Use and Urban Design Chapter of the Comprehensive Plan

**Agenda Date:** 8/16/2016  
**Agenda Item Number:** 6.C  
**File Number:** 16-0859

---

**Type:** ordinance **Version:** 1 **Status:** Other Business

---

#### **Title**

Approval of Ordinance Amending the Land Use and Urban Design Chapter of the Comprehensive Plan

#### **Recommended Action**

##### **Committee Recommendation:**

The Planning Commission recommends that City Council adopt the attached ordinance amending the Land Use and Urban Design chapter of the Comprehensive Plan.

##### **City Manager Recommendation:**

Move to approve on first reading and forward to second reading an ordinance amending the Land Use and Urban Design chapter of the Comprehensive Plan.

#### **Report**

##### **Issue:**

Whether to adopt the attached ordinance amending the Land Use and Urban Design chapter of the Comprehensive Plan.

##### **Staff Contact:**

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

##### **Presenter(s):**

Joyce Phillips, Senior Planner, Community Planning and Development

##### **Background and Analysis:**

The Planning Commission proposes a text amendment to Policy 6.1 in the Land Use and Urban Design chapter of the Comprehensive Plan. The amendment would require the City to periodically review and update the design review process and design criteria to be consistent with the goals and policies of the Comprehensive Plan. The design review sections of the Olympia Municipal Code have not been updated since the Comprehensive Plan was adopted in December 2014.

##### **Neighborhood/Community Interests (if known):**

While there was considerable public participation and interest in the development of the

Comprehensive Plan there have been no inquiries or concerns raised regarding this text amendment.

**Options:**

1. Approve the attached ordinance amending the Comprehensive Plan as proposed.
2. Modify the proposed Comprehensive Plan text amendment.
3. Deny the proposed Comprehensive Plan text amendment.

**Financial Impact:**

The Community Planning and Development Department would need to update the design review process and design criteria in the future and periodically. This work would need to be included in an annual work plan and funded in future.

**Attachments:**

Ordinance  
Application

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING THE GOAL 6 OF THE LAND USE AND URBAN DESIGN CHAPTER OF THE OLYMPIA COMPREHENSIVE PLAN TO ADDRESS DESIGN REVIEW PROCESS AND CRITERIA SO IT WILL BE CONSISTENT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN.**

WHEREAS, on May 16, 2016, the Olympia Planning Commission received a briefing on the proposal to amend Goal 6 of the Land Use and Urban Design Chapter of the Olympia Comprehensive Plan (herein the Amendments), which addresses design review, the process and design criteria are consistent with the Goals and Policies of the Comprehensive Plan; and

WHEREAS, on June 6, 2016, the Olympia Planning Commission held a public hearing on the proposal and deliberated the Amendments on June 20, 2016; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended amendments to the Comprehensive Plan text in the Land Use and Urban Design Chapter as proposed; and

WHEREAS, pursuant to RCW 43.21C and WAC 197-11-900(19)(b), this action is exempt from the State Environmental Policy Act (SEPA); and

WHEREAS, this comprehensive plan text amendment is consistent with the City of Olympia Comprehensive Plan's Future Land Use Map and is specifically proposed for consistency with the goals and policies of the Comprehensive Plan for the City of Olympia; and

WHEREAS, the text amendment involves periodically updating the design review process and criteria of the municipal code in order to be consistent with the goals and policies of the comprehensive plan. The amendment does not change the goals, policies, or maps of the comprehensive plan; and

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

WHEREAS, this comprehensive plan amendment has been reviewed pursuant to the Olympia Comprehensive Plan Amendment Process outlined in Chapter 18.59 of the Olympia Municipal Code; and

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

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

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

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

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

**Section 1. Amendment of Olympia Comprehensive Plan Text.** Goal 6 of the Land Use and Urban Design Chapter of the City of Olympia Comprehensive Plan is hereby amended as shown on the attached Exhibit A, which is hereby incorporated as though fully set forth herein.

**Section 2. Olympia Comprehensive Plan.** Copies of the Olympia Comprehensive Plan are and shall be retained on file with the City Clerk.

**Section 3. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

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

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

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

*Darren Nienaber DCA*

---

CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**

## EXHIBIT A

### Land Use and Urban Design Chapter

GL6: Community beauty is combined with unique neighborhood identities.

PL6.1 Establish and periodically update a design review process and design criteria consistent with the goals and policies in the Comprehensive Plan for:

- Commercial and mixed use development adjacent to freeways and public streets
- Other highly-visible, non-residential development, such as the Port of Olympia, campus developments, and master planned developments
- Multifamily residential development and manufactured housing parks
- Detached homes on smaller lots (less than 5,000 square feet) and in older neighborhoods (pre-1940)
- Properties listed on a Historic Register or located within a designated historic district



# Final Comprehensive Plan Amendment Application

OFFICIAL USE ONLY		
Case #: <u>110-0040</u>	Master File #: _____	Date: <u>3/28/16</u>
Received By: <u>JMP</u>	Project Planner: <u>Joyce</u>	Related Cases: <u>16-0001</u>

One or more of the following supplements must be attached to this Comprehensive Plan Amendment Application:

<input checked="" type="checkbox"/> Comprehensive Plan Amendment (Proposed Specific Text and/or Maps)	<input type="checkbox"/> Adjacent Property Owner List (If site-specific amendment)
<input type="checkbox"/> Any Related Zoning Map (Rezone) or Text Amendment	<input type="checkbox"/> SEPA Checklist
<input type="checkbox"/> Other	

Applicant: Olympia Planning Commission  
Mailing Address: PO Box 1967, Olympia, WA 98507  
Phone Number(s): 360.753.8314  
E-mail Address: OPC Staff Liaison Joyce Phillips: jphillip@ci.olympia.wa.us

Site Owner: n/a  
Mailing Address: \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_

Other Authorized Representative (if any): n/a  
Mailing Address: \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Description of Proposed Amendment: (attach information as necessary) The intent is so the city would periodically review the current design procedures and standards in the context of any problems or conflicts experienced in the administration of the design review standards to determine if the procedures and standards can be revised to provide improved guidance to concerned parties. See attached proposed language.

S I T E  S P E C I F I C	Size of Proposed Amendment Area: <u>Does not apply</u>	
	Assessor Tax Parcel Numbers (s): _____	
	Site Address (if applicable): _____	
	Special areas on or near site (show areas on site plan):	
	<input type="checkbox"/> None	
	<input type="checkbox"/> Creek or Stream (name): _____	
	<input type="checkbox"/> Lake or Pond (name): _____	
	<input type="checkbox"/> Swamp/Bog/Wetland	<input type="checkbox"/> Steep Slopes/Draw/Gully/Ravine
	<input type="checkbox"/> Scenic Vistas	<input type="checkbox"/> Historic Site or Structure
	<input type="checkbox"/> Flood Hazard Area	

I affirm that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm  /do not affirm  that I am the owner of the subject site or am duly authorized by the owner to act with respect to this application (in the case of a rezone application). Further, I grant permission from the owner to any and all employees and representatives of the City of Olympia and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application.

Print Name <u>Carole Richmond, Chair</u>	Signature(s) <u>[Signature]</u>	Date <u>Mar. 28, 2016</u>
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# GENERAL LAND USE APPLICATION

OFFICIAL USE ONLY

Case #: 16-0040

Master File #: \_\_\_\_\_

Date: 3/28/16

Received By: [Signature]

Project Planner: Joyce

Related Cases: 16-0001

One or more of the following **Supplements** must be attached to this **General Land Use Application**:

- |   |   |
|---|---|
| <input type="checkbox"/> Adjacent Property Owner List                 | <input type="checkbox"/> Large Lot Subdivision                                      |
| <input type="checkbox"/> Annexation Notice of Intent                  | <input type="checkbox"/> Parking Variance   |
| <input type="checkbox"/> Annexation Petition (with BRB Form)          | <input type="checkbox"/> Preliminary Long Plat                                      |
| <input type="checkbox"/> Binding Site Plan                            | <input type="checkbox"/> Preliminary PRD  |
| <input type="checkbox"/> Boundary Line Adjustment (Lot Consolidation) | <input type="checkbox"/> Reasonable Use Exception (Critical Areas)                  |
| <input type="checkbox"/> Conditional Use Permit                       | <input type="checkbox"/> SEPA Checklist   |
| <input type="checkbox"/> Design Review – Concept (Major)              | <input type="checkbox"/> Shoreline Development Permit (JARPA Form)                  |
| <input type="checkbox"/> Design Review – Detail                       | <input type="checkbox"/> Short Plat   |
| <input type="checkbox"/> Environmental Review (Critical Area)         | <input type="checkbox"/> Tree Plan  |
| <input type="checkbox"/> Final Long Plat                              | <input type="checkbox"/> Variance or Unusual Use (Zoning)                           |
| <input type="checkbox"/> Final PRD                                    | <input checked="" type="checkbox"/> Other <u>Final Comprehensive Plan Amendment</u> |
| <input type="checkbox"/> Land Use Review (Site Plan) Supplement       | <input checked="" type="checkbox"/> <u>Text Amendment</u>                           |

Project Name: Design Review Text Amendment

Project Address: City of Olympia

Applicant: Olympia Planning Commission

Mailing Address: PO Box 1967, Olympia, WA 98507

Phone Number(s): 360.753.8314

E-mail Address: OPC Staff Liaison Joyce Phillips, jphillip@ci.olympia.wa.us

Owner (if other than applicant): n/a

Mailing Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Other Authorized Representative (if any): n/a

Mailing Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Project Description: The intent is so the city would periodically review the current design procedures and standards in the context of any problems or conflicts experienced in the administration of the design review standards to determine if the procedures and standards can be revised to provide improved guidance to concerned parties. See attached proposed language.

Size of Project Site: n/a Applies citywide

Assessor Tax Parcel Number(s): Does Not Apply

Section : Does Not Apply

Township: Does Not Apply

Range: Does Not Apply



Full Legal Description of Subject Property (attached ):

Applies citywide

Zoning: All city zoning districts where design review is, or will be, required

Shoreline Designation (if applicable): All shoreline designations where design review is, or will be, required

Special Areas on or near Site (show areas on site plan):

Creek or Stream (name): Does Not Apply

Lake or Pond (name): Does Not Apply

Swamp/Bog/Wetland

Historic Site or Structure

Steep Slopes/Draw/Gully/Ravine

Flood Hazard Area (show on site plan)

Scenic Vistas

None

Water Supply (name of utility if applicable): Does Not Apply

Existing: Does Not Apply

Proposed: Does Not Apply

Sewage Disposal (name of utility if applicable): Does Not Apply

Existing: Does Not Apply

Proposed: Does Not Apply

Access (name of street(s) from which access will be gained): Does Not Apply

I affirm that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner of the subject site or am duly authorized by the owner to act with respect to this application. Further, I grant permission from the owner to any and all employees and representatives of the City of Olympia and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application. I agree to pay all fees of the City that apply to this application.

Signature



Date

3/28/16

**Initials** I understand that for the type of application submitted, **the applicant is required to pay actual Hearing Examiner costs**, which may be higher or lower than any deposit amount. I hereby agree to pay any such costs.

**Applicants are required to post the project site with a sign provided by the City within seven days of this application being deemed complete. Please contact City staff for more information.**

Each complete **General Land Use Application** shall include each of the following:

1. Vicinity map depicting location of project with respect to nearby streets and other major features, and encompassing at least one (1) square mile, and not more than forty (40) square miles.
2. Unless exempt, an environmental checklist with typed and title-company certified list of property owners of record within 300 feet of the project site. (See Olympia Municipal Code (OMC) 14.04.060 and WAC 197-11-800 regarding exemptions.)
3. All supplemental attachments for each and every land use approval required by the City of Olympia for the proposed project.
4. A map to scale depicting all known or suspected critical areas on the site or within 300 feet of the site. (See Chapter 18.32 of the OMC.)
5. An Environmental Review Report if within 300 feet of any critical area (wetland, stream, landslide hazard area or other critical area. (See Chapter 18.32 of the OMC.)



# REZONE OR CODE TEXT AMENDMENT SUPPLEMENT

OFFICIAL USE ONLY

Case #: 16-0040

Master File #: \_\_\_\_\_

Date: 3/28/16

Received By: JMP

Project Planner: Joyce

Related Cases: 16-0001

**Rezone**

**Text Amendment**

Current land use zone: All zoning districts where design review is, or will be, required.

Proposed zone: No zone changes proposed as a result of the proposed code text amendment

Answer the following questions (attach separate sheet):

- A. How is the proposed zoning consistent with the Comprehensive Plan including the Plan's Future Land Use map as described in OMC 18.59.055? If not consistent, what concurrent amendment of the Plan has been proposed, if any?
- B. How would the proposed change in zoning maintain the public health, safety and welfare?
- C. How is the proposed zoning consistent with other development regulations that implement the Comprehensive Plan?
- D. How will the change in zoning result in a district that is compatible with adjoining zoning districts?
- E. Please describe whether public facilities and services existing and planned for the area are now adequate, or likely to be available, to serve potential development allowed by the proposed zone.

A Rezone Or Code Text Amendment Application shall accompany a General Land Use Application and shall include:

1. The current zoning of the site.
2. The proposed zoning of the site.
3. Specific text amendments proposed in "bill-format." (See example.)
4. A statement justifying or explaining reasons for the amendment or rezone.
5. Reproducible maps (8½" x 17" or 11" x 17") to include a vicinity map with highlighted area to be rezoned and any nearby city limits, and a map showing physical features of the site such as lakes, ravines, streams, flood plains, railroad lines, public roads, and commercial agriculture lands.
6. A site plan of any associated project.
7. A site sketch 8½" x 11" or 11" x 17" (reproducible).
8. A typed and certified list, prepared by title company, of all property owners of record within 300 feet of the proposed rezone.
9. A copy of the Assessor's Map showing specific parcels proposed for rezone and the immediate vicinity.
10. An Environmental (SEPA) Checklist.

**NOTE:** *Although applications may be submitted at any time, site specific rezone requests are only reviewed twice each year beginning on April 1 and October 1.*

**Applicants are required to post the project site with a sign provided by the City within seven days of this application being deemed complete. Please contact City staff for more information.**

## **Sample of Bill Formatting**

1. Fence height is measured to the top of the fence, excluding posts. Point of ground measurement shall be the high point of the adjacent final grade. ~~the average grade five (5) feet on either side of the fence.~~
2. Fences, walls, and hedges are permitted within all yard areas provided that regardless of yard requirements, no closed gate, garage door, bollard or other feature shall obstruct a driveway or other motor vehicle private ingress within twenty (2) feet of a street right-of-way nor they do not obstruct automobile views exiting driveways and alleys (see clear vision triangle). This 20-foot requirement is not applicable within the downtown exempt parking area as illustrated at Figure 38-2. Additional exceptions may be granted in accordance with OMC 18.38.220(A)(2).
3. ~~Solid fences or walls higher than two (2) feet within the front yard area are prohibited; this does not include hedges.~~ Front yard fences, of common areas, such as tree, open space, park, and stormwater tracts, must be a minimum of fifty (50) percent unobstructed, i.e., must provide for visibility through the fence. See Figure 40-2.

# Proposed Comprehensive Plan Text Amendment Regarding Design Review

## Land Use and Urban Design Chapter

GL6: Community beauty is combined with unique neighborhood identities.

PL6.1 Establish and periodically update a design review process and design criteria consistent with the goals and policies in the Comprehensive Plan for:

- Commercial and mixed use development adjacent to freeways and public streets
- Other highly-visible, non-residential development, such as the Port of Olympia, campus developments, and master planned developments
- Multifamily residential development and manufactured housing parks
- Detached homes on smaller lots (less than 5,000 square feet) and in older neighborhoods (pre-1940)
- Properties listed on a Historic Register or located within a designated historic district

## Rationale for Proposed Text Amendment to the Comprehensive Plan Regarding Design Review

Proposed Amendment:

PL6.1 Establish and periodically update a design review process and design criteria consistent with the goals and policies in the Comprehensive Plan for:

Rationale:

In "*Design Review*" (Hinshaw/ APA Planning Advisory Service/ Report Number 454) the author provides excerpts from the decision of the Washington Supreme Court in the case: Anderson v. Issaquah.

With reference to design standards, the Court found:

"Whenever a community adopts such standards they can and must be drafted to give clear guidance to all parties concerned."

With reference to ambiguous design standards, viz.

"appropriate proportions"

"harmonious" colors

Landscaping that is "attractive....transition" to adjoining properties

The Court found that such terms "do not give effective or meaningful guidance to applicants, to design professionals, or to the public officials of Issaquah who are responsible for enforcing the code...." (Hinshaw, p. 9).

The Requirements and Guidelines in the Olympia Code (Chapter 18.100) appear more specific than those cited above. Moreover, it is recognized that design standards cannot be so specific as to eliminate creative work or to create a bland and uniform physical environment.

It is inevitable that individuals will vary in their determination of what constitutes appropriate design. However, it is useful to periodically review the current design procedures and standards in the context of problems and conflicts experienced in the administration of these procedures and standards to determine if the procedures and standards can be revised to provide improved guidance to all concerned parties.

Such periodic reviews should be conducted with full public participation and should include graphic materials accessible to the City residents with no professional training in design.