

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO LOW IMPACT DEVELOPMENT STORMWATER REGULATIONS; ADOPTING THE OLYMPIA DRAINAGE DESIGN AND EROSION CONTROL MANUAL (2016); AND AMENDING CHAPTERS 2, 3, 4, 5, AND 9 (HEREIN THE 2016 LOW IMPACT DEVELOPMENT AMENDMENTS) OF THE OLYMPIA ENGINEERING DESIGN AND DEVELOPMENT STANDARDS; AMENDING CERTAIN SECTIONS OF CHAPTERS 13.16, 16.04, 16.48, 16.54, 16.60, 17.20, 18.02, 18.04, 18.06, 18.36, 18.38, 18.64 AND 18.75 OF THE OLYMPIA MUNICIPAL CODE; AND REPEALING CHAPTER 16.54 OF THE OLYMPIA MUNICIPAL CODE.

WHEREAS, the Federal Clean Water Act sets a national goal to “restore and maintain the chemical, physical, and biological integrity of the nation’s water” and prohibits the discharge of pollutants from any point source; and

WHEREAS, the U. S. Environmental Protection Act initiated NPDES Phase II requirements under the Federal Clean Water Act for small municipal separate storm sewer systems in 2003; and

WHEREAS, the Washington Department of Ecology issued NPDES Phase II stormwater permits for Western Washington municipalities in 2007 with the most recent permit issuance in 2013; and

WHEREAS, the NPDES Phase II permit requires permittees to revise development codes and standards to make low impact development the preferred and commonly-used approach to development; and

WHEREAS, the NPDES Phase II permit requirements include adoption of stormwater regulations equivalent to the *Stormwater Management Manual for Western Washington*; and

WHEREAS, City of Olympia staff conducted a multiyear process to revise Olympia’s development standards and regulations to support low impact development approaches and techniques; and

WHEREAS, City of Olympia staff conducted a multiyear process to revise the Olympia Drainage Design and Erosion Control Manual to comply with the *Stormwater Management Manual for Western Washington*; and

WHEREAS, the Olympia Planning Commission received a briefing on the proposed low impact development code revisions on January 4 and January 25, 2016, held a public hearing on February 1, 2016, and deliberated on February 22, March 7, and March 21, 2016; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended amendments to the Olympia Municipal Code authorizing the low impact development code revisions; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), the City issued a Determination of Non-significance on the low impact development code revisions on January 4, 2016; and

WHEREAS, no appeal of the SEPA Determination of Non-significance was submitted; and

WHEREAS, this Ordinance is consistent with the City of Olympia Comprehensive Plan policy to “Establish regulations and design standards for new developments that will minimize impacts to stormwater runoff, environmentally sensitive areas, wildlife habitat, and trees”; and

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

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

WHEREAS, on June 21, 2016, the City Council held a public hearing to consider testimony on the proposed low impact development code revisions and held a written public comment period from May 10, 2016 until June 21, 2016; 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 Engineering Design and Development Standards. Olympia Municipal Code Section 12.02.020 is hereby amended to read as follows:

12.02.020 Engineering design and development standards

There is hereby adopted by reference "Olympia Engineering Design and Development Standards, with ~~2015~~2016 low impact development amendments," one (1) copy of which shall be kept on file in the office of the City Clerk and the Olympia Public Works Department. These standards shall be considered a part of this ordinance as though fully set forth herein.

Section 2. Amendment of 13.16.010. Olympia Municipal Code Section 13.16.010 is hereby amended to read as follows:

13.16.010 Definitions

The following words, when used herein, shall have the following meanings unless the context clearly indicates otherwise:

- A. "Billing unit" means two thousand five hundred twenty-eight feet of impervious surface development on a parcel.
- B. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system.
- C. "Conveyance" means any catch basin, curb, gutter, ditch, man-made channel, storm drain, or road with a Storm Drainage System.
- D. "Developed parcel" means any parcel which has been altered from a natural state with or without a permit from the city. This includes clearing, grading or filling, whether or not that work accompanies excavation and construction.

E. "Drainage Design and Erosion Control Manual," or "the Manual" means the ~~2009~~2016 Edition of the Olympia Drainage Design and Erosion Control Manual for Olympia, as the same may be amended from time to time.

F. "Duplex parcel" means a parcel which has been developed and constructed for the purpose of providing habitat for two-family dwelling units on a single property parcel and has and continues to be used solely for that purpose.

G. "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include but are not limited to sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

H. "Illicit discharge" means any direct or indirect non-stormwater discharge to the city's storm drain system, except as expressly allowed by this chapter.

I. "Impervious surface" means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

~~J.~~ "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances:

- a. Owned or operated by the City;
- b. Designed or used for collecting or conveying stormwater.

A municipal separate storm sewer system does not include combined sewers or a publicly owned treatment works.

~~K.~~ "Nonresidential parcel" means a parcel which has been developed for any purpose other than a single-family dwelling unit or duplex and includes, among others, all multifamily apartments and condominiums with three or more units and all property owned by governmental and nonprofit entities.

~~L.~~ "Non-stormwater discharge" means any discharge, to a storm drain system, that is not composed entirely of stormwater.

~~M.~~ "Parcel" means any area of land within the city of Olympia which is deemed a distinct property as identified by the county assessor, whether or not the parcel is considered taxable.

MN. "Publicly Owned Treatment Works" or "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned.

NO. "Single-family residential parcel" means a parcel which has been developed and constructed for the purpose of providing a habitat for a single-family dwelling unit with or without an accessory dwelling unit, and has and continues to be used solely for that purpose.

OP. "Storm drainage system" means all manmade and natural systems used for the collection, conveyance and disposal of rainfall, from the land. The storm drainage system may include lands outside of the city, but such lands will only be subject to this code when they are annexed to the city or by interlocal agreement with the governmental entity in which the property is located. The storm drainage system includes all streets, ditches, pipes, and appurtenances, wetlands, streams, whether intermittent or perennial, ponds, lakes, creeks, rivers, tidelands, or outfalls subject to runoff flows from the land area of the city.

PQ. "Undeveloped parcel" means any parcel which has not been altered from a natural state by logging, clearing or grading within twenty-five years or by any act as defined under "developed parcel" above.

QR. "Utility" means the city of Olympia's storm and surface water utility, which operates and maintains storm or surface water drains, channels and facilities or outfalls for such waters and the rights and interests in other properties relating to the system.

Section 3. Adoption of Olympia Drainage Design and Erosion Control Manual. Olympia Municipal Code Section 13.16.017 is hereby amended to read as follows:

13.16.017 Drainage design and erosion control manual – Adopted

A certain document entitled Drainage Design and Erosion Control Manual for Olympia, ~~2009~~2016 Edition ("the Manual") is adopted by reference as though fully set forth herein. One copy of the Manual is to be placed and held in the office of the director of administrative services for the city and be available to the public.

Section 4. Amendment of 16.04.040. Olympia Municipal Code Section 16.04.040 is hereby amended to read as follows:

OMC 16.04.040 Amendments to the Referenced Codes

A. International Building Code Amendments. The following sections of the International Building Code (IBC), as adopted by this Ordinance, are amended to read as follows:

Section 105.2

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

6. Sidewalks and driveways, ~~and other impermeable surfaces such as patios, decks and sport courts,~~ not more than 30 inches (~~762 mm~~) above adjacent grade, and not over any basement or story below and are not part of an accessible route provided the surface area does not exceed 200-800square feet.

Section 5. Amendment of 16.48.050. Olympia Municipal Code Section 16.48.050 is hereby amended to read as follows:

OMC 16.48.050 Exemptions

The following shall be exempt from the provisions of this chapter:

- A. Projects requiring approval of the Director under the zoning ordinance, and/or by the Hearing Examiner and City Council, provided that grading on such projects shall take place only after approval and shall be in accordance with such approval, and the criteria and information requirements of this chapter;
- B. Clearing in emergency situations involving immediate danger to life or property or substantial fire hazards;
- C. Clearing on a parcel or contiguous parcels in one ownership less than ~~20,000~~ 7,000 square feet in size for the purpose of exploration and investigation, construction, landscaping and/or associated improvements for a single-family or duplex residence. Such exemption shall not be applicable when the above-mentioned grading activity would directly involve or be within 300 feet of critical areas as outlined in OMC 18.32. Such areas include, but are not limited to: shoreline areas, ~~critical areas such as wetlands, and, streams, creeks, and~~ landslide hazard areas. Additionally, such exemption shall not be applicable when the work is within 1,000 feet of important habitats and species as outlined in the Critical Area Regulations, and parcels where the predominant slope is in excess of 20 percent;
- D. Clearing within a maximum of ~~30'~~ 10' (when required for construction and associated landscaping) of the perimeter of the building line, and any area ~~proposed~~ to be graded for driveway and septic purposes, of a single single-family or duplex dwelling ~~to be constructed as indicated on the plot plan submitted to the building official within an application for a building permit on parcels consisting of 20,000 or more square feet;~~
- E. The removal of dead trees or of diseased or damaged trees which constitute a hazard to life or property;
- F. Clearing done under authority of an approval issued pursuant to RCW Chapter 76.09 when, in the opinion of the city building inspector, such work involves commercial Christmas tree harvesting pursuant to a continuing harvesting and reforestation program and the land shall not be converted to a use other than Christmas tree production;

G. Clearing practices associated with normal agricultural crop operations, excluding timber cutting not otherwise exempted;

H. Stockpiling and handling of earth material associated with commercial quarry operations licensed under the authority of the State Department of Natural Resources and the State Open Mining Act of 1970.

Section 6. Amendment of 16.48.060. Olympia Municipal Code Section 16.48.060 is hereby amended to read as follows:

OMC 16.48.060 Permit application –Requirements –Processing – Conditions of issuance

A. An application for a clearing permit shall be submitted on a form provided by the city. Accompanying such form shall be a general plot plan which shall include the following information:

1. a. General vicinity map,
 - b. Property boundaries indicating extent and location of proposed clearing activities, and major physical features of the property (i.e., streams, ravines, etc.),
 - c. Location and dimensions of buffer areas to be maintained or established, and location and description of proposed erosion-control devices or structures,
 - d. Identification and location of all trees (including their critical root zone), that are to be removed, retained and protected;
2. As determined at the discretion of the building official, other information as deemed appropriate to this chapter may be required in instances related to geological hazard, shoreline protection, tree, vegetation and soils protection and replacement or project scope;
3. An application fee as adopted in Title 4 of this code will be assessed at time of permit issuance.

B. The building official upon receipt of an application shall confer with the city environmental review officer and other city personnel as may be appropriate, and make a decision within 20 working days from the date of submission of a completed application, unless an extension is authorized by the applicant.

C. Any permit granted under this chapter shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended by the building official for one 6 month period.

Approved plans shall not be amended without authorization of the building official. The permit may be suspended or revoked by the building official because of incorrect information supplied or any violation of the provisions of this chapter.

~~D. No work shall commence until permit notice is posted by the city on the subject site and 2 other locations for a period of 10 days prior to commencement of grading activities.~~

~~ED. An application penalty fee triple that assessed by subsection (A)(3) of this section shall be assessed for any grading or clearing conducted prior to issuance of a permit required by this chapter. This application penalty fee shall be in addition to any penalty assessed under Section 16.48.120.~~

~~E. The building official, or designee may and is authorized to impose such permit conditions as deemed necessary and appropriate to require site work to maintain existing topography by limiting mass site grading, ensure that any grading or clearing, or both, are to be are consistent with policies of limiting hydrologic changes to a site and the vicinity. Site disturbances that change the ground elevation within 100' of neighboring structures, protected critical areas or their buffers, soil and vegetation protection areas, and bodies of water should be minimized to the greatest extent possible. At minimum, except as necessary to achieve access compliant with City standards or to construct approved stormwater facilities, such conditions shall ensure that:~~

~~1. Resulting changes in ground elevation within 100 feet of an adjoining parcel shall not exceed four (4) feet;~~

~~2. Resulting changes in ground elevation within 100 feet of protected areas such as critical area buffers, soil and vegetation protection areas, and bodies of water, shall not exceed four (4) feet;~~

~~3. Changes in ground elevation of no more than 50% of any development site's total area shall exceed four (4) feet; and~~

~~4. Impacts to neighboring properties, protected areas, and overall hydrology are minimized.~~

Section 7. Repeal of OMC 16.54. Olympia Municipal Code Chapter 16.54 is hereby repealed in its entirety:

Chapter 16.54 TREE PROTECTION AND REPLACEMENT FOR GREEN COVE BASIN

16.54.000 Chapter Contents

SECTIONS:

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- 16.54.070 — Tree plan review standards.
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16.54.010 Purpose

Whereas rapid growth, the spread of development, and increasing demands upon natural resources have the effect of encroaching upon, despoiling or eliminating many of the trees and other forms of vegetation and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to existing and future residents of the city; and whereas the city council finds (1) that trees and woodland growth protect public health through the absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, through their cooling effect in the summer months and insulating effects in winter, through their positive impact on global climate change; (2) that trees and woodlands provide for public safety through the prevention of soil erosion, siltation and flooding; (3) that trees and woodlands are essential to the general welfare of the city by maintaining the natural beauty and the irreplaceable heritage for existing and future city residents; and (4) that Olympia can promote urban forestry practices which will preserve or enhance trees on public and private lands as they transition from natural areas into an urban environment. Therefore, the purposes of this chapter are:

- A. — To provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located in this city in order to preserve and enhance the city's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees;
- B. — To protect trees and woodlands of this city for their economic support of local property values and to preserve and enhance the Pacific Northwest's natural beauty;
- C. — To minimize the adverse impacts of land disturbing activities on surface drainage, soil erosion, air quality, sedimentation and pollution of natural waterways, in order to minimize the public and private costs for stormwater control and treatment, utility maintenance and removal of pollution from our natural waterways;
- D. — To promote site planning, construction practices and horticultural practices that are consistent with the reasonable use of property;

E.—To provide for the paramount public concern for these natural resources in the interest of a healthier and safer place in which to live and to promote the general welfare of the residents of this city;

F.—To implement the goals and objectives of the Washington State Environmental Policy Act; and

G.—To implement the goals and objectives of the city's comprehensive plan.

16.54.020 Definitions

All words in this chapter shall have their customary dictionary definition except as specifically defined herein.

A.—"Agriculture" is the use of land for the primary purpose of deriving income from growing plants or trees on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another use and only incidentally for growing trees or plants for income.

B.—"Buildable area" is that portion of a parcel of land wherein a building, parking and other improvements may be located and where construction activity may take place. Buildable areas shall not include streams, flood hazard areas, geologically hazard areas or wetlands as defined in Section 18.76.030. For the purpose of calculating required minimum tree density, existing and newly dedicated city rights-of-way shall not be included.

C.—"Caliper" is the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured 6" above the ground for up to and including 4" caliper size and 12" above the ground for larger sizes.

D.—"City" is the city of Olympia, Washington.

E.—"Clearing" is the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not mean landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of the trees.

F.—"Commercial nursery or tree farm" is a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.

G.—"Critical root zone" is the area where the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one foot for every dbh inch of tree.

H.—"Crown" is the area of a tree containing leaf or needle bearing branches.

I.—"Diameter at breast height (dbh)" is a tree's diameter in inches at 4-1/2' feet above the ground. On multistemmed or trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4-1/2' above the ground.

J.—"Grading" is any excavation, filling or combination thereof.

K.—"Ground cover" is trees less than six inches dbh and other vegetation.

L.—"Hazard tree" is any tree with a combination of structural defect and/or, disease, (which makes it subject to a high probability of failure), and a proximity to persons or property which makes it an imminent threat.

M.—"Development" is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; and any use or extension of the use of the land.

N.—"Landmark tree" is a tree or group of trees designated as such by the city because of its exceptional value to the residents of the city (see Chapter 16.56).

O.—"Limits of construction line" is a line separating the buildable areas from the protected areas.

P.—"Person" is any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.

Q.—"Protected area" is all land where no construction activity is allowed and includes the critical root zone of those trees to be preserved.

R.—"Qualified professional forester" is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from an SAF accredited forestry school, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development.

S.—"Remove or removal" is the act of removing a tree by digging up, cutting down or any act which causes a tree to die within a period of three years; including but not limited to, damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; paving with concrete, asphalt or other impervious material within the drip line, or any other action which is deemed harmful to the tree.

~~T. —"Street trees" is trees located within the street rights-of-way, adjacent to public or private streets, including undeveloped areas.~~

~~U. —"Transplant" is the relocation of a tree from one place to another on the same property.~~

~~V. —"Tree" is any self-supporting perennial woody plant that matures at a height greater than 6'.~~

~~W. —"Tree unit" is a unit of measurement based upon the size of the tree as set forth in Tables A and B, in Chapter 4 of the Urban Forestry Manual.~~

~~X. —"Undeveloped" is a parcel of land on which no buildings or other facilities are located.~~

~~Y. —"Urban forestry" is the art and science of planning, managing and protecting natural and planted vegetation in developing urban areas.~~

~~Z. —"Urban Forester" is the City of Olympia's Urban Forester or the Urban Forester's designee.~~

~~AA. —"Windfirm" is a tree which is capable of withstanding windstorms.~~

~~BB. —"Worksite" is any contiguous area owned and operated as one development unit upon which earth disturbing activities are planned or underway.~~

~~CC. —"Specimen tree" is a tree that has been given greater than standard tree density value through the evaluation process delineated in Chapter 5 of the Urban Forestry Manual.~~

~~DD. —"Conversion Option Harvest" is a timber harvest as established in this chapter and the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Olympia, while still maintaining their rights to convert their property to a use inconsistent with growing timber.~~

~~EE. —"Tree Plan" is a plan that contains specific information pertaining to the protection, preservation, and planting of trees pursuant to OMC 16.54 and 16.60 and the City of Olympia's Urban Forestry Manual.~~

~~FF. —"Significant (upland) Wildlife Habitat" is an area designated as such in the Olympia Comprehensive Plan, are designated as state priority habitat, and which is utilized by state priority or local priority animal species with unusual frequency, density or diversity for critical ecological processes such as breeding, nesting, nursery, feeding, and resting.~~

~~GG. —"Tree Tract" is a separate deeded tract of land, specifically set aside for the preservation and planting of trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered tree tracts if they currently support the growth of trees. The purpose of these areas for preserving~~

and planting trees is stated on the face of the plat and other proposed uses for the property do not require the removal of the trees.

16.54.030 Applicability

A. — No person or representative, directly or indirectly, shall remove, or destroy any tree, within the city, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in Section 16.54.040.

B. — Unless otherwise exempted, any site to be developed, within the City of Olympia, shall be required to develop a tree plan and shall be required to meet the minimum tree density herein created. For the purposes of this chapter, development shall include conversions, structural alterations, and remodeling only if a permit is required and the footprint of the building is expanded.

16.54.040 Exemptions

The following activities are exempt from the tree plan and tree removal permit requirements. In all cases the minimum tree density herein established shall be maintained. In no case shall any landmark tree be removed without first obtaining a tree removal permit pursuant to Chapter 16.56.

A. — Commercial Nurseries or Christmas Tree Farms. Removal of trees which are being grown to be sold as Christmas or landscape trees.

B. — Emergencies. Removal of trees necessary to protect public safety or private or public property from imminent danger in response to emergencies declared by the city, county, state or federal governments.

C. — Harvesting with a Forest Practices Permit. Removal of trees as allowed with a forest practices permit issued by the Washington State Department of Natural Resources.

D. — Hazard Trees. Removal of hazard trees as defined by this chapter.

E. — Developed Single-Family (under two acres). Removal of trees from developed single-family and multifamily (up to four units), less than two acres.

F. — Developed Single-Family (two acres or more). On developed single-family and multifamily (up to 4 units), 2 or more acres, removal of trees within 125' of the residence or other buildings. (That portion of the property further than 125' from the residence or other buildings shall be treated as undeveloped property for the purpose of this chapter).

G. — Subdivisions. Individual lots within a subdivision are exempt when the entire subdivision has complied with the tree density requirements of this chapter.

H.—Undeveloped property. Removal of up to 6 trees per acre, up to a total of 6 trees from an undeveloped parcel within any 12 consecutive month period.

I.—Street trees. Removal of street trees, when performed by or on behalf of the city, with approval of the Urban Forester.

J.—Small trees. Removal of trees with a diameter at breast height (dbh) of six inches or less.

16.54.045 City tree account

A.—There is created a city tree account into which all penalties and revenues received under Chapters 16.54, 16.56, and 16.60 and the tree protection element of Chapter 16.48 of this title shall be placed. In addition, the following sources of funds may be placed in the city tree account:

- 1.—Sale of trees or wood from city property where the proceeds from such sale have not been dedicated to another purpose;
- 2.—Donations and grants for purposes of the fund;
- 3.—Sale of seedlings by the city;
- 4.—Civil penalties imposed under Section 16.54.130 or settlements in lieu of penalties. At the discretion of the city manager, costs incurred by the city to enforce Chapters 16.48, 16.54, 16.56, or 16.60 may be deducted from the civil penalties;
- 5.—Other monies allocated by the city council.

B.—The city shall use the city tree account for the following purposes:

- 1.—Acquiring, maintaining, and preserving wooded areas within the city;
- 2.—Planting and maintaining trees within the city;
- 3.—Identification and maintenance of landmark trees;
- 4.—Propagation of seedling trees;
- 5.—Urban forestry education;
- 6.—Other purposes relating to trees as determined by the city council.

16.54.050 Tree plan required

A.—Requirement Established. A tree plan is required to obtain a tree removal permit and is also required for any land development on property having a tree density below the minimum required.

B.—Tree Plan Requirements. Specific tree plan requirements are delineated in Chapter (1) of the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of Tree Plan is required. Table 16.54.050A lists activities or projects and the level of tree plan typically required.

TABLE 16.54.050A

PROJECTS OR ACTIVITIES FOR WHICH TREE PLANS ARE REQUIRED

ACTIVITY or PROJECT	LEVEL (see manual)
Residential subdivisions (1-4 units)	I
Residential subdivisions (more than 4 units)	IV, V
Commercial/Industrial/Multifamily (over 4 units)	IV, V
Developed Commercial/Industrial/Multifamily (over 4 units), proposing a building addition or other site disturbance	II
Multifamily (1-4 units)	I
Planned Residential Development	IV, V
Mobile Home Park	IV, V
Nuisance Tree removal permit	III
Conversion Option Harvest Permit	VI
Residential 1-4 unit, building permit	I

C.—Conditions. The Urban Forester shall attach conditions on the project as necessary to ensure the long-term health and survival of trees to be retained and planted, pursuant to protection, planting, and maintenance standards established in the Urban Forestry Manual.

D.—Application and Fee. The application for a tree removal permit and/or tree plan review shall be made on a form provided by the City, and shall be submitted at the same time as the Tree Plan. The applicant shall pay a non-refundable permit fee to the Department of Community Planning and Development. The plan review and tree removal permit fee is set forth in Chapter 4.36.010 OMC.

E.—Submittal of a Tree Plan. The application for tree plan review and/or a tree removal permit shall be submitted with associated development applications as applicable.

~~16.54.060 Tree plan review procedure~~

~~A.—Within (28) calendar days of the receipt of a Tree Plan, the Urban Forester shall review the tree plan to determine completeness, and take one of the following actions:~~

- ~~1.—Approve the tree plan, with or without conditions, and issue a tree removal permit;~~
- ~~2.—Deny the permit, indicating the deficiencies to the applicant;~~
- ~~3.—Notify the applicant of complete/incomplete application with a timeline for issuance of a permit;~~
- ~~4.—Notify the applicant that the permit will be issued concurrently with other development permits.~~

~~B.—Public Notice. Prior to tree removal, the Urban Forester shall notify the applicant of the decision and shall post the site for a period of (10) days. During the posting period no tree removal work shall be done. Residential projects (1-4 units), and nuisance tree removal permits, shall be exempt from this posting requirement.~~

~~C.—Permit Duration. A permit issued under this chapter shall be valid for 180 days or the duration of the associated development permit or approval. The Urban Forester may authorize a (180) day extension.~~

~~D.—Permit Amendments. The permittee may request a minor amendment to an approved permit. In addition, the Urban Forester may require minor project changes to protect drainageways, environmentally sensitive areas, and adjoining property and structures from damage or to alleviate hazardous conditions.~~

~~E.—Display of Permits. Permits issued in association with this chapter shall be posted on the worksite prior to work beginning and shall remain until the Urban Forester accepts the work as complete.~~

~~F.—Integrated Applications and Decisions. When a tree plan is submitted in combination with another application for approval of an associated project or development, the urban forester shall notify the applicant that the permit will be issued concurrently with other project permits and shall designate and authorize such official or body to issue a decision regarding such tree plan as necessary to ensure an integrated decision. Any recommendation of the urban forester regarding such decision shall be given substantial weight by designee.~~

~~16.54.070 Tree plan review standards~~

~~A.—Issuance of a permit under this chapter does not exempt the permittee from procuring and complying with other required permits or approvals. Whenever this chapter conflicts with other laws, ordinances or rules, the more restrictive shall apply.~~

~~B.—Critical Areas. The approval authority shall restrict activities and/or impose conditions as warranted, to protect critical areas and their associated buffers, water quality, property or public safety.~~

~~C.—Alternative Compliance. All tree removal permit activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter.~~

~~D.—For all development projects, the following Urban Forestry design standards and provisions shall apply.~~

~~1.—Timing of tree removal. A tree removal permit will be processed and issued concurrently with other development permits, as applicable.~~

~~2.—Preservation and conservation of wooded areas and trees, shall have priority over development when there are feasible and prudent location alternatives on site for proposed building structures or other site improvements, as identified by the Director, as applicable. This may require site redesign including, but not limited to: redesign of streets, sidewalks, stormwater facilities, utilities; changing the shape and size of the parking lot; reducing or limiting proposed site grading; and changing the locations of buildings or building lots.~~

~~3.—If existing trees and vegetation meet the requirements for the required landscaping, they shall have priority over and may substitute for the required landscaping pursuant to the guidelines established in the City of Olympia's Landscaping Ordinance, OMC 18.36.~~

~~4.—For residential subdivisions (more than 4 units) at least 100 percent of the required minimum tree density shall be located within separate deeded tree tract(s) held in common ownership by the homeowner's association, or comparable entity.~~

~~5.—Tree preservation priority. In designing a development project and in meeting the required minimum tree density, the applicant shall preserve the following trees in the following order of priority. (Trees to be preserved must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified professional forester):~~

~~a.—Landmark Trees.~~

~~b.—Specimen Trees.~~

~~c.—Critical Areas and Critical Area Buffer.~~

~~d.—Significant Wildlife Habitat. Trees located within or buffering Significant Wildlife Habitat.~~

~~e.—Other individual trees or groves of trees.~~

~~6.—On sites where there are currently inadequate numbers of existing trees, or where the trees are inappropriate for preservation, as determined by the Urban Forester, then replacement tree planting~~

shall be required. Trees to be planted must be planted within separate deeded tree tracts as defined in this ordinance.

~~E. For residential subdivisions, trees may be removed from individual building lots concurrent with the clearing of the proposed right-of-ways, and other frontage improvements, with the following provisions:~~

~~1. The Urban Forester has determined that the existing trees, on the proposed individual lots, are inappropriate for retention due to tree condition, soils, topographic constraints, proposed small lot size, and/or the size of the trees at maturity.~~

~~2. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.~~

~~F. Developed commercial, industrial, multifamily (more than four units) properties, nuisance tree removal. Proposals to remove a tree or trees on these properties shall comply with the following standards:~~

~~1. The tree must meet the following criteria:~~

~~a. Tree is causing obvious, physical damage to private or public property, including but not limited to: sidewalk, curb, road, parking lot, building foundation, roof, or~~

~~b. Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices;~~

~~2. The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:~~

~~a. Pruning of the crown or roots of the tree and/or, structural changes to a building, parking lot, sidewalk or other site modifications to alleviate the problem.~~

~~b. Pruning, bracing, cabling, to reconstruct a healthy crown.~~

~~G. Undeveloped Properties, Conversion Option Harvest. For properties proposing a conversion option harvest, the following standards shall apply:~~

~~1. Trees to remain should be dominant or co-dominant in the stand, healthy, and windfirm.~~

~~2. Trees to remain should be located on the site in areas that would most likely facilitate their preservation through the build-out of the site.~~

- 3.—Up to 30% of the number or volume of trees, by species, can be removed every 10 years.
- 4.—No removal of trees from critical areas or buffers.
- 5.—No removal of Landmark trees.
- 6.—No removal of trees that would cause trees on adjacent properties to become hazardous.
- 7.—Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.
- 8.—Slash Abatement practices shall be implemented pursuant to Olympia Fire Department Standards.

16.54.080 Tree density requirement

A.—Minimum Tree Density Requirement Established. A minimum tree density of 220 tree units per acre is required. The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 16.60.070.

B.—Tree Density Calculation. Specific Tree Density calculations and replacement tree standards are delineated in the City of Olympia's Urban Forestry Manual. Table 16.60.080 A shows the required minimum tree density and replacement tree requirements for various activities:

- 1.—Developing properties are required to meet a minimum tree density of 220 tree units per acre.
- 2.—Developed Commercial/Industrial/Multifamily (more than 4 units) properties, proposing an addition or other site disturbance are required to replace a minimum tree density of one tree unit for every 500 sq. ft. of site area to be disturbed and 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 220 tree units per acre for the entire site. For the purpose of determining required replacement trees, site area disturbed shall include: installation or expansion of a building or other structure; drilling; and site alternations such as those due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or clearing.
- 3.—Developed Commercial/Industrial/Multifamily (more than 4 units) properties, proposing tree removal are required to replace 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 220 tree units per acre for the site.
- 4.—Undeveloped property proposing a conversion option harvest are required to maintain a minimum tree density of 220 tree units per acre.

C.—Replacement Tree Location. The applicant’s proposed location of transplanted or replacement trees shall be subject to city approval as part of the tree plan. Replacement trees should be planted according to the following priority:

1.—On-Site:

2.—Off-site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the city.

3.—City Tree Account. When on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the replacement trees into the City’s Tree Account.

D.—Replacement Tree Quality. Replacement trees shall meet the quality and size standards delineated in the Urban Forestry Manual.

E.—Replacement Tree Planting Standards. Trees shall be planted pursuant to the planting standards delineated in the Urban Forestry Manual.

TABLE 16.54.080A-

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
New Development	30 tree units per acre	30 tree units per acre
Developing Single-family (multifamily up to 4 units)	30 tree units per acre	30 tree units per acre
Developed Properties	30 tree units per acre	30 tree units per acre
Developed Commercial/Industrial/Multifamily (more than 4 units) proposing an addition or other site disturbance	1 tree unit for every 500 sq. ft. disturbed and 3 tree units for every one tree unit proposed for removal	30 tree units per acre
Developed Commercial/Industrial/Multifamily (more than 4 units) proposing tree removal	3 tree unit for every 1 tree unit proposed for removal	30 tree units per acre

TABLE 16.54.080A-

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
Option Harvest	Site must remain at a minimum tree density of 200 tree units per acre.	200 tree units per acre
New Developments (Green Cove Basin)	220 tree units per acre.	220 tree units per acre

16.54.090 Tree protection during construction

Prior to initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to standards in the Urban Forestry Manual.

16.54.100 Maintenance requirements

A.— Maintenance Requirement. Trees are to be maintained in a vigorous and healthy condition, free from diseases, pests and weeds in accordance with the standards delineated in the City of Olympia's Urban Forestry Manual. Trees which become diseased, severely damaged or which die shall be removed by the owner as soon as possible but no later than 60 days after notification by the city. All trees removed under this section shall be replaced with a healthy tree of the same size and species as required by the approved tree plan for the property.

B.— For areas dedicated as tree tracts, and street trees, and a single family residential development that exceeds four units, the maintenance requirement of this section shall be in effect for three years from the date the final plat is approved or the trees are planted.

The tree plan shall be a condition of approval and identified on the face of the plat. The applicant shall also execute a covenant in a form agreeable to the city which shall require the applicant and his successors to comply with the maintenance requirement of this section. The covenant shall obligate both the property owner and the homeowner's association. The covenant shall be recorded by the county auditor. The recording fee shall be paid by the applicant.

C.— Multifamily Residential, Commercial, Industrial Developments. For all trees covered by the tree plan, the maintenance requirement shall apply in perpetuity to developments that are multifamily residential developments in excess of four units, commercial and industrial. The applicant shall execute a covenant in a

~~form agreeable to the city which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded by the county auditor. The recording fee shall be paid by the applicant.~~

~~D.—Maintenance Agreement. Each development to which the maintenance requirement for this chapter applies and that contain a specimen tree(s) shall also be subject to a maintenance agreement. The urban forester shall require the applicant to execute a maintenance agreement with the city, in a form acceptable to the city attorney, which shall include the provisions of the maintenance requirement in this chapter, to ensure the survival and proper care of any specimen trees identified in the Tree Plan.~~

~~E.—Surety. For residential developments containing more than four units, commercial and industrial projects, the applicant will be required to post a surety. The surety shall be in the form approved by the city attorney. The surety document shall have a face amount equal to 125 percent of the estimated amount necessary to guarantee the maintenance and replacement of trees in conformance with the maintenance requirement and tree plan for a period of three years from the date the certificate of occupancy is issued by the city or from the date of final plat approval.~~

~~F.—Failure to maintain. Failure to regularly maintain the trees as required in this section shall constitute a violation of this chapter and, if applicable, the plat covenant.~~

16.54.110 Variance for hardship

~~The administrative process for variances shall be governed by Chapter 18.66 of the Unified Development Code.~~

16.54.120 Appeal

~~Appeals of administrative decisions shall be governed by Chapter 18.72 of the Unified Development Code.~~

16.54.130 Enforcement -- Penalties

~~A.—Authority. It shall be the duty of the Urban Forester to administer the provisions of this chapter. The Urban Forester shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter.~~

~~B.—Authorized Actions. In addition to other remedies, the city may bring injunctive, declaratory or other actions to enforce this chapter.~~

~~C.—Stop Work Orders/Permit Revocation.~~

~~1.—The Urban Forester shall suspend work or revoke a permit, as appropriate, if the Urban Forester finds that:~~

- a.—~~The work is not authorized by a valid permit;~~
- b.—~~Inaccurate information was used to obtain the permit;~~
- c.—~~The permittee is not complying with the terms of the permit or approved plans;~~
- d.—~~The work is, in the Urban Forester's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainageway, watercourse, environmentally sensitive area or stormwater facility, or is otherwise adversely affecting the public health, safety, or welfare;~~
- e.—~~Adverse weather is causing significant problems on or off site; or~~
- f.—~~The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.~~

2.—~~The Urban Forester shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project. If the permittee does not comply with the order within the time specified, the Urban Forester, as an alternative to other remedies, may enter the project site and perform the required work. All costs incurred by the city in performing such work shall be drawn against the surety posted by the permittee to ensure the enforcement of the provisions of the tree plan or the tree removal permit. In the absence of sufficient surety, the city may place a lien against the property in the amount of the funds expended to perform the required work.~~

D.—~~Restoration. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Urban Forester, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s).~~

E.—~~Prohibition of Further Approvals. The city shall not accept, process, or approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the Urban Forester and by payment of any penalty imposed for the violation.~~

F.—~~Criminal and Civil Penalty.~~

1.—~~Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to~~

~~exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.~~

~~2.—As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:~~

~~3.—Class 1 (\$250), not including statutory assessments.~~

~~G.—Public Nuisance. Any violation of the provisions of this chapter or a violation of a permit issued hereunder is declared to be a public nuisance and may be abated through proceeding for injunctive or similar relief in Superior Court or other court of competent jurisdiction.~~

~~16.54.140 Liability on the city~~

~~Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public rights-of-way over their property.~~

~~16.54.160 Authority~~

~~A.—Authority of the Urban Forester.~~

~~1.—The Urban Forester shall manage the City's Urban Forestry Program, which includes, but is not limited to the administration of the Tree Protection and Replacement ordinance and the provisions of the Urban Forestry Manual.~~

~~2.—The Urban Forester shall develop and periodically review and revise as necessary The Urban Forestry Manual which shall contain at a minimum, standards for Tree Plan Development, Tree Planting, Tree Protection, and Specimen Tree Evaluation. The Urban Forestry Manual and all revisions and amendments to it shall be available for public inspection at the office of the City Clerk.~~

~~16.54.170 Specimen tree evaluation – For public trees~~

~~A.—Size. Size shall be determined using the methodology developed by the American Forestry Association for measuring champion trees. This methodology, as adopted by the Washington Big Tree Program, is described in detail in the publication "Washington Big Tree Program 1994" by Robert Van Pelt, College of Forest Resources, University of Washington, AR-10 Seattle, Washington, 98195.~~

1.—Circumference of the trunk. The circumference of the trunk in inches shall be measured at breast height (4.5 feet from the ground). If the circumference at 4.5 feet is distorted by low branching, etc., the circumference shall be taken at the smallest reading obtainable below that point.

2.—Height of the tree. The height in feet shall be measured using standard forestry mensuration equipment (clinometer, etc.).

3.—Average crown spread. The average crown spread is measured in feet. This shall be the average of the spread of the crown at its widest and narrowest points.

One point shall be assigned for every inch in circumference, every one (1) foot in height and every four (4) foot spread.

The size value for specimen tree evaluation shall be the percentage obtained by dividing the point value of the subject tree by the value of the state champion of the species (listed in the most recent edition of the Washington Big Tree Program) multiplied by four (4), and then rounded to the nearest whole number.

$$\begin{aligned} \text{e.g., Subject tree} &= 200 \text{ size points} / \text{State Champion (350 points)} = 57\% \\ 57\% \times 4 &= 2.85 \text{ rounded to } 3 \end{aligned}$$

B.—Location. There are five (5) possible location values. They are determined based on how visible they would be to the public at large. The five locations values are:

1.—Arterial Street R-O-W = 4 points

2.—Collector Street R-O-W = 3 points

3.—Local Access Street R-O-W = 2 point

4.—Unopened R-O-W, or City Property (visible from Street) = 1 points

5.—Unopened R-O-W, or City Property (not visible from Street) = 0

C.—Condition. There are four condition criteria. The condition class of a tree shall be determined using the methodology developed by the International Society of Arboriculture, specifically described in Table 6-2, Pages 40-41 of the 8th. Edition of International Society of Arboriculture's "Valuation of Landscape Trees, Shrubs, and Other Plants."

1.—Excellent Condition = 3 points

2.—Good Condition = 2 points

3. Fair Condition = 1 point

4. Poor Condition = 0

D. Trees determined to have significant public value may qualify for one additional point at the discretion of the Urban Forester.

E. Specimen Street Tree Value. The specimen tree value is determined by adding the size, location and condition values together.

e.g., 1 Size value (75 % of state champion) = 3

- Location (Local Access Street R-O-W) = 2

- Condition (Good) = 2

- Specimen Street Tree Value (3 + 2 + 2) = 7

e.g., 2 Size value (25% of state champion) = 1

- Location (Arterial Street R-O-W) = 4

- Fair Condition = 1

- Specimen Street Tree Value (1 + 4 + 1) = 6

16.54.180 Tree Pruning Standards for Public Trees

A. All pruning shall comply with National Arborist Association pruning standards.

B. Crown reduction pruning shall only be allowed when the Urban Forester deems that such pruning is necessary to reduce a hazardous condition posed by the tree.

C. When clearance, skirting or window pruning is performed, no more than 30% of the live crown may be removed in any 3 year period of time.

D. All pruning shall be performed in such a manner that the trees are maintained in the optimum health at all times, as determined by the Urban Forester.

Section 8. Amendment of OMC 16.60. Olympia Municipal Code Chapter 16.60 is hereby amended to read as follows:

Chapter 16.60 TREE, SOIL, AND NATIVE VEGETATION PROTECTION AND REPLACEMENT

16.60.000 Chapter Contents

Sections:

- 16.60.010 Purpose.
- 16.60.020 Definitions.
- 16.60.030 Applicability.
- 16.60.040 Exemptions.
- 16.60.045 City tree account.
- 16.60.050 ~~Tree~~ Soil and vegetation plan required.
- 16.60.060 ~~Tree~~ plan removal permit review procedure.
- 16.60.070 ~~Tree~~ Soil and vegetation plan review standards.
- 16.60.080 Tree density.
- 16.60.090 Tree, soil, and native vegetation protection during construction.
- 16.60.100 Maintenance requirements.
- 16.60.110 Variance for hardship.
- 16.60.120 Appeal.
- 16.60.130 Enforcement - Penalties.
- 16.60.140 Liability on the city.
- 16.60.160 Authority.
- 16.60.170 Specimen tree evaluation - For public trees.
- ~~16.60.180 Tree pruning standards for public trees.~~

OMC 16.60.010 Purpose

Whereas ~~rapid~~ growth, the spread of development, and increasing demands upon natural resources have the effect of encroaching upon, ~~despoiling~~ impacting or eliminating many of the intact native soils and vegetation, trees and ~~other forms of vegetation and~~ natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, ~~constitute~~ provide important physical, aesthetic, recreation and economic assets to existing and future residents of the city; and whereas the city council finds (1) that trees, healthy soils, and ~~woodland-growth~~ native vegetation protect public health through the capturing and filtering of stormwater runoff, absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, through their cooling effect in the summer months and insulating effects in winter, through their positive impact on global climate change; (2) that trees, healthy soils, and ~~woodlands~~ native vegetation provide for public safety through the prevention of soil erosion, siltation and flooding; (3) that trees, healthy soils, and ~~woodlands~~ native vegetation are essential to the general welfare of the city by maintaining the natural beauty and the irreplaceable heritage for existing and future city residents; and (4) that Olympia can promote urban forestry and land management

practices which will preserve or enhance trees, healthy soils, and native vegetation on public and private lands as they transition from natural areas into an urban environment. Therefore, the purposes of this chapter are:

- A. To provide for the protection, preservation, replacement, proper maintenance and use of trees, soils, and native vegetation ~~and woodlands~~ located in this city in order to preserve and enhance the city's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees, healthy soils, and native vegetation;
- B. To protect trees, healthy soils, and native vegetation ~~and woodlands of this~~ in the city for their economic support of local property values and to preserve and enhance ~~the Pacific Northwest's~~ this region's natural beauty;
- C. To minimize the adverse impacts of land disturbing activities on ~~surface drainage~~ stormwater infiltration, soil erosion, air quality, sedimentation and pollution of natural waterways, in order to minimize the public and private costs for stormwater control and treatment, utility maintenance and removal of pollution from our natural waterways;
- D. To promote site planning, construction practices and horticultural practices that are consistent with the reasonable use of property;
- E. To provide for the paramount public concern for these natural resources in the interest of a healthier and safer place in which to live and to promote the general welfare of the residents of this city;
- F. To implement the goals and objectives of the Washington State Environmental Policy Act; and
- G. To implement the goals and objectives of the ~~€~~City's ~~€~~Comprehensive ~~p~~Plan.

16.60.020 Definitions

All words in this chapter shall have their customary dictionary definition except as specifically defined herein.

- A. "Agriculture" is the use of land for the primary purpose of deriving income from growing plants or trees on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another use and only incidentally for growing trees or plants for income.
- B. "Buildable area" is that portion of a parcel of land wherein a building, parking and other improvements may be located and where construction activity may take place. Buildable areas shall not include streams, flood hazard areas, geologically hazard areas or wetlands as defined in ~~Section 18.76.030~~ Chapter 18.32 Critical Areas. For the purpose of calculating required minimum tree density, existing and newly dedicated city rights-of-way shall not be included.

C. "Caliper" is the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured 6" above the ground for up to and including 4" caliper size and 12" above the ground for larger sizes.

D. "City" is the city of Olympia, Washington.

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

F. "Commercial nursery or tree farm" is a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.

~~DDG.~~ "Conversion Option Harvest" is a timber harvest as established in this chapter and the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Olympia, while still maintaining their rights to convert their property to a use inconsistent with growing timber.

~~GH.~~ "Critical root zone" is the area where the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one foot for every inch of tree at dbh DBH (Diameter at breast height) ~~inch of tree.~~

~~HJ.~~ "Crown" is the area of a tree containing leaf or needle-bearing branches.

~~MJ.~~ "Development" is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; and any use or extension of the use of the land.

~~K.~~ "Diameter at Bbreast Hheight (~~dbh-DBH~~)" is a tree's diameter in inches at 4-1/2' feet above the ground. On multi-stemmed or trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4-1/2' above the ground.

~~JL.~~ "Grading" is any excavation, filling of earth materials or any combination thereof.

~~LM.~~ "Hazard tree" is any tree with a combination of structural defect and/or, disease, ~~(which makes it subject to a high probability of failure), and a~~ is within close enough proximity to where persons-persons or property which makes it an imminent threat. could be harmed or damaged if the tree were to fail.

N. "Healthy soil" is soil that is of good quality with the capacity to sustain plant, animal, and human life by providing nutrients, air and water space to infiltrate, pollutant absorption and filtering, and habitat.

O. "Invasive species" are non-native organisms that are capable of spreading so quickly they can cause economic or environmental harm.

NP. "Landmark tree" is a tree or group of trees designated as such by the eCity because of its exceptional value to the residents of the city (see Chapter 16.56 Landmark Tree Protection).

ΘQ. "Limits of construction line" is a line separating the buildable areas from the protected areas.

R. "Mitigation" is the act of restoring, creating, enhancing, or preserving a naturally occurring ecosystem to generate an increase in environmental functions to compensate for losses due to development or willful or negligent destruction of that ecosystem.

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

PT. "Person" is any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.

ΘU. "Protected area" is all land where no construction activity, tree removal, vegetation removal, or soil compaction is allowed and includes the critical root zone of those trees to be preserved.

RV. "Qualified professional forester" is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture (ISA), foresters with a degree in forestry from the an Society of American Foresters (SAF) accredited forestry school, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees in an urban environment, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development and management of those trees thereafter.

SW. "Remove or removal" is the act of removing a tree by digging up, cutting down or any act which causes a tree to die, ~~within a period of three years,~~ significantly impacts its natural growing condition and/or results in diminished environmental benefits or a hazard tree; including but not limited to, damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; paving with concrete, asphalt or other impervious material within the ~~drip-line~~ critical root zone, or any other action which is deemed harmful to the tree.

FFX. "Significant (upland) Wildlife Habitat" is an area designated as such in the Olympia Comprehensive Plan, ~~are~~ or designated as state priority habitat, and which is utilized by state priority or local priority animal species

with unusual frequency, density or diversity for critical ecological processes such as breeding, nesting, nursery, feeding, and resting.

~~EEY~~. "Soil and Vegetation Tree Plan" is a plan that contains specific information pertaining to the protection of healthy soil, and the preservation, and planting of trees and native vegetation pursuant to OMC 16.60 and the City of Olympia's Urban Forestry Manual.

~~GGZ~~. ~~Tree Tract~~ Soil and Vegetation Protection Area (SVPA) is a separate ~~deeded~~ tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation, including trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered SVPA's if they currently or are improved to an extent where they can support healthy soils and the growth of native vegetation of trees. The purpose of these areas for preserving healthy soils and preserving and/or planting native vegetation and planting is stated on the face of the plat when applicable. ~~and other proposed uses for the property do not require the removal of the trees.~~

~~EEA~~. "Specimen tree" is a tree that has been given greater than standard tree density value through the evaluation process delineated in ~~Chapter 5~~ of the Urban Forestry Manual.

~~TBB~~. "Street trees" is trees located within the street rights-of-way, adjacent to public or private streets, including undeveloped areas.

~~UCC~~. "Transplant" is the relocation of a tree from one place to another on the same property.

~~VDD~~. "Tree" is any self-supporting perennial woody plant that matures at a height greater than 6'.

~~WEE~~. "Tree unit" is a unit of measurement based upon the size of the tree as set forth in ~~Tables A and B, in Chapter 4~~ of the Urban Forestry Manual.X. "Undeveloped" is a parcel of land on which no buildings or other facilities are located.

~~KFE~~. "~~Ground cover~~Understory" is ~~trees less than six inches dbh and other~~ the shrubs and plants growing beneath the main canopy of a forest, stand of trees, or individual tree; including low-growing vegetation that covers the ground.

~~YGG~~. "Urban forestry" is the ~~art and science~~ professional practice of planning, managing and protecting natural and planted vegetation in developing urban areas.

~~ZHH~~. "Urban Forester" is the City of Olympia's Urban Forester or the Urban Forester's designee.

II. "Well-Adapted Drought-Tolerant Vegetation" is vegetation that is well adapted to current and anticipated environmental conditions in this region, and is not invasive or noxious.

~~AAKK.~~ "Windfirm" is a tree which is capable of withstanding ~~windstorms~~ high-strong winds, in particular when associated with inclement weather events.

~~BBLL.~~ "Worksite" is any contiguous area owned and operated as one development unit upon which earth disturbing activities are planned or underway.

OMC 16.60.030 Applicability

A. No person or representative, directly or indirectly, shall remove, or destroy any tree, within the city, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in Section 16.60.040.

B. Unless otherwise exempted, any site to be developed, within the City of Olympia, shall be required to develop a ~~tree plan~~ Soil and Vegetation Plan (SVP) and shall be required to meet the minimum tree density herein created. ~~For the purposes of this chapter, development shall include conversions, structural alterations, and remodeling only if a permit is required and the footprint of the building is expanded.~~

OMC 16.60.040 Exemptions

The following activities are exempt from the ~~tree plan~~ Soil and Vegetation Plan and tree removal permit requirements. In all cases the minimum tree density herein established shall be maintained. In no case shall any landmark tree be removed without first obtaining a tree removal permit pursuant to Chapter 16.56.

A. Commercial Nurseries or Christmas Tree Farms. Removal of trees which are being grown to be sold as Christmas or landscape trees.

B. Emergencies. Removal of trees necessary to protect public safety or private or public property from imminent danger as determined by the Urban Forester or in response to emergencies declared by the city, county, state or federal governments.

C. Harvesting with a Forest Practices Permit. Removal of trees as allowed with a forest practices permit issued by the Washington State Department of Natural Resources.

D. Hazard Trees. Removal of hazard trees as defined by this chapter.

E. Developed Single-Family (under two acres). Removal of trees and other vegetation from developed single-family and multifamily (up to four units), less than two acres so long as the minimum required tree density is maintained.

F. Developed Single-Family (two acres or more). On developed single-family and multifamily (up to 4 units), 2 or more acres, removal of trees and other vegetation within 125' of the residence or other buildings, unless required to be installed and properly maintained specifically to facilitate stormwater infiltration or dispersion.

(That portion of the property further than 125' from the residence or other buildings shall be treated as undeveloped property for the purpose of this chapter).

G. Subdivisions. Individual lots within a subdivision are exempt from meeting tree density requirements when the entire subdivision has complied with the tree density and soil and vegetation protection requirements of this chapter.

H. Undeveloped property. Removal of up to 6 trees per acre, up to a total of 6 trees from an undeveloped parcel within any 12 consecutive month period.

I. Street trees. Removal of street trees, when performed by or on behalf of the city, with approval of the Urban Forester.

~~J. Small trees. Removal of trees with a diameter at breast height (dbh) of six inches or less.~~

OMC 16.60.045 City tree account

B. The city shall use the city tree account for the following purposes:

1. Acquiring, maintaining, and preserving ~~wooded~~ areas of healthy soil and native vegetation within the city;
2. Planting and maintaining trees within the city;
3. Identification and maintenance of landmark trees;
4. Propagation of seedling trees;
5. Urban forestry education;
6. Other purposes relating to trees as determined by the city council.

OMC 16.60.050 ~~Tree plan~~ Soil and Vegetation Plan required

A. Requirement Established. A ~~tree~~ soil and vegetation plan is required to obtain a tree removal permit and is also required for any land development on property having a tree density below the minimum required and/or when Street Trees are to be installed.

B. ~~Tree~~ Soil and Vegetation Plan Requirements. Specific ~~tree~~ soil and vegetation plan requirements are delineated in ~~Chapter (1)~~ of the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of ~~tree~~ soil and vegetation plan is required. Table A lists activities or projects and the level of ~~tree~~ plan typically required.

TABLE A

PROJECTS OR ACTIVITIES FOR WHICH FREE SOIL AND VEGETATION PLANS ARE REQUIRED

ACTIVITY or PROJECT	LEVEL (see manual)
Residential subdivisions (1-4 units)	I
Residential subdivisions (more than 4 units)	IV, V
Commercial/Industrial/Multifamily (over 4 units)	IV, V
Developed Commercial/Industrial/Multifamily (over 4 units), proposing a building addition or other site disturbance	II
Multifamily (1-4 units)	I
Planned Residential Development	IV, V
Mobile Home Park	IV, V
Nuisance Tree removal permit	III
Conversion Option Harvest Permit	VI
Residential 1-4 unit, building permit	I

C. Conditions. The Urban Forester shall attach conditions on the project as necessary to ensure the long-term health and survival of trees, soils and understory vegetation to be retained and planted, pursuant to protection, planting, and maintenance standards established in the Urban Forestry Manual.

D. Application and Fee. The application for a tree removal permit and/or ~~tree soil and vegetation plan~~ review shall be made on a form provided by the City, and shall be submitted at the same time as the Free soil and vegetation ~~plan~~. The applicant shall pay a non-refundable permit fee to the Department of Community Planning and Development. The plan review and tree removal permit fee is set forth in Chapter 4.36.010 ~~OMC Building Code Review and Permit Fees~~.

E. Submittal of a Free Soil and Vegetation Plan. The application for ~~tree soil and vegetation~~ plan review and/or a tree removal permit shall be submitted with associated development applications as applicable.

OMC 16.60.060 Tree ~~plan~~ removal permit review procedure

A. ~~Within (28) calendar days of the receipt of a Tree Plan,~~ ~~†~~The Urban Forester shall review the tree ~~plan~~ removal request to determine completeness, and take one of the following actions:

1. Approve the tree ~~plan~~ removal, with or without conditions, and issue a tree removal permit;
2. Deny the permit, indicating the deficiencies to the applicant;
3. Notify the applicant of complete/incomplete application with a timeline for issuance of a permit;
4. Notify the applicant that the permit will be issued concurrently with other development permits, when applicable.

~~B. Public Notice. Prior to tree removal, the Urban Forester shall notify the applicant of the decision and shall post the site for a period of (10) days. During the posting period no tree removal work shall be done. Residential projects (1-4 units), and nuisance tree removal permits, shall be exempt from this posting requirement.~~

~~C. Permit Duration. A permit issued under this chapter shall be valid for 180 days or the duration of the associated development permit or approval. The Urban Forester may authorize a one (180)-day extension.~~

~~D. Permit Amendments. The permittee may request a minor amendment to an approved permit. In addition, the Urban Forester may require minor project changes to protect drainageways, environmentally sensitive areas, and adjoining property and structures from damage or to alleviate hazardous conditions.~~

~~E. Display of Permits. Permits issued in association with this chapter shall be posted on the worksite prior to work beginning and shall remain until the Urban Forester accepts the work as complete.~~

~~F. Integrated Applications and Decisions. When a tree ~~plan~~ removal permit is submitted in combination with another application for approval of an associated project or development, the urban forester shall notify the applicant that the permit will be issued concurrently with other project permits and shall designate and authorize such official or body to issue a decision regarding such ~~tree plan~~ removal permit as necessary to ensure an integrated decision. Any recommendation of the urban forester regarding such decision shall be given substantial weight by designee.~~

OMC 16.60.070 ~~Tree~~ Soil and vegetation plan review standards

A. Issuance of a permit under this chapter does not exempt the permittee from procuring and complying with other required permits or approvals. Whenever this chapter conflicts with other laws, ordinances or rules, the more restrictive shall apply.

B. Critical Areas. The approval authority shall restrict activities and/or impose conditions as warranted, to protect critical areas and their associated buffers, water quality, property or public safety.

C. Alternative Compliance. All tree removal permit activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that

alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter.

D. For all development projects, the following ~~Urban Forestry design~~ standards and provisions shall apply.

1. ~~A tree removal permit~~ Tree removal proposals will be ~~processed~~ reviewed and a decision issued concurrently with other development permits, as applicable.

2. ~~When determining where to establish a required Soil and Vegetation Protection Area or retain trees when an Soil and Vegetation Protection Area is not required, Preservation and conservation of wooded areas~~ locations with healthy soils, native understory vegetation, and mature trees in good condition shall have priority over development when there are feasible and prudent location alternatives on site for proposed building structures or other site improvements, ~~as identified by the Director, as applicable.~~ This may require site redesign including, but not limited to: redesign of streets, sidewalks, stormwater facilities, utilities; changing the shape and size of the parking lot; reducing or limiting proposed site grading; and changing the locations of buildings or building lots.

3. If existing trees and vegetation meet the requirements for the required landscaping, they shall have priority over and may substitute for the required landscaping pursuant to the guidelines established in Chapter 18.36 Landscaping and Screening, ~~the City of Olympia's Landscaping Ordinance, OMC 18.36.~~

4. For residential subdivisions ~~(more than 4 units of five (5) units or more)~~ at least 75 percent of the required minimum tree density shall be located within separate deeded tree Soil and Vegetation Protection Area(s) ~~tract(s)~~ held in common ownership by the homeowner's association, or comparable entity.

5. For multi-family developments of five (5) units or more a minimum of 50% of the required minimum tree density shall be met in Soil and Vegetation Protection Area(s). Soil and Vegetation Protection Areas may also meet requirements for stormwater management, and landscape buffering and screening when planting requirements and plant selection are appropriate for the site conditions and are demonstrated to be able to achieve the intended purpose of the applicable requirements.

6. Soil and Vegetation Tree-preservation priority. In designing a development project and in meeting the required minimum tree density, the applicant shall preserve ~~the following~~ Soil and Vegetation Protection Areas ~~trees that include the following~~ in the following order of priority. ~~{In all situations, Trees to be preserved must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified professional forester}.~~

a. Landmark Trees.

- b. Specimen Trees.
- c. Critical Areas and Buffers. Trees located within critical areas, critical area buffers or adjacent to critical area buffers. ~~(Those trees within the critical area buffers may account for up to 50 percent of the required tree density; except within the Green Cove Basin those trees within critical areas and critical area buffers may account for up to 100 percent of the required tree density.)~~
- d. Significant Wildlife Habitat. Trees located within or buffering Significant Wildlife Habitat.
- e. Healthy Soils and Native Vegetation. Native vegetation with associated healthy soils and understory.
- ef. Other individual trees or groves of trees.

7. On sites where there are currently inadequate numbers of existing trees, ~~or~~ where the trees are inappropriate for preservation, the soils are poor (unsuitable, disturbed, compacted etc.), or there are significant invasive species, as determined by the Urban Forester, then replacement tree planting, soil amendment, and understory mitigation shall be required. In designing a development project and in meeting the required minimum tree density, the following ~~trees areas~~ shall ~~be planted~~ undergo mitigation in the following order of priority:

- a. Critical Area Buffers, Significant Wildlife Habitat. ~~Trees planted w~~Within or adjacent to Critical Areas and Significant Wildlife habitat areas.
- b. Soil and Vegetation Protection Areas. Within designated Soil and Vegetation Protection Areas; may also include stormwater facility areas and areas of required landscaping.
- ~~bc.~~ Stormwater retention/detention ponds. ~~Trees planted a~~Adjacent to ~~S~~stormwater retention/detention ponds.
- ed. Landscaping. For residential subdivisions this may include entrance landscaping, traffic islands, separate deeded tree tracts, and other common areas.
- ~~de.~~ Individual residential building lots. ~~Trees planted on individual lots.~~

E. Mitigation. Within Soil and Vegetation Protection Areas where there are poor soils (unsuitable, disturbed, compacted, etc.), no native species, no understory vegetation, and invasive species, as determined by the Urban Forester, mitigation shall be required. Mitigation shall include the following activities:

- a. Remediation of compacted soils. Applicable only to areas without existing native soils, ground cover vegetation, or trees and their associated critical root zones.

b. Removal of invasive species.

c. Understory vegetation. Planting of native understory vegetation, or well-adapted drought-tolerant vegetation, appropriate to site conditions.

d. Restoration of existing trees through removal and replacement or restorative pruning. Including removal of hazard trees.

e. Planting of trees. At least 60% of the resulting SVPA tree distribution shall be evergreen trees.

F. Mitigation Plan. When conditions warrant it, or as determined by the Urban Forester, a mitigation plan shall be submitted and approved as an element of the Soil and Vegetation Plan pursuant to standards in the Urban Forestry Manual.

EG. For residential subdivisions, trees may be removed from individual building lots concurrent with the clearing of the proposed right-of-ways, and other frontage improvements, with the following provisions:

1. The Urban Forester has determined that the existing trees, on the proposed individual lots, are inappropriate for retention due to tree condition, soils, topographic constraints, proposed small lot size, and/or the size of the trees at maturity.
2. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.

FH. Developed commercial, industrial, multifamily (more than four units) properties, nuisance tree removal. Proposals to remove a tree or trees on these properties shall comply with the following standards.

1. The tree must meet the following criteria:
 - a. Tree is causing obvious, physical damage to private or public property, including but not limited to: sidewalk, curb, road, parking lot, building foundation, roof, stormwater infiltration or treatment system; or
 - b. Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices;
2. The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:

- a. Pruning of the crown or roots of the tree and/or, structural changes to a building, parking lot, sidewalk or other site modifications to alleviate the problem.
- b. Pruning, bracing, cabling, to reconstruct a healthy crown.

H.I. Undeveloped Properties, Conversion Option Harvest. For properties proposing a conversion option harvest, the following standards shall apply:

1. Trees to remain should be dominant or co-dominant in the stand, healthy, and windfirm.
2. Trees to remain should be located on the site in areas that would most likely facilitate their preservation through the build-out of the site.
3. Up to 30% of the number or volume of trees, by species, can be removed every 10 years.
4. No removal of trees from critical areas or buffers.
5. No removal of Landmark trees.
6. No removal of trees that would cause trees on adjacent properties to become hazardous.
7. Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.
8. Slash Abatement practices shall be implemented pursuant to Olympia Fire Department Standards.

J. Street trees. Street trees shall be included in the soil and vegetation protection plan. It should be drawn to scale on the site plan and should include the following information:

1. Location, size, and species of trees to be planted;
2. Description and detail showing site preparation, installation and maintenance measures;
3. Timeline for site preparation, installation and maintenance of street trees;
4. Cost estimate for the purchase, installation and maintenance for a minimum of three years of street trees;
5. The description and location of any underground or overhead utilities within the rights-of-way or near proposed street trees;
6. Additional information. The City's Urban Forester may require any additional information deemed necessary to ensure compliance with the provisions of this chapter;

7. Information waiver. The City's Urban Forester may waive the requirements for a scaled drawing and other submission data if they find that the information presented is sufficient to determine the project's compliance with the provisions of this Chapter;
8. Design guidelines: See OMC Chapters 18.100 through 18.180 in general and section 18.170.010 in particular.

OMC 16.60.080 Tree density requirement

A. Minimum Tree Density Requirement Established. A minimum tree density of 30 tree units per acre is required on the buildable area of each site, except within the Green Cove Basin (see OMC 16.60.080(5) and in critical areas, see OMC 18.32; ~~provided, however, that within the Green Cove Basin and all Residential Low Impact (RLI) zoning districts of the City a minimum tree density of 220 tree units per acre shall be provided in accordance with OMC 16.54.~~ The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 16.60.070. For the purpose of calculating required minimum tree density, critical areas, critical area buffers, city rights-of-way and areas to be dedicated as city rights-of-way shall be excluded from the buildable area of the site.

B. Tree Density Calculation. Specific Tree Density calculations and replacement tree standards are delineated in the City of Olympia's Urban Forestry Manual. Table 16.60.080 A shows the required minimum tree density and replacement tree requirements for various activities.

1. Developing properties are required to meet a minimum tree density of 30 tree units per acre.
2. Developed Commercial/Industrial/Multifamily (~~more than 4 units~~ 5 units or more) properties, proposing an addition or other site disturbance are required to replace a minimum tree density of one tree unit for every 500 sq. ft. of site area to be disturbed and 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the entire site. For the purpose of determining required replacement trees, site area disturbed shall include: installation or expansion of a building or other structure; drilling; and site alterations such as those due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or clearing.
3. Developed Commercial/Industrial/Multifamily (~~more than 4 units~~ 5 units or more) properties, proposing tree removal are required to replace 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the site.
4. Undeveloped property proposing a conversion option harvest are required to meet a minimum tree density of 200 tree units per acre.
5. Green Cove Basin. Within the Green Cove Basin and all Residential Low Impact (RLI) zoning districts of the City a minimum tree density of 220 tree units per acre shall be provided.

C. Replacement Tree Location. The applicant's proposed location of transplanted or replacement trees shall be subject to city approval as part of the ~~tree~~ Soil and Vegetation plan. Replacement trees should be planted according to the following priority:

1. On-Site.
2. Off-site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the city.
3. City Tree Account. When on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the replacement trees into the City's Tree Account.

D. Replacement Tree ~~Quality~~ Standards. Replacement trees shall meet the quality and size ~~standards, and be planted pursuant to standards delineated~~ in the Urban Forestry Manual.

E. Replacement Tree ~~Planting Standards Selection and Distribution~~. ~~Trees shall be planted pursuant to the planting standards delineated in the Urban Forestry Manual. Replacement trees shall be native species or well-adapted drought-tolerant vegetation, and at least 60% evergreen trees, unless determined by the Urban Forester as not appropriate for site conditions.~~

OMC 16.60.080A TABLE: Required minimum tree density and replacement tree requirements per activity

TABLE 16.60.080A

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
New Development	30 tree units per acre	30 tree units per acre
Developing Single-family (multifamily up to 4 units)	30 tree units per acre	30 tree units per acre
Developed Properties	30 tree units per acre	30 tree units per acre
Developed Commercial/ Industrial/Multifamily (more than 4 units) proposing an addition or other site disturbance	1 tree unit for every 500 sq. ft. disturbed and 3 tree units for every one tree unit proposed for removal	30 tree units per acre

TABLE 16.60.080A

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
Developed Commercial/ Industrial/Multifamily (more than 4 units) proposing tree removal	3 tree unit for every 1 tree unit proposed for removal	30 tree units per acre
<u>Conversion Option Harvest</u>	Site must remain at a minimum tree density of 200 tree units per acre.	200 tree units per acre
<u>New Developments in Green Cove Basin or RLI land use zone, or both</u>	<u>220 tree units per acre</u>	<u>220 tree units per acre</u>

16.60.090 Tree protection during construction

Prior to initiating tree removal on the site, soils, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to standards in the Urban Forestry Manual.

16.60.100 Maintenance requirements

The following maintenance requirements shall apply in perpetuity to all Soil and Vegetation Protection Areas, required landscaping, individually retained trees, and street trees.

A. Maintenance Requirement. ~~Soils and u~~Understory vegetation shall be maintained in a vigorous and healthy condition, free from diseases, pests and invasive plant species. Trees are to be maintained in a vigorous and healthy condition, free from diseases, pests and in accordance with the standards delineated in the Urban Forestry Manual. Trees and understory vegetation which become diseased, severely damaged or which die shall be removed by the owner as soon as possible but no later than 60 days after notification by the city. All trees and understory vegetation removed under this section shall be replaced with ~~a healthy tree-vegetation~~ of the same size and species, and planting standards as required by the approved ~~Tree~~ Soil and Vegetation Protection plan for the property.

B. For ~~areas dedicated as tree tracts~~ Soil and Vegetation Protection Areas, required landscaping, and street trees, and a single-family residential development that exceeds four units, the maintenance requirement of this section shall be in effect ~~for three years~~ from the date the final plat is approved or Certification of Occupancy issued or the trees are planted.

The ~~tree plan~~ maintenance requirement shall be a condition of approval and identified on the face of the plat when applicable. The applicant shall also execute a covenant in a form agreeable to the city which shall require

the applicant and his successors to comply with the maintenance requirement of this section. The covenant shall obligate both the property owner and ~~the~~ a homeowner's association, if applicable. The covenant shall be recorded ~~by~~ with the county auditor. The recording fee shall be paid by the applicant.

C. Multifamily Residential, Commercial, Industrial Developments. ~~For all trees covered by the tree plan, the maintenance requirement shall apply in perpetuity to developments that are multifamily residential developments in excess of four units, commercial and industrial.~~ The applicant shall execute a covenant in a form agreeable to the city which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded ~~by~~ with the county auditor. The recording fee shall be paid by the applicant.

D. ~~Maintenance Agreement Specimen Trees.~~ Each development to which the maintenance requirement for this chapter applies and that contain a specimen tree(s) shall ~~also be subject to a maintenance agreement. The urban forester shall require the applicant to execute a maintenance agreement with the city, in a form acceptable to the city attorney, which shall include the provisions of~~ in the maintenance requirement ~~in this chapter,~~ to ensure the survival and proper care of any specimen trees identified in the ~~Tree Plan~~ Soil and Vegetation Plan.

E. Surety. For residential developments containing ~~more than four units~~ five units or more, commercial and industrial projects, the applicant will be required to post a surety. The surety shall be in the form approved by the city attorney. The surety document shall have a face amount equal to 125 percent of the estimated amount necessary to guarantee the maintenance and replacement of soils, understory vegetation, and trees in conformance with the maintenance requirement and ~~tree plan~~ Soil and Vegetation Plan for a period of three years from the date the certificate of occupancy is issued by the city or from the date of final plat approval.

F. Failure to maintain. Failure to regularly maintain the ~~trees~~ Soil and Vegetation Protection Areas, required landscaping, individually retained trees, and street trees as required in this section shall constitute a violation of this chapter and, if applicable, the plat covenant.

16.60.110 Variance for hardship

The administrative process for variances shall be governed by Chapter 18.66 ~~of the Unified Development Code~~ Variations and Unusual Uses.

16.60.120 Appeal

Appeals of administrative decisions shall be governed by Chapter 18.72 ~~of the Unified Development Code~~ Administration.

16.60.130 Enforcement –Penalties

A. Authority. It shall be the duty of the Urban Forester to administer the provisions of this chapter. The Urban Forester shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter.

B. Authorized Actions. In addition to other remedies, the city may bring injunctive, declaratory or other actions to enforce this chapter.

C. Stop Work Orders/Permit Revocation.

1. The Urban Forester shall suspend work or revoke a permit, as appropriate, if the Urban Forester finds that:

- a. The work is not authorized by a valid permit;
- b. Inaccurate information was used to obtain the permit;
- c. The permittee is not complying with the terms of the permit or approved plans;
- d. The work is, in the Urban Forester's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainageway, watercourse, environmentally sensitive area, ~~or~~ stormwater facility, or Soil and Vegetation Protection Area, or is otherwise adversely affecting the public health, safety, or welfare;
- e. Adverse weather is causing significant problems on or off site; or
- f. The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.

2. The Urban Forester shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project. If the permittee does not comply with the order within the time specified, the Urban Forester, as an alternative to other remedies, may enter the project site and perform the required work. All costs incurred by the city in performing such work shall be drawn against the surety posted by the permittee to ensure the enforcement of the provisions of the tree plan or the tree removal permit. In the absence of sufficient surety, the city may place a lien against the property in the amount of the funds expended to perform the required work.

D. Restoration. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Urban Forester, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s).

E. Prohibition of Further Approvals. The city shall not accept, process, or approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration, a plan for mitigating the violation has been agreed upon, or other means accepted by the Urban Forester and by payment of any penalty imposed for the violation.

F. Criminal and Civil Penalty.

1. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

2. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

3. Class 1 (\$250), not including statutory assessments.

G. Public Nuisance. Any violation of the provisions of this chapter or a violation of a permit issued hereunder is declared to be a public nuisance and may be abated through proceeding for injunctive or similar relief in Superior Court or other court of competent jurisdiction.

16.60.140 Liability on the city

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public rights-of-way over their property.

16.60.160 Authority

A. Authority of the Urban Forester.

1. The Urban Forester shall manage the City's Urban Forestry Program, which includes, but is not limited to the administration of the ~~Tree Protection and Replacement~~ Tree, Soil, and Native Vegetation Protection and Replacement ordinance and the provisions of the Urban Forestry Manual.
2. The Urban Forester shall develop and periodically review and revise as necessary The Urban Forestry Manual ~~which shall contain at a minimum, standards for Tree Plan Development, Tree Planting, Tree Protection, and Specimen Tree Evaluation.~~ The Urban Forestry Manual and all revisions and amendments to it shall be available for public inspection at the office of the City Clerk.

16.60.170 Specimen tree evaluation - For public trees

A. Specimen tree evaluation shall use a standardized and professionally accepted method. Standards for the specimen tree evaluation are delineated in the Urban Forestry Manual or by request from the Urban Forester.

~~A. Size. Size shall be determined using the methodology developed by the American Forestry Association for measuring champion trees. This methodology, as adopted by the Washington Big Tree Program, is described in detail in the publication "Washington Big Tree Program 1994" by Robert Van Pelt, College of Forest Resources, University of Washington, AR-10 Seattle, Washington, 98195.~~

- ~~1. Circumference of the trunk. The circumference of the trunk in inches shall be measured at breast height (4.5 feet from the ground). If the circumference at 4.5 feet is distorted by low branching, etc., the circumference shall be taken at the smallest reading obtainable below that point.~~
- ~~2. Height of the tree. The height in feet shall be measured using standard forestry mensuration equipment (clinometer, etc.).~~
- ~~3. Average crown spread. The average crown spread is measured in feet. This shall be the average of the spread of the crown at its widest and narrowest points.~~

~~One point shall be assigned for every inch in circumference, every one (1) foot in height and every four (4) foot spread.~~

~~The size value for specimen tree evaluation shall be the percentage obtained by dividing the point value of the subject tree by the value of the state champion of the species (listed in the most recent edition of the Washington Big Tree Program) multiplied by four (4), and then rounded to the nearest whole number.~~

~~e.g.: Subject tree = 200 size points / State Champion (350 points) = 57%
57% x 4 = 2.85 rounded to 3.~~

~~B. Location. There are five (5) possible location values. They are determined based on how visible they would be to the public at large. The five locations values are:~~

- ~~1. Arterial Street R-O-W = 4 points~~
- ~~2. Collector Street R-O-W = 3 points~~
- ~~3. Local Access Street R-O-W = 2 point~~
- ~~4. Unopened R-O-W, or City Property (visible from Street) = 1 points~~
- ~~5. Unopened R-O-W, or City Property (not visible from Street) = 0~~

~~C. Condition. There are four condition criteria. The condition class of a tree shall be determined using the methodology developed by the International Society of Arboriculture, specifically described in Table 6-2, Pages 40-41 of the 8th. Edition of International Society of Arboriculture's "Valuation of Landscape Trees, Shrubs, and Other Plants."~~

- ~~1. Excellent Condition = 3 points~~
- ~~2. Good Condition = 2 points~~
- ~~3. Fair Condition = 1 point~~
- ~~4. Poor Condition = 0~~

~~D. Trees determined to have significant public value may qualify for one additional point at the discretion of the Urban Forester.~~

~~E. Specimen Street Tree Value. The specimen tree value is determined by adding the size, location and condition values together.~~

- ~~e.g.,~~ Size value (75 % of state champion) = 3
+
Location (Local Access Street R-O-W) = 2
Condition (Good) = 2
Specimen Street Tree Value (3 + 2 + 2) = 7
- ~~e.g.,~~ Size value (25% of state champion) = 1
+
Location (Arterial Street R-O-W) = 4

Fair Condition = 1

Specimen Street Tree Value (1 + 4 + 1) = 6

~~16.60.180 Tree Pruning Standards for Public Trees~~

- ~~A. All pruning shall comply with National Arborist Association pruning standards.~~
- ~~B. Crown reduction pruning shall only be allowed when the Urban Forester deems that such pruning is necessary to reduce a hazardous condition posed by the tree.~~
- ~~C. When clearance, skirting or window pruning is performed, no more than 30% of the live crown may be removed in any 3 year period of time.~~
- ~~D. All pruning shall be performed in such a manner that the trees are maintained in the optimum health at all times, as determined by the Urban Forester.~~

Section 9. Amendment OMC 17.20.010. Olympia Municipal Code Section 17.20.010 is hereby amended to read as follows:

OMC 17.20.010 Duration of Approval

Approval of the preliminary plat shall be effective for five years from the date of approval by the hearing examiner or City Council, during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed, except as provided for in Section 17.20.040. ~~Preliminary plats within the delineated Green Cove basin may be further extended up to three (3) years after final stormwater regulations for that basin have been enacted, subject to conditions including, but not limited to: 1) an agreement by the developer/owner that the plat will comply with final stormwater regulations for that basin; 2) that should the application of the final regulations substantially alter the preliminary plat, the procedures for substantial changes under OMC 17.20.040 shall be followed; 3) standard city fees, including those for city review of infrastructure design brought about by application of the final stormwater standards, will be paid; and 4) the developer/owner agrees that regardless of prior vesting, the allowance for bonding engineered improvements prior to final plat shall be governed by Ordinance No. 5718, or as amended.~~

Section 10. Amendment OMC 18.02.130. Olympia Municipal Code Section 18.02.130 is hereby amended to read as follows:

OMC 18.02.130 Vesting of applications

E. Exceptions. Where a necessary preliminary approval is a final subdivision plat, change in zoning, or comprehensive plan amendment, any previously submitted building permit application shall be considered under the laws, ordinances, standards and fees in effect on the date that such plat, zoning or plan amendment is final. Any environmental impact mitigation measures imposed under the authority of the State Environmental Policy Act shall be based upon policies, plans, rules or regulations in effect on the date that the applicable

determination of nonsignificance, mitigated determinations of nonsignificance or draft environmental impact statement is issued. Any development application is also subject to any special vesting exceptions of the Western Washington Municipal Stormwater Permit. Any application for a change in zoning, comprehensive plan amendment, or adoption or amendment of development regulations shall be reviewed subject to the comprehensive plan and other laws and policies in effect on the date that a final decision is rendered by the Olympia City Council. Any application for utility service extension or connection to serve property outside the limits of the City of Olympia shall be reviewed and subject to regulations and standards as set forth in the applicable utility service or annexation agreement.

Section 11. Amendment OMC 18.02.180.C. Olympia Municipal Code Subsection 18.02.180.C is hereby amended to read as follows:

OMC 18.02.180 Definitions

C. DEFINITIONS - SPECIFIC.

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

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

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

Cemetery. Property used for the interment of the dead.

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

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

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

Change of Use. Any use that substantially differs from the previous 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.

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.

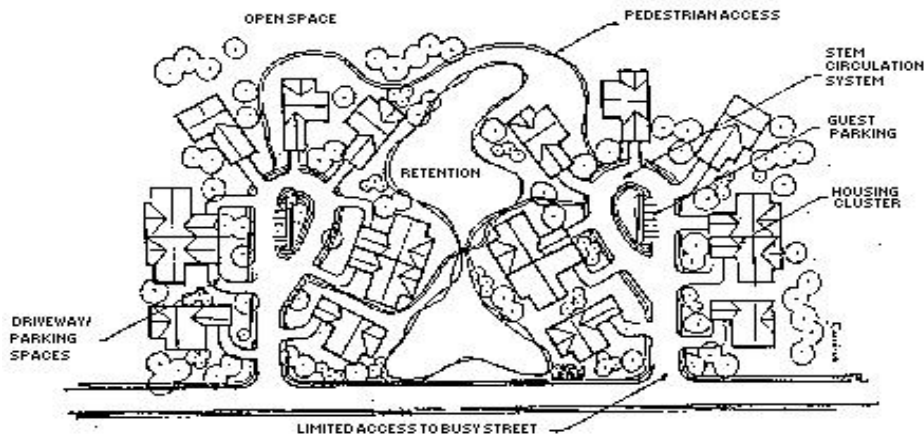


FIGURE 2-2

Cocktail Lounge. See Drinking Establishments.

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 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.

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 two feet of 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 definitions.)

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

Creek. See Stream.

Crisis Intervention Service. A mental health agency that offers 24 hour counseling, instruction and referral to persons in critical situations. This service is provided by telephone only and not in-person. Crisis intervention services are defined and regulated in Chapter 275-56-350 of the Washington Administrative Code. Such facilities may be characterized by a need for location confidentiality. This is not defined as a Business Office nor a Government Office.

Critical Area. Any of the following areas and ecosystems:

- a. Wellhead Protection Areas,
- b. Important Habitats and Species,
- c. Streams,
- d. Wetlands and Ponds, and
- e. Landslide Hazard Areas.

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

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

Section 12. Amendment OMC 18.02.180.D. Olympia Municipal Code Subsection 18.02.180.D is hereby amended to read as follows:

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 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.)

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

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

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

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

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

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

Drinking Water Protection Area. See OMC 18.32.205.

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

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

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

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

a. Dwelling, Conventional.

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

ii. Apartment. A dwelling within a structure designed and used for occupancy by three 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.

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 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:

(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.

Section 11. Amendment OMC 18.02.180.H. Olympia Municipal Code Subsection 18.02.180.H is hereby amended to read as follows:

OMC 18.02.180 Definitions

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.

Hard Surface. An impervious surface, a permeable pavement, or a vegetated roof, in contrast with vegetated permeable soils.

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:

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.

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.

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 Washington State Wetlands Identification and Delineation Manual (1997), Ecology Publication #96-94, as amended or revised.

Section 14. Amendment OMC 18.02.180.I. Olympia Municipal Code Subsection 18.02.180.I is hereby amended to read as follows:

OMC 18.02.180 Definitions

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. A non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, gravel parking lots, gravel pathways, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.~~

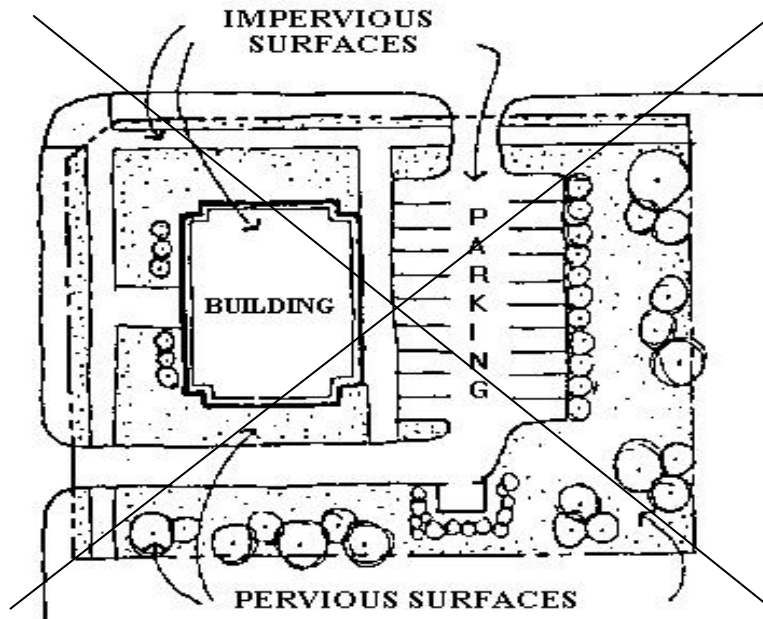


FIGURE 2-4

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 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.

Section 15. Amendment OMC 18.02.180.N. Olympia Municipal Code Subsection 18.02.180.N is hereby amended to read as follows:

OMC 18.02.180 Definitions

N. DEFINITIONS - SPECIFIC.

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

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

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

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

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

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

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

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

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

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

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

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

Notice of Decision. A written notice of the City's decision on a project permit application, 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.

Section 14. Amendment OMC 18.02.180.P. Olympia Municipal Code Subsection 18.02.180.P is hereby amended to read as follows:

OMC 18.02.180 Definitions

P. DEFINITIONS - SPECIFIC.

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

Park, Neighborhood. An area suited for passive and/or active family activities and play which may include facilities such as picnic table and shelters, barbecue pits, playground equipment, basketball backboards, small

sized playfields, volleyball courts and tennis courts. Neighborhood parks can serve an urban design as well as recreational function and are a core feature of neighborhood centers.

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

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

Parking Facility or Lot. A land area, building or structure that is 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,

theaters, amusement establishments, galleries, museums, public display spaces, drug stores, shoe repair shops, floral shops, hair shops, department stores, small hardware stores, and apparel shops. Visually interesting features include, but are not limited to, sculptures, display cases, landscaping, vendor stalls and carts, and architectural detailing.

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

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

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

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

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

Person. Any individual, firm, co-partnership, joint venture, association, social club, 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.

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

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

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

Pharmacies and Medical Supply Stores. Businesses primarily engaged in the sale of prescription and over-the-counter drugs, plus perhaps vitamins, first-aid supplies, and other health-related products. It also includes firms primarily engaged in the sale of medical equipment such as orthopedic or prosthetic devices, or equipment for home health testing. Pharmacies which also sell a wide variety of other types of merchandise, such as beauty products, camera equipment, small consumer electronics, giftware, food items, greeting cards, toys, housewares, and/or cleaning supplies are commonly known as "drug stores," and are classified as General Merchandise Stores.

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

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

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

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

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

Plat, Short. The map or representation of a short subdivision containing all pertinent information required by 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.

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 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.

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

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

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

Section 17. Amendment OMC 18.02.180.S. Olympia Municipal Code Subsection 18.02.180.S is hereby amended to read as follows:

OMC 18.02.180 Definitions

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.

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.)

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:

- 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 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.

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.

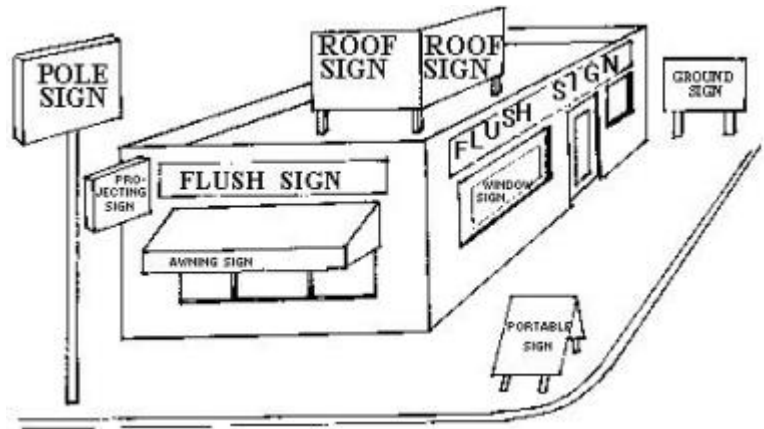
Sign, Sandwich Board Sidewalk Sign. A type of portable sign.

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.

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.

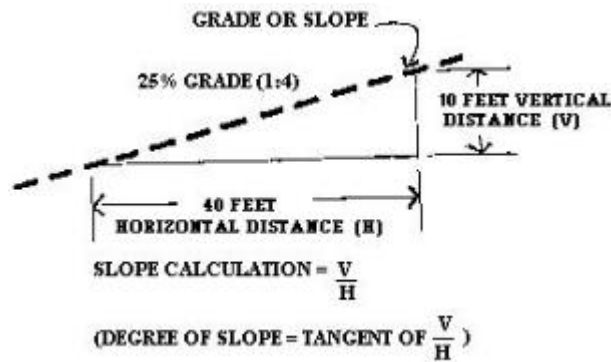
Single-Room Occupancy (SRO). See Dwelling, Conventional.

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.)

[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.

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.

Soil and Vegetation Protection Area (SVPA). A separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation, well-adapted drought-tolerant vegetation, and including trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered SVPA's if they currently, or are improved to an extent where they can, support healthy soils and the growth of native vegetation or well-adapted drought-tolerant vegetation. The purpose of these areas for preserving healthy soils and preserving and/or planting native, or well-adapted drought-tolerant vegetation is stated on the face of the plat when applicable.

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.

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 the water may remain. Both types of basins provide for controlled release of the stored water and groundwater recharge.]

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.

Street Cul-De-Sac. A street with a single common ingress and egress and with a circular turnaround at the end.

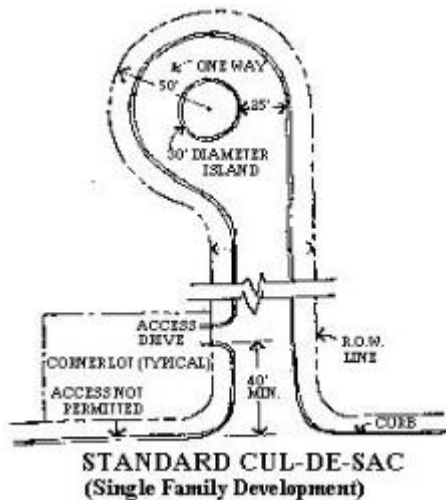


FIGURE 2-9

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.

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.

Section 18. Amendment OMC 18.02.180.V. Olympia Municipal Code Subsection 18.02.180.V is hereby amended to read as follows:

OMC 18.02.180 Definitions

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.

Vegetated Roof. A roof designed and constructed to support, and that does support, living vegetation with at least three inches of engineered soil.

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.

Section 19. Amendment OMC 18.02.180.W. Olympia Municipal Code Subsection 18.02.180.W is hereby amended to read as follows:

OMC 18.02.180 Definitions

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.

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.

Well-Adapted Drought-Tolerant Vegetation. Vegetation that is well adapted to current and anticipated environmental conditions in this region, and are not invasive.

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) as amended or revised.

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.)

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.

Section 20. Amendment OMC 18.04.060.H. Olympia Municipal Code Subsection 18.04.060.H is hereby amended to read as follows:

OMC 18.04.060 Residential Districts' Use Standards

H. COTTAGE HOUSING.

Cottage housing developments shall comply with the following requirements:

1. Courtyard. The development shall contain a courtyard or usable landscaped area owned in common by the owners of the dwellings. (See Section 18.04.080(J), Development Standards.)
2. Site Design. Dwelling units shall be located on at least two (2) sides of the courtyard or common area. (See also Section 18.175.100 Site Design: Cottage Housing ~~Section 18.04A.240, Residential Design Guidelines.~~)
3. Number of Units. The development shall include no less than four (4) and no more than twelve (12) dwelling units per courtyard.
4. Dwelling Size. ~~Single~~ The first story of dwellings in cottage developments, including any garage, shall not exceed eight hundred (800) square feet in size. Two (2) story structures shall not exceed one thousand ~~two~~ six hundred (~~1200~~ 1600) square feet in size.
5. Parking. At least 50% of on-site ~~p~~Parking shall be accommodated in a shared parking lot. (See Chapter 18.38, Parking.)
6. Covenants. Covenants shall be recorded which establish common areas and preclude their conversion to another use.

Section 21. Amendment OMC 18.04.060.P. Olympia Municipal Code Subsection 18.04.060.P is hereby amended to read as follows:

OMC 18.04.060 Residential Districts' Use Standards

P. MANUFACTURED OR MOBILE HOME PARKS.

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

1. Site Size. The minimum size for a manufactured or mobile home park shall be five (5) acres.
2. Utilities. Manufactured or mobile home parks shall be completely and adequately served by City utilities.
3. Lot Sizes. Each space or lot upon which a manufactured or mobile home is to be located shall be at least two thousand five hundred (2,500) square feet in area and have a minimum width of thirty (30) feet, exclusive of common parking areas and driveways.
4. Accessory Buildings. Buildings and structures accessory to individual manufactured or mobile homes shall be allowed, provided at least fifty (50) percent of the space or lot remains in open space. An accessory roof or awning may be attached to a manufactured or mobile home and shall be considered a part thereof. Automobile parking spaces, which are not computed in the space or lot area, may be covered with a carport.

5. Access. All drives within the park shall be hard surfaced. Sidewalks and paths shall be provided consistent with applicable City Development Standards.
6. Clearance. There shall be at least ten (10) feet clearance between manufactured or mobile homes. Manufactured or mobile homes shall not be located closer than ten (10) feet from any building within the park or from any property line bounding the park.
7. Screening. There shall be sight-obscuring fencing (see Section 18.40.060(D), Fencing), landscaping, or natural vegetated buffers at least eight (8) feet wide on all sides of the park. Such screening shall contain openings which provide direct pedestrian access to adjoining streets and trails.
8. Open Space. At least five hundred (500) square feet of ground area for each manufactured or mobile home space shall be made available in a centralized location or locations for recreational uses. (See Section 18.04.080(J).) At least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.
9. Lighting. Access roadways and recreational areas shall be provided with general area lighting at no less than five-tenths (5/10) foot candle intensity as measured at ground level.
10. Site Plan. A complete and detailed plot plan shall be submitted to the Hearing Examiner for approval. The plan shall show the locations and dimensions of all contemplated buildings, structures, spaces, driveways and roads and recreational areas. The City may require additional information as necessary to determine whether the proposed park meets all the above mentioned conditions and other applicable provisions of this code.

Section 22. Amendment OMC 18.04.080. Olympia Municipal Code Section 18.04.060 Table 4.04 is hereby amended to read as follows:

OMC 18.04.080 Residential Districts' Use Standards

[Table 4.04 below]

OMC 18.04.080 Residential Districts' Development Standards

TABLE 4.04 RESIDENTIAL DEVELOPMENT STANDARDS															
DIST-RICT	R1/5	R4	R-4CB	RL4-1	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDI-TIONAL REGULATIONS
MINI-MUM LOT SIZE	4 acres for residential use; 5 acres for non-residential use	2,000 SF minimum 3,000 SF average = townhouse 5,000 SF = other	One acre; reduced to 12,000 SF if associated with a drainage dispersal tract of at least 65% in the same subdivision plat.	2,000 SF minimum 3,000 SF average = townhouse 4,000 SF = zero lot 5,000 SF = other 6,000 SF = duplex 7,200 SF = multi-family	2,500 SF = cottage 4,000 SF = zero lot 2,000 SF minimum, 3,000 SF average = townhouse 5,000 SF = duplex 4,000 SF = other	2,000 SF = cottage 3,500 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 7,200 SF = duplex, triplex 9,600 SF = fourplex 5,000 SF = other 3,500 SF = other	1,600 SF = cottage 3,000 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 9,000 SF = multifamily 4,500 SF = other 3,000 SF = other	1,600 SF = cottage 3,000 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 7,200 SF = multifamily 4,000 SF = other 3,000 SF = other	1,600 SF = cottage 3,000 SF = zero lot 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 7,200 SF = multifamily 4,000 SF = other 3,000 SF = other	1,600 SF minimum, 2,400 SF average = townhouse 2,500 SF = mobile home park	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	1,600 SF minimum, 2,000 SF average = townhouse	2,000 SF = cottage 3,500 SF = zero lot 1,600 SF minimum 2,400 SF average = townhouse 7,200 SF = duplex 2,500 SF = mobile home park 5,000 SF = other 3,500 SF = other	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	18.04.080(C) 18.04.080(D) 18.04.080(E) 18.04.080(F) Chapter 18.64 (townhouses) 18.04.060(P) (mobile home parks)
MINIMUM LOT WIDTH	30' except: 16' = townhouse	50' except: 18' = townhouse	100'	30' except: 16' = townhouse; 60' = duplex 80' = multi-family	50'-45' except: 35' = cottage 45' = zero lot 18' = townhouse	50'-40' except: 30' = cottage 40' = zero lot 16' = townhouse 80' = duplex, triplex, fourplex	50'-40' except: 30' = cottage 40' = zero lot 16' = townhouse 70' = duplex 80' = multifamily	50' 40' except: 30' = cottage 40' = zero lot 16' = townhouse 70' = duplex 80' = multifamily	30' = mobile home park	30' = mobile home park	---	---	50'-40' except: 30' = cottage 40' = zero lot 16' = townhouse 80' = duplex 30' = mobile home park	---	18.04.80(D)(1) 18.04.080(F) 18.04.080(G) 18.04.060(P) (mobile home parks)
MAXIMUM FRONT YARD SETBACK													25'		18.04.080(H)

**TABLE 4.04
RESIDENTIAL DEVELOPMENT STANDARDS**

DIST-RICT	R1/5	R4	R-4CB	RL4-I	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
MINIMUM REAR YARD SETBACKS	10' except: 5' for agricultural buildings with farm animals	25'	50'	10' except: 5' for agricultural buildings with farm animals.	20' except: 5' for agricultural buildings with farm animals; 10' for cottages, and wedge shaped lots, and zero lots	20' except: 5' for agricultural buildings with farm animals; 10' for cottages, and wedge shaped lots, and zero lots	20' except: 15' for multifamily; 10' for cottages, and wedge shaped lots, and zero lots	15' except: 10' for cottages, and wedge shaped lots, and zero lots; 20' with alley access	10' except: 15' for multifamily	10' except: 20' next to an R 4-8 or R-12 district	5' except: 20' for structures 35' or higher	5'	20' except: 5' for agricultural buildings with farm animals; 10' for cottages and zero lots	5' except: 10' for structures over 42'	18.04.080(D) 18.04.080(F) 18.04.080(H) 18.04.080(I)
MAXIMUM BUILDING COVERAGE	45% = lots of 10,000 SF; 25%=lots of 10,001 SF to 1 acre; 6%=1.01 acre or more	35% 60% = townhouses	6%; increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	Refer to Maximum Impervious Surface Coverage below	45% = .25 acre or less 40% = .26 acres or more 60% = townhouses	55% = .25 acre or less 40% = .26 acres or more 70% 60% = townhouses	45%	50%	50%	55%	85%	85%	45% = .25 acres or less 30% = .26 to 1 acre 25% = 1.01 to 3 acres 20% = 3.01 acres or more	85% except for stoops, porches or balconies	
MAXIMUM IMPERVIOUS SURFACE COVERAGE	<u>45% or 10,000sf (whichever is greater) = lots less than 4 acres; 6%=4.1 acre or</u>	<u>45% Townhouses</u> <u>70% =</u> <u>35% Townhouses</u> <u>60% =</u>	6%; increased to 18% if associated with drainage dispersal tract of at least 65%	<u>2,500 SF or provided that up to 6% coverage whichever is greater, may be granted by</u>	<u>55% 45% = .25 acre or less</u> <u>50% 40% = .26 acre or more</u> <u>70% 60% = Townhouses</u>	<u>65% 55% = .25 acre or less</u> <u>50% 40% = .26 acres or more</u> <u>70% 60% = Townhouses</u>	<u>70% 65%</u>	<u>70% 65%</u>	<u>70% 65%</u>	75%	85%	85%	65% = .25 acre or less 40% = .26 to 1 acre 35% = 1.01 to 3 acres 25% = 3.01 + acres 70% =	85% except for stoops, porches or balconies	

**TABLE 4.04
RESIDENTIAL DEVELOPMENT STANDARDS**

DIST-RICT	R1/5	R4	R-4CB	RL4I	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
	more 45% = lots of 10,000 SF; 25% = lots of 10,001 SF to 1 acre; 6% = 1.01 acre or more		in the same subdivision plat.	<u>conditional use permit</u>									townhouses		
MAX-IMUM HARD SURFACE	45% or 10,000sf (whichever is greater) = lots of 10,000 SF; 25% = lots of 10,001 SF to less than 4 acres; 4 acre; 6% = 4.11-01 acre or more	45% 70% = Townhouses	6%: increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	2,500 SF provided that up to 6% coverage may be granted by conditional use permit	55% = .25 acre or less 50% = .26 acre or more 70% = Townhouses	65% = .25 acre or less 50% = .26 acres or more 70% = Townhouses	70%	70%	70%	75%	85%	85%	65% = .25 acre or less 40% = .26 to 1 acre 35% = 1.01 to 3 acres 25% = 3.01 + acres 70% = townhouses	85% except for stoops, porches or balconies	
MINIMUM OPEN SPACE	220 tree units per acre required		65% drainage dispersal area required; may double as tree tract or critical		450 SF/unit for cottage developments	450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	30% 500 SF/space for mobile home park	25% 500 SF/space for mobile home park	15%	15% 500 SF/space for mobile home park	450 SF/unit for cottage developments 500 SF/space for mobile home park	15% may include stoops, porches or balcony areas	18.04.080(J)

**TABLE 4.04
RESIDENTIAL DEVELOPMENT STANDARDS**

DIST-RICT	R1/5	R4	R-4CB	RL4I	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDI- TIONAL REGULA- TIONS
			areas buffer.												

LEGEND

SF = Square Feet

RL1 = Residential Low Impact

R-4 = Residential - 4

MR 7-13 = Mixed Residential 7-13

MR 7-13 = Mixed Residential 7-13

Zero Lot = A Lot with Only One Side Yard

R 4-8 = Residential 4-8

MR 10-18 = Mixed Residential 10-18

RMH = Residential Multifamily High Rise

--- = No Regulation

R 6-12 = Residential 6-12

RM 18 = Residential Multifamily - 18

RMU = Residential Mixed Use

UR - Urban Residential

Section 23. Amendment OMC 18.04.080.E. Olympia Municipal Code Subsection 18.04.080.F is hereby amended to read as follows:

18.04.080 Residential districts' development standards

F. Clustered Housing.

1. Mandatory Clustering. The Director or Hearing Examiner may require that the housing units allowed for a site be clustered on a portion of the site in order to protect ground water used as a public water source (e.g., wellhead protection areas), to enable retention of windfirm trees (which are appropriate to the site and designated for retention, consistent with Chapter 16.60, Tree Protection and Replacement, OMC), to accommodate urban trails identified on Map 7-1 of the Comprehensive Plan, to preserve scenic vistas pursuant to Sections 18.20.070, View Preservation and 18.50.100, Scenic Vistas, or to enable creation of buffers between incompatible uses (also see Chapter 18.36, Landscaping and Screening).

The Director or Hearing Examiner may allow up to a twenty (20) percent reduction in lot dimensions, sizes and setback requirements, consistent with the Uniform Building Code, to facilitate the clustering of the permitted number of dwelling units on the site. The required clustering shall not result in fewer lots than would otherwise be permitted on the site (at the minimum density specified in Table 4.04), without written authorization by the applicant.

2. Optional Clustering. Applicants for housing projects may request up to twenty (20) percent reduction in lot sizes, dimensions, and building setback requirements in order to cluster housing and retain land serving the purposes listed in a. above; or to avoid development on slopes steeper than twenty (20) percent; or to preserve natural site features such as rock outcrops; or otherwise enable land to be made available for public or private open space. Applicants proposing to place sixty-five (65) percent or more of a development site within a tree or vegetation protection or critical areas tract or tracts (see OMC chapter 16.60 and section 18.32.140) and not exceed 10% overall impervious coverage may request approval of housing forms not otherwise permitted in the zoning district so long as the number of resulting residential units does not exceed the standard maximum by more than twenty (20) percent. Such alternative housing forms may exceed height and story limits otherwise applicable in the district, except for height and story limits specifically intended to soften transitions between zoning districts. For example, three-story multi-family housing may be approved in a two-story single-family housing district. The Director or Hearing Examiner, as applicable, may grant such requests only if s/he determines that the development would not have a significant adverse impact on public facilities and surrounding land uses.

Section 24. Amendment OMC 18.04.080.H. Olympia Municipal Code Subsection 18.04.080.H is hereby amended to read as follows:

18.04.080 Residential districts’ development standards

H. Setbacks

- 1. Measurement. The required setback area shall be measured from the outermost edge of the building foundation to the closest point on the applicable lot line.
- 2. Reduced Front Yard Setbacks. Front yard setbacks in the R-4, R 4-8, R 6-12, MR 7-13 and MR 10-18 districts may be reduced to a minimum of ten (10) feet under the following conditions:
 - a. When garage or parking lot access is from the rear of the lot;
 - b. When the garage is located at least ten (10) feet behind the front facade of the primary structure on the lot; or
 - c. When the driveway will be aligned to provide at least a twenty (20) foot long parking space between the sidewalk edge (closest to lot) and the garage. (See Residential Design Guidelines - Garage Design, Chapter 18.04A.)
 - d. Such setback reductions shall not be allowed where they would result in a setback of fifty (50) percent or less than the setback of an existing dwelling on an abutting lot fronting on the same



street.

FIGURE 4-3

- 3. Rear Yard Setbacks. See Section 18.04.080(H)(5), Encroachments into Setbacks, Section 18.04.080(D)(2), Transitional Lots, and Table 4.04.

4. Side Yard Setbacks.

a. Reduced side yard setbacks. Except for the R-4CB district, a side yard building setback shall not be required for a lot served by an alley (such alley must be open, improved and accessible, not solely a right-of-way) provided it meets the following conditions:

i. Provision for reduced or zero setbacks shall specifically appear upon the face of a final short or long plat. Such plat shall provide that the minimum distance between residences will be six (6) feet. If the distance between a proposed dwelling and a property line is less than three (3) feet, the applicant shall provide evidence of a maintenance easement, at least three (3) feet in width, which provides sufficient access for the owner of the dwelling to maintain the applicable exterior wall and roof of the dwelling. (Except as expressly provided, any reduced side yard provision appearing on a final plat shall withstand later amendments of this Title and shall be considered conforming.)

ii. Side yard setbacks shall not be less than five (5) feet along a property line adjoining a lot which is not developed or approved for reduced setbacks (e.g., a conventional lot with two (2) five (5) foot wide side yard setbacks). Side yard setbacks shall not be less than ten (10) feet along property lines which abut a public rights-of-way.

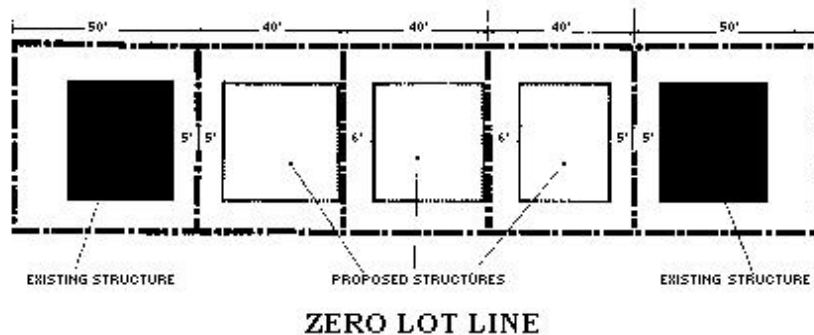


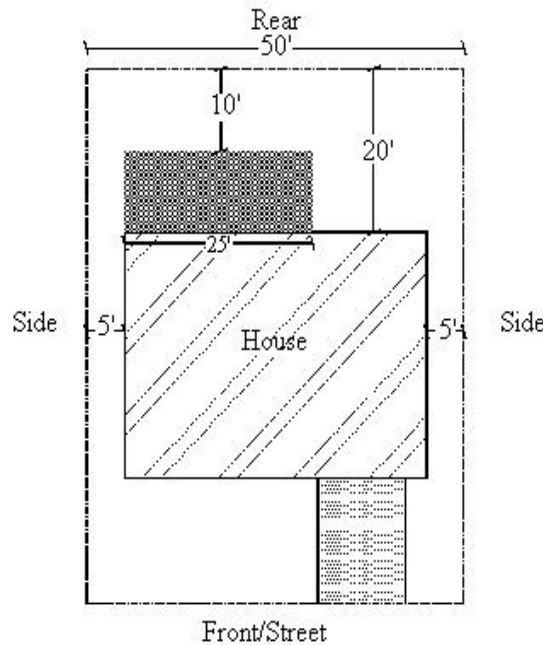
FIGURE 4-4

b. The minimum side yard setback from bikepaths and walkways shall comply with the side yard setback from the lot line as specified for the district in Table 4.04.5. Encroachment Into Setbacks. The buildings and projections listed below shall be allowed outside of utility, access or other easements. See 18.04.080(H)(5) for additional exceptions.

a. Except for Accessory Dwelling Units, any accessory structures may be located in a required rear yard and/or in the rear twenty (20) feet of a required interior side yard; however, if a garage entrance faces a rear or side property line, it shall be setback at least ten (10) feet from that property line. Accessory dwelling units may not encroach into required side yard setbacks. Accessory dwelling units may encroach into rear yards however, if the rear yard does not abut an

alley, the accessory unit must be set back ten (10) feet from the rear property line. Further, any garage attached to any accessory dwelling unit shall conform with this Section.

b. Up to fifty (50) percent of a rear yards width may be occupied by a dwelling (primary residence or ADU) provided that the structure (foundation) is located at least ten (10) feet from the rear property line. For purposes of this section the rear yards width shall be measured in a straight line between the side property lines at the point of intersection with the rear property line.



line.

Figure 4-4a

c. Townhouse garages may share a common rear property line provided that access for interior lots is from a single common driveway to not more than one public street entrance.

Section 25. Amendment OMC 18.04.080.J. Olympia Municipal Code Subsection 18.04.080.J is hereby amended to read as follows:

18.04.080 Residential districts' development standards

J. Private and Common Open Space.

1. Development of Open Space. ~~Development of Open Space.~~ Open space (e.g., private yard areas and common open space) required by Table 4.04 shall be devoted to undisturbed native vegetation, landscaping (consistent with Chapter 18.36, Landscaping and Screening), and/or outdoor recreational facilities. Driveways, loading areas, maneuvering space and parking lots shall not be considered open space. Required open space shall not be covered with impervious surfaces, except for stoops, porches, or balconies, walkways, tennis courts, swimming pools, or similar uses which require an impervious

surface. Up to a five (5) percent increase in impervious surface coverage may be allowed to accommodate such hard surfaced facilities. Also see Chapter 16.60 Tree, Soil and Native Vegetation Protection and Replacement.

2. Cottage Housing Developments. Cottage housing developments shall provide open space as follows:

a. A minimum of two hundred (200) square feet of private, contiguous, usable, open space shall be provided adjacent to each dwelling unit. No dimension of this open space area shall be less than ten (10) feet.

b. A minimum of fifteen hundred (1500) square feet or two hundred (200) square feet per unit, whichever is more, shall be provided in common open space (e.g., available for the use of all residents of the development). This open space shall be contained in a contiguous area with no dimension less than thirty (30) feet. A substantial portion of sSuch open space shall be sufficiently level (e.g., less than five (5) percent slope) and well drained to enable active use in summer provided that at least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.

3. Mixed Density Districts. Parcels or sites accommodating multifamily housing (e.g., triplexes, fourplexes, and larger apartment buildings) in a MR 7-13 or MR 10-18 district shall contain at least thirty (30) percent open space. At least fifty (50) percent of such open space must be available for the common use of the residents of the multifamily housing. Such open space shall be developed consistent with Section 18.04.080(J)(1) above. This open space requirement shall be reduced to twenty (20) percent if the multifamily housing adjoins a park, school or open space site of at least ten thousand (10,000) square feet in size. Impervious surface coverage limits specified in Table 4.04 shall be adjusted accordingly.

4. Manufactured or Mobile Home Parks. At least five hundred (500) square feet of common open space shall be provided per dwelling unit (see Section 18.04.060(P)(8)). At least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.

5. Residential - 4 Chambers Basin District. Required open space for stormwater dispersion may be provided in a common area or within each individual private lot of a development. All required drainage dispersal areas shall be protected from filling and grading and all other activities which would decrease the ability of such areas to disperse and infiltrate stormwater. Side yard setback areas shall be designed to disperse roof runoff to the maximum extent practical. To qualify as a "drainage dispersal tract" (required to create lots of less than one acre) such area shall be held in common or deeded to homeowners association and otherwise conform with the requirements of stormwater tracts as set forth in the Olympia Stormwater Drainage Manual.

Section 26. Amendment of OMC 18.06.080. Section 18.06.080, Table 6.02 of the Olympia Municipal Code is hereby amended to read as follows:

18.06.080 Commercial districts' development standards -- Table 6.02

STANDARD	NR	PO/RM	MS	ADDITIONAL REGULATIONS
MAXIMUM BUILDING COVERAGE	45%	70%, except 55% for residential only structures	50%	Must comply with site design standards, Chapter 18.06A.180.
MAXIMUM DEVELOPMENT IMPERVIOUS SURFACE COVERAGE	60% 50%	85%, except 75% for residential only structures 70%	65% 60%	See OMC 18.06.100(D) Must comply with site design standards, Chapter 18.06A.180.
<u>MAXIMUM HARD SURFACE</u>	<u>60%</u>	<u>85%, except 75% for residential only structures</u>	<u>65%</u>	<u>See Chapter 18.06A.180.</u>

LEGEND

NR = Neighborhood Retail

PO/RM = Professional Office/Residential Multifamily

MS = Medical Services

Section 27. Amendment of OMC 18.06.100. A New Subsection 18.06.100.D is hereby added to the Olympia Municipal Code to read as follows:

OMC 18.06.100 Commercial districts' development standards – Specific

D. Impervious Surface Coverage

On development sites incorporating 'vegetated roofs,' the impervious surface coverage limits of Neighborhood Retail, Professional Office / Residential Multifamily and Medical Service districts shall be increased one square foot for each square foot of vegetated roof area up to 5% of the total site area if adequate assurance is provided that the proposed vegetated roof will provide substantial stormwater management benefits for a period of at least 30 years.

Section 28. Amendment OMC 18.36. Olympia Municipal Code Chapter 18.36 is hereby amended to read as follows:

Chapter 18.36 LANDSCAPING AND SCREENING

18.36.000 Chapter Contents

Sections:

- 18.36.020 Purpose.
- 18.36.040 Applicability.
- 18.36.060 General requirements.
- 18.36.080 Landscape and tree plan requirements.
- 18.36.100 Alternative landscape plans.
- 18.36.120 Conflicting requirements.
- 18.36.140 Residential landscape requirements.
- 18.36.160 Commercial landscape requirements.
- 18.36.180 Parking lot landscape and screening.
- 18.36.190 Landscape Requirements for Antennas and Wireless Communications Facilities.
- 18.36.200 Performance assurance.
- 18.36.220 Maintenance.
- ~~18.36.240 Preferred plantings.~~

OMC 18.36.020 Purpose

The purpose of this chapter is to establish standards for landscaping and screening; to maintain or replace existing vegetation, provide physical and visual buffers between differing land uses, provide opportunities for stormwater management, lessen and improve environmental and aesthetic impacts of development and to enhance the overall appearance of the City. Notwithstanding any other provision of this chapter, trees and shrubs planted pursuant to the provisions of this chapter shall be of types and ultimate sizes at maturity that will not impair the scenic vistas protected within Chapter 18.50.100, Design Review, nor interfere with power lines, underground utilities or impervious surface.

18.36.040 Applicability

This chapter shall apply to all development applications in the city, with the exception of individual single-family residential lots and development containing four (4) or less attached dwelling units. All changes in the use of a property or remodel of a structure that requires improvements equal to or greater than fifty (50) percent of the assessed property valuation shall comply with the requirements of this Chapter. See Residential Design Guidelines, Section 18.04A.150, and Individual Commercial Landscape Design District Requirements.

OMC 18.36.060 General requirements

A. Existing Trees, Soils, and Associated Vegetation.

1. The applicant will be required to retain existing trees, soils, and associated vegetation pursuant to the City's Tree ~~Protection and Replacement~~ Soil, and Native Vegetation Protection and Replacement Chapter Ordinance, OMC 16.60. This may require site design modifications including, but not limited to: relocating buildings and other site improvements, additional perimeter setback, changes in the size and locations of parking lot islands, etc.

2. Where existing trees and associated vegetation serve the same or similar function to the required landscaping, they shall have priority over and may substitute for the required landscaping, provided the following conditions are met:

a. The trees must be healthy and not constitute a hazard as determined by a qualified professional forester. ~~P~~pursuant to OMC 16.60. Trees must be appropriate for the site at mature size.

b. A ~~tree protection and replacement~~ soil and vegetation plan must be developed, by a qualified professional forester. ~~P~~pursuant to OMC 16.60.

c. The ~~tree protection and replacement~~ soil and vegetation plan must be approved by the City of Olympia's ~~Urban Forester~~.

d. Supplemental landscaping is provided within or adjacent to these areas, as necessary, to accomplish the specific intent and purpose of this chapter.

3. All portions of the site not proposed for building, other site improvements and required landscaping, shall be retained in a predeveloped, uncompacted, forested and vegetative condition and may be required to be designated and noted on the final plat or approved site plan as a Soil and Vegetation Protection Area. The approval authority may require ~~clearing and supplemental landscaping mitigation~~ in these areas to improve the existing soil and vegetation. (See 18.04A.070 and 18.06A.090, Landscape Design).

B. Coverage. All planting areas shall have plant materials that provide ~~seventy-five (75)~~eighty (80) percent coverage within three years.

C. Irrigation.

1. ~~Areas planted with grass or sod shall have a permanent irrigation system. If used elsewhere, irrigation, if used, shall be appropriate to the maintenance of plants~~ temporary for the purposes of plant establishment. See Groundcover/Turf below.

2. All irrigation systems shall be adequate to ensure survival of all retained and new plants and may be equipped with a controller capable of dual or multiple programming. Controllers must have multiple start capability and flexible calendar programming. They must also allow for at least seven day timing cycles. Timers should be set to ~~reduce evaporation (e.g., water during evening hours after sundown).~~

3. Irrigation systems shall be designed and operated to minimize runoff and overspray to non-irrigated areas.

4. The water schedule for each circuit identified on the approved landscape plan must be posted inside the corresponding controller.

D. Groundcover/Turf.

1. Ground cover shall be planted and spaced in a triangular pattern which will result in ~~complete~~ coverage of eighty (80) percent in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may be included in total ground cover calculations.

2. ~~Grass planted and to be maintained as lawn is prohibited in parking lots unless needed and approved for stormwater conveyance.~~ Grass species, if used as groundcover, shall be appropriate for the location, use, and size of ~~lawn~~ area. (See Suitability below.)

E. Suitability and Vegetation.

1. The vegetation selected for the landscape plan shall be suited to the climate, location, and physical conditions of the site so it can be reasonably expected to survive. Trees shall be selected and located to minimize the potential for interfering with or damaging power lines, underground utilities, or impervious surfaces. Trees shall be selected for their compatibility with the site design at their mature size. Trees shall be selected and located to minimize potential damage to structures and injuries to people.

2. All developments ~~are encouraged to~~ shall use native vegetation, or vegetation that is and well-adapted and drought-tolerant ~~plant materials~~ where conditions and location support their survival, ~~and to reduce the amount of sod and lawn areas which are highly dependent on labor, water and chemicals. A list of native and drought tolerant plant materials is available from the Department.~~

3. The Department will maintain a list of Prohibited Landscape Plants. Plants on this list will have characteristics that despite being well-adapted to site conditions, make them invasive, subject to disease, likely to damage infrastructure, or otherwise cause future management issues. This list will be periodically reviewed and updated by the Department.

~~3. In order to reduce water use and improve survivability, design principles using xeriscape techniques are encouraged. In meeting water conservation goals, plantings that are not drought tolerant should be grouped together and separated from drought tolerant plantings. If installed, separate irrigation systems should be provided as necessary for each group. (See 18.36.060(3), Irrigation, for sprinkler requirements).~~

F. Mulch/Soil.

1. To reduce erosion, minimize evaporation, provide for weed control and to enhance ~~the~~ growing conditions, all areas to be planted ~~should~~ shall be mulched approximately four (4) inches deep with composted or other approved organic material. ~~If uncomposted mulch is used, it should be amended with a sufficient amount of fertilizer to compensate for typical nitrogen deficiencies caused by the uncomposted mulch.~~

2. Existing soil types shall be identified on landscape plans and in the Soil and Vegetation Plan. Soils that are found to be inadequate to provide for the long-term health of proposed landscaping shall be amended up to twenty-four (24) inches deep with soil amendments such as bio-solids or other material as deemed necessary by the approval authority.

G. Trees.

~~1. Deciduous Trees. Trees size and quality shall comply with standards delineated in the Urban Forestry Manual. Size -- Shall have a caliper of at least two (2) inches, measured six (6) inches above the ground line. Quality -- Shall be State Department of Agriculture Nursery Grade No. 1 or better.~~

~~2. Conifer Trees. Size -- Shall be a minimum of six (6) feet in height, measured from ground line. Quality -- Shall be State Department of Agriculture Nursery Grade No. 1 or better.~~

2. Tree Distribution. Trees in Soil and Vegetation Protection Areas shall be comprised of at least 60% evergreen species, unless site conditions are not suitable as determined by the Urban Forester.

3. Street Trees. Street trees will be required as part of frontage improvements pursuant to City of Olympia Engineering Design and Development Standards. ~~and subject to any applicable street tree plan adopted by the city. In the absence of an approved street tree plan t~~The species and spacing of required trees will be determined approved by the City of Olympia's Urban Forester, or designee, consistent with the provisions of OMC 16.60 and this Chapter.

H. Clear Sight Triangle. Fences and landscape plants at maturity shall not exceed two and a half (2.5) feet in height within a clear sight triangle for traffic safety ~~as measured from the street centerline~~. (See 18.40.060(C) for triangle dimensions.)

I. Waste Containers, Mechanical Equipment and Open Storage.

1. Waste Containers and Mechanical Equipment: Solid waste containers (dumpsters, carts, drop boxes and compactors) and mechanical and electrical equipment in industrial, commercial, multi-family and mixed-use projects, which would otherwise be visible from adjoining streets shall be screened from public view by a Type II Visual Screen unless such would interfere with access and service, in which case a Type III Visual Buffer shall be provided.

2. Open Storage: All outside storage areas shall be fully screened by a Type I Solid Screen a minimum of five (5) feet in width, unless the Department finds such storage material is not visually obtrusive.

J. Stormwater Pond and Swales.

1. Stormwater drainage ponds and swales and other stormwater facilities shall be located where they will not unreasonably impede pedestrian access to or between buildings. They shall be attractively landscaped with native, or well-adapted drought-tolerant plants and integrated into the site design.

2. Existing water bodies and wetlands should be incorporated into the site design as an amenity.

K. Pedestrian Facilities. Pedestrian facilities, transit stops, and barrier free access may be allowed in required landscape areas without requiring additional buffer area, provided the intent of this Chapter is met and that the function and safety of the pedestrian facility, transit stop or barrier free facility is not compromised. ~~(See Sections 18.06A.180, 18.06A.190 and 18.06A.200, Pedestrian Design Guidelines.)~~

L. Types of Perimeter Landscape.

1. Solid Screen (Type I). Purpose: This type of landscaping is intended to provide a solid sight barrier between totally separate and incompatible land uses such as residential and industrial areas. It is also used around outdoor storage yards and service yards.

Materials: Landscaping shall consist of evergreen trees, tall shrubs and ground cover which will provide one hundred percent sight-obscuring screen; OR a combination of seventy-five (75) percent evergreen and twenty-five (25) percent deciduous trees with large shrubs and ground cover backed by a one hundred (100) percent sight-obscuring fence. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

2. Visual Screen (Type II). Purpose: This type of vegetation or landscape structure, or both, is intended to create a visual separation that may be less than one hundred (100) percent sight-obscuring. It is typically found between commercial and industrial zones; high density multifamily and

single family zones; commercial/office and residential zones; and to screen commercial and industrial use waste containers, mechanical and electrical equipment from the street.

Materials: Vegetative landscaping shall consist of evergreen OR a combination of approximately sixty (60) percent evergreen and forty (40) percent deciduous trees, interspersed with large shrubs and ground cover. A sight-obscuring fence or other landscape structure can be used and may be required if necessary to reduce site specific adverse impacts to adjacent land uses. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section (See Section 18.170.050, Multifamily Residential, Fences and Walls).

3. Visual Buffer (Type III). Purpose: This type of landscaping is intended to provide partial visual separation of uses from streets and main arterials and between compatible uses in order to soften the appearance of parking areas and building elevations. Landscaping shall consist of no more than ~~fifty (50)~~ forty (40) percent deciduous species. Waste containers may be buffered from view using vegetation or a landscape structure or both.

Materials: Vegetative landscaping shall be a mixture of evergreen and deciduous trees interspersed with large shrubs and ground cover. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

18.36.080 Landscape ~~and tree~~ soil and vegetation plan requirements

A plan of proposed landscaping and screening shall be included with plans submitted for site plan review or Hearing Examiner review. The plans shall be drawn to scale and contain the following information:

~~A. Tree Plan Soil and Vegetation Plan: Unless otherwise exempt (see Chapter 16.60.040 Exemptions) a soil and vegetation plan is required. Specific soil and vegetation plan requirements are delineated in the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of soil and vegetation plan is required (see Table A in Chapter 16.60.050 Soil and Vegetation Plan Required).~~

~~Tree Protection and Replacement Only. Tree protection and replacement only, not to include street trees.~~

~~1. The following is a summary of OMC 16.60 describing when a tree protection and replacement Soil and Vegetation plan is required.~~

~~a. Any construction and expansion of a building excluding interior remodel; or~~

~~b. Any engineering permit necessary to develop property; or~~

~~c. Any subdivision of property; or~~

d. ~~For those activities not covered above and requiring a city permit, any development which alters the predeveloped or developed condition of a property.~~

2. ~~Tree Plan Soil and Vegetation Plan Requirements. Tree~~The Soil and Vegetation Protection Area Plan ~~must be developed by a qualified professional forester as defined in the tree, soil, and native vegetation protection and replacement ordinance. Specific Plan requirements are outlined in the Tree Protection and Replacement Ordinance Urban Forestry Manual (OMC 16.60).~~

a. ~~Tree, Soil and Vegetation inventory. General description of existing trees, soils and other vegetation including:~~

i. ~~Species, sizes and locations of existing trees and associated other vegetation;~~

ii. ~~Soils description and;~~

iii. ~~health and condition of existing trees;~~

iiii. ~~Species, locations, and extent coverage of invasive species;~~

v. ~~Landmark/Specimen trees;~~

vi. ~~Off-site trees adversely affected by proposal.~~

b. ~~Tree, Soil and Vegetation Protection Area plan (included on the grading plan):~~

i. ~~Locations of trees, soils, and groundcover vegetation to be preserved;~~

ii. ~~Description, and detail of how trees, soils and groundcover vegetation will be preserved;~~

iii. ~~Limits of clearing and grading around protected trees, soils and groundcover vegetation;~~

iv. ~~Timeline for clearing, grading and installation of tree protection measures. (See the Urban Forestry Manual for specific protection standards.)~~

c. ~~Landscaping plan. The landscape plan as required by this Chapter shall be included as one of the required sections of the tree, soil and vegetation protection and replacement plan.~~

d. ~~Street trees plan. The street tree plan for sStreet trees required as part of frontage improvements, shall be included as one of the required sections of in the tree soil and~~

~~vegetation protection and replacement plan. It should be drawn to scale on the site plan and should include the following information:~~

- ~~i. Location, size, and species of trees to be planted;~~
- ~~ii. Description and detail showing site preparation, installation and maintenance measures;~~
- ~~iii. Timeline for site preparation, installation and maintenance of street trees;~~
- ~~iv. Cost estimate for the purchase, installation and maintenance for a minimum of three years of street trees;~~
- ~~v. The description and location of any underground or overhead utilities within the rights-of-way or near proposed street trees;~~
- ~~vi. Additional information. The City's Urban Forester may require any additional information deemed necessary to ensure compliance with the provisions of this chapter;~~
- ~~vii. Information waiver. The City's Urban Forester may waive the requirements for a scaled drawing and other submission data if they find that the information presented is sufficient to determine the project's compliance with the provisions of this Chapter;~~
- ~~viii. Design guidelines: See Sections OMC Chapters 18.100 through 18.180 in general and section 18.170.010 in particular. 18.04A.070 and 18.06A.090.~~

AB. Landscape Plan.

1. Plan Preparation.

a. Four (4) or Less Multifamily Units and Commercial Development having less than 20,000 square feet of gross floor area. Landscape plans required by this section shall be prepared by a person experienced in the selection and installation of plant materials and landscape design. Plans shall be drawn to scale and meet all plan submittal requirements of item 2 below.

b. Five (5) or More Multifamily Units; Commercial Development consisting of 20,000 square feet or more of gross floor area; and all development located on a High Density Corridor or Design Review Corridor. Landscape plans required by this section shall be prepared by a Registered Landscape Architect or Certified Washington State Landscaper or Nurseryman. Plans prepared by others shall have their design plans certified by one of the aforementioned groups, attesting that all requirements of this Chapter have been met or exceeded.

2. Plan Requirements. New landscape plans must identify location, species and diameter or size of plant materials using both botanical and common names. Drawings shall reflect the ultimate size of plant materials at maturity. All drawings shall depict:

- a. Existing property lines and perimeter landscape areas;
- b. All public and private open space, including plazas, courts, etc.;
- c. Parking lot planting areas and vehicle use areas, driveways and walkways;
- d. Location of clear sight triangle, if applicable;
- e. Location of buildings or structures (existing and proposed);
- f. Location of aboveground stormwater drainage pond(s) and swales;
- g. Street tree location;
- h. Screening of mechanical equipment;
- i. Existing soil type and required amendments;
- j. Planting details describing method of installation;
- k. Location and description of existing trees or groves of trees to be retained;
- l. Location and description of existing soils and groundcover vegetation to be retained;
- m. Location and type of any invasive plants and timeline for removal;
- ln. Planting locations showing mature size of plants, size of planting stock, species of plant materials, and tree density calculations;
- mo. Timeline for site preparation and installation of plant materials;
- mp. Cost-estimate for the purchase, installation and three (3) years maintenance of landscaping.

18.36.100 Alternative landscape plans

A. The applicant may formally request in writing a modification from the landscaping requirements set forth in this Chapter; provided there is:

1. No reduction in critical area and buffer, unless permitted by the Chapter 18.32 Critical Areas Ordinance; and
2. No reduction in required tree density; ~~and~~
3. No reduction in required Soil and Vegetation Protection Area.

B. The Department may administratively approve a modification of landscape requirements for reasons of increased safety, a design which clearly exceeds Chapter requirements or environmental protection, to achieve the goals and requirements of the low impact development aspects of the Drainage Manual, or when the application of this Chapter is infeasible within prior built environments. The applicant shall provide evidence that either strict application of this Chapter is infeasible and/or it is in the long-term best interest of the city to modify landscape requirements. Required landscape plans may be modified only under the following circumstances, as applicable.

1. The proposed landscaping clearly exceeds the requirements of this Chapter.
2. The proposed landscaping maintains or increases solar access for purposes of solar energy devices.
3. The proposed landscaping provides for the preservation of existing trees, soils, and associated vegetation, ~~that does not~~ Trees shall not constitute a hazard as determined by a qualified professional forester, pursuant to OMC 16.60. ~~and/or provides for wildlife habitat as determined by environmental review.~~
4. Strict application of this Chapter violates special easement requirements.
5. A site that can not comply with landscape requirements because of prior development (after investigating alternatives to reduce required parking, etc.).
6. In those instances where above ground stormwater requirements serve the same or similar function as required landscaping. The proposed landscaping significantly improves stormwater treatment and aquifer recharge beyond what can be achieved by this Chapter.
7. The preservation of Scenic Vistas.

18.36.120 Conflicting requirements

In the event of a conflict between the standards for individual uses and other general requirements of this chapter the more stringent shall apply. Determination of the appropriate standards shall be made by the Director of the Community Planning and Development Department.

18.36.140 Residential landscape requirements

A. Perimeter Landscape. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the required width and the intent and purpose of screening is achieved.

1. Plant Coverage. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area.

2. Native Vegetation. Required landscaping shall be comprised of a minimum of 60% native vegetation, or Well-Adapted Drought-Tolerant vegetation, where site conditions are appropriate for establishment and long-term survival.

~~23.~~ Buffer Area Next to R-4 and R 4-8.

a. Any land use of higher density, intensity or use that is directly adjacent to an R4 or R 4-8 zone district shall have a solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of use.

b. Mixed use developments or in areas where combined commercial and residential pedestrian use is desired, a Type II or III screen should be used. Screening area and materials for commercial and residential developments may be combined to achieve the desired screening and pedestrian enhancement. See Section 18.36.060(L) for types of screening.

18.36.160 Commercial landscape requirements

A. Perimeter Landscape. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the standard width requirement and the intent and purpose of screening is achieved.

1. Plant Coverage. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area. Type II and III perimeter landscaping shall be used depending upon adjacent perimeter land uses. (See Types of Perimeter Landscape, Section 18.36.060(L).)

2. Native Vegetation. Required landscaping shall be comprised of a minimum of 60% native vegetation, or well-adapted drought-tolerant vegetation, where site conditions are appropriate for establishment and long-term survival.

~~23.~~ Buffer Area Next to Incompatible Uses.

a. Where a development subject to these standards is contiguous to a residential zoning district, areas of residential development or other incompatible use, then the required perimeter area shall be landscaped with solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of use.

b. Mixed use developments or in areas where combined commercial and residential pedestrian use is desired, a Type II or III screen should be used. Screening area and materials for commercial and residential developments may be combined to achieve the desired screening and pedestrian enhancement. See Section 18.36.060(L) for types of screening.

18.36.180 Parking lot landscape and screening

A. Applicability.

1. The standards of this section shall apply to both public and private parking lots; and
2. Any use within a residential district requiring more than ten (10) parking spaces; and
3. All commercial and industrial uses of land and development.

B. Perimeter Landscaping

In order to soften the appearance of parking lots, separate one parking area from another or from other uses, the following standards apply:

1. Screening strips – Perimeter landscaping strips shall be provided as follows:
 - a. Between parking lots and street rights-of-way, screening strips shall be a minimum of ten (10) feet in width; and
 - b. All other zone districts without setbacks shall install a perimeter screening strip at least five (5) feet wide, except as provided in (2) below; and
 - c. Exceptions to (a) and (b) above are allowed by administrative exception below:
2. Administrative Exception. The following landscape screen exceptions shall only apply to commercial and industrial districts:
 - a. Parking lot screening strips abutting a non-residential use or district may be reduced in width to the minimum needed to accommodate and maintain the screening materials, as determined by the Department; provided plant materials are placed an appropriate distance from sidewalks or other public facilities to prevent future damage or obstruction.

b. The Director may allow the alteration of screening strips as necessary to provide for direct pedestrian access between sidewalks and building entrances or between parking lots and building entrances, for 'low impact' stormwater management, or for trash receptacles, utility boxes, or driveways.

3. Perimeter Landscaping - Materials.

a. Native Vegetation. Required landscaping shall be comprised of a minimum of 60% native vegetation, or well-adapted drought-tolerant vegetation, where site conditions are appropriate for establishment and long-term survival. Grass lawn is prohibited unless as needed and approved for stormwater conveyance.

b. Deciduous trees shall have a minimum size of two (2) inches in caliper measured six (6) inches above the base. Evergreen trees shall be a minimum six (6) feet in height at planting.

c. Shrubs and ground cover. Ground cover shall be planted and spaced in a triangular pattern which will result in eighty (80) percent coverage in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may also be included in total ground cover calculations.

C. Interior Parking Lot Landscaping.

1. The following interior parking lot landscape area is required for all development covered by 18.36.180(A). Space requirements are considered minimums, additional landscape area may be necessary to meet design requirements below.

Required landscape area per parking stall.

Stall size	(1-20)	(21-30)	(31-40)	(41 +)
Standard	23 sq.ft. (8.25%)	27 sq.ft. (9.75%)	31 sq.ft. (11.25%)	35 sq.ft. (12.75%)
Compact <u>Small</u>	17 sq.ft. (8.3%)	20 sq.ft. (9.8%)	23 sq.ft. (11.3%)	26 sq.ft. (12.7%)
<u>Space</u>				

2. Landscape Islands - Design.

a. Landscape Islands ~~should~~ shall be a minimum of one forty-four (144) square feet and no more than five hundred (500) square feet in size. ~~The minimum island size may be reduced if appropriate 'structural soil' is provided to ensure that trees can achieve maturity.~~ Islands shall be designed so that trees will be planted a minimum of ~~six (6)~~ four (4) feet from any hard scape surface. The minimum island size may be reduced, on a case by case basis, if appropriate

'structural soil' is provided to ensure that trees can achieve maturity. The maximum allowable size of five hundred (500) square feet may be increased to allow for the preservation of existing trees and associated vegetation pursuant to OMC 16.60 or to accommodate stormwater infiltration/treatment/conveyance practices.

b. Islands shall be provided in the following location:

i. Landscaping islands ~~should~~ shall be placed at the end of every parking row and with a ~~maximum~~ spacing of ~~at least~~ approximately about one (1) island for every nine (9) parking spaces consistent with a goal of maximizing canopy tree coverage at maturity; and

ii. Between loading doors/maneuvering areas and parking area; and

iii. Any remaining required landscaping shall be dispersed throughout the parking lot interior to reduce visual impact.

c. Permanent curbing shall be provided in all landscape areas within or abutting parking areas. Based on appropriate surface water considerations, other structural barriers such as concrete wheel stops may be substituted for curbing.

3. Landscape Islands - Materials.

a. One tree shall be planted for every two hundred (200) square feet of landscape island area; provided that every landscape island. ~~Each planting area~~ must contain at least one (1) tree. Planting areas shall be provided with the maximum number of trees possible given recommended spacing for species type, and the estimated mature size of the tree.

b. All landscape islands within parking areas shall ~~use drought tolerant trees, shrubs and ground covers.~~ Lawn is not permitted within areas less than two hundred (200) square feet in size and shall only be used as an accessory plant material to required trees, shrubs and ground cover or to accommodate stormwater treatment/conveyance practices. be comprised of a minimum of 60% native vegetation, or well-adapted drought-tolerant vegetation, where site conditions are appropriate for establishment and long-term survival. Grass lawn is prohibited except as needed and approved for stormwater conveyance.

c. No plant material greater than twelve inches in height shall be located within two (2) feet of a curb or other protective barrier in landscape areas adjacent to parking spaces and vehicle use areas.

d. Deciduous and/or evergreen trees shall be used which form a canopy. Deciduous trees shall have a minimum size of two (2) inches in caliper measured six (6) inches above the base. Evergreen trees shall be a minimum six (6) feet in height at planting.

e. Shrubs and ground cover. Ground cover shall be planted and spaced in a triangular pattern which will result in ~~eighty (80) percent~~ complete coverage in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may also be included in total ground cover calculations.

f. Motor vehicle overhang. Parked motor vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing are provided. Plants more than twelve (12) inches tall are not allowed within the overhang area.

18.36.190 Landscape Requirements for Antennas and Wireless Communications Facilities

A. Applicability.

1. The standards of this section shall apply to radio, television, and other communication antenna support structures (towers) and equipment compounds, and
2. Wireless communications facilities antenna support structures and equipment compounds.

B. Screening. Equipment compounds which are visible from adjoining streets, parking areas, or other abutting properties shall be screened from view by a Type I Solid Screen a minimum of five (5) feet in width.

C. Perimeter Landscape.

1. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the required width and the intent and purpose of screening is achieved.
2. Plant coverage. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area. Type II or III perimeter landscaping shall be used depending on adjacent perimeter land uses. (See Types of Perimeter Landscape, Section 18.36.060(L).)
3. Buffer area next to incompatible uses. Where a facility subject to these standards is within or contiguous to a residential zoning district, areas of residential development or other incompatible use, then the required perimeter area shall be landscaped with solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of the abutting use.

4. Alternative landscaping. In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower supporting the antenna than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items (2) and (3) above but may deviate from the specific requirements, and it must demonstrate to the satisfaction of the City that the public interest will be equally served by such plan.

18.36.200 Performance assurance

A. Landscape Installation.

1. All required landscaping shall be installed prior to issuance of a Certificate of Occupancy (CO) or final inspection; excluding street trees within plats which may use a surety device to guarantee their installation.
2. A CO may be issued prior to completion of required landscaping provided the following criteria are met:
 - a. An applicant or property owner files a written request with the Department five (5) days prior to the CO inspection; and
 - b. The request explains what factors are beyond the applicant's control or which create a significant hardship to prevent the installation of landscape prior to the issuance of a CO; and
 - c. The applicant or property owner has demonstrated a good faith effort to install all required landscaping; and
 - d. Provided requirements (a) through (c) are met, a performance assurance must be posted with the city in a form listed in paragraphs B, C, and D below.
3. The time extension to complete all landscaping may not exceed ninety (90) days after issuance of a Certificate of Occupancy.
4. Failure to complete the installation of required landscape within ninety (90) days after the CO is issued shall constitute a violation of the zoning ordinance.

B. Performance assurance devices shall take the form of one of the following:

1. A surety bond in a form approved by the City Attorney executed by a surety company authorized to transact business in the state;

2. Cash;

3. Assigned savings pursuant to an agreement approved by the City Attorney.

C. If a performance assurance device is employed, the developer/property owner shall provide the City with a non-revocable notarized agreement granting the City and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.

D. If the developer/property owner fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

18.36.220 Maintenance

A. Plant Maintenance. Whenever landscaping is required under the provisions of this Chapter, all shrubs and trees in the landscape and planting areas shall be maintained in a healthy condition. Property owners shall be responsible for pruning vegetation which interferes with pedestrians and bicyclists, and that obstructs vehicle clear vision triangles.

B. Irrigation. All portions of any irrigation system shall be maintained in order to perform its original function. Uncontrolled emission of water from any pipe, valve, head, emitter or other irrigation device shall be considered evidence of non-maintenance and a violation of this ordinance.

C. Hard scape. Maintenance of all landscape areas shall also include the painting, repairing, reconstruction, and restoration of landscape structures such as fences, walls, overheads, trellises, etc.

D. Bonding. In addition to any other remedy provided within this code for any landscape maintenance requirements imposed by this Chapter, the city may also require a performance or maintenance bond if maintenance is not adequately provided.

~~18.36.240 Preferred plantings~~

~~Recommended plantings and other information is available from the Department to help create a water smart landscape. Choosing the right plant in the right location, and using the proper soil are the first steps in creating a healthy and lush landscape.~~

Section 29. Amendment OMC 18.38.040. Olympia Municipal Code Section 18.38.040 is hereby amended to read as follows:

18.38 Parking and Loading

18.38.040 Applicability

Unless specifically exempted, every land use shall have permanently maintained off-street parking facilities pursuant to the following regulations.

~~EXEMPT: Land uses within the Downtown are exempt from all parking requirements; however, if parking facilities are provided they must meet required parking ratios and design standards (See figure of exempt parking, 18.38.160(D)(2)).~~

Section 30. Amendment OMC 18.38.060. Olympia Municipal Code Section 18.38.060 is hereby amended to read as follows:

18.38.060 Parking and loading general regulations

A. Off-street parking and loading spaces shall be provided in accordance with the provisions of this chapter when any of the following actions occur. These provisions apply to all uses and structures in all land use districts unless otherwise specified.

1. When a main or accessory building is erected.
2. When a main or accessory building is relocated or expanded.
3. When a use is changed to one requiring more or less parking or loading spaces. This also includes all occupied accessory structures.
4. When the number of stalls in an existing parking lot is decreased or increased by twenty-five (25) percent or 6 stalls, whichever is less. Only those stalls and areas proposed to be added or removed shall be subject to the provisions of this Chapter. (Note: proposed expansions of existing parking lots not subject to the minimum parking requirements of this Chapter).

B. Required Plans. Building permits shall not be approved unless there is a building plan and plot plan identifying parking and loading facilities in accordance with this chapter. No permit or city license shall be issued unless there is proof that required parking and loading facilities have been or are currently provided in accordance with the provisions of this chapter.

C. Unlawful Removal. It is unlawful to discontinue prior approved parking facilities without establishing alternate facilities that meet the requirements of this chapter. Parking and loading facilities which are adequate to meet the requirements contained in this chapter shall be provided and maintained as long as the use they serve is in existence. These facilities shall not be reduced in total unless a shared parking agreement is canceled, a change in occupancy or use of a premises has occurred which results in a reduction of required parking.

D. Use of Facility. Necessary precautions shall be taken by the property owner to ensure parking and loading facilities are only used by tenants, employees, social/business visitors or other persons for which the facilities are provided, to include shared parking.

E. Off-site Parking. Parking lots may be established as a separate and primary land use, provided the proposed parking lot exclusively serves a specific use, building or development, and shared parking. These parking lots require a conditional use permit in the Arterial Commercial district. (See 18.38.200, Parking Facility Location, for maximum off-site separation requirements.)

F. For Landscape Requirements refer to Chapter 18.36

G. Off-Street Parking--Schedule of Spaces. Off-street parking spaces shall be provided to the extent allowed by this Chapter.

H. Unlisted Uses. Any use clearly similar to any of the below-mentioned uses shall meet such use requirements. If a similarity of use is not apparent or no specific requirement is listed below, the Director may require a parking demand study ~~or~~ and shall determine the standards that should be applied to the use in question.

I. Shared Parking. The Director may require an applicant to provide proof that shared parking is infeasible when adjacent land uses or business hours of operation are different. Adjoining property owners will submit a joint letter explaining why an agreement can or cannot be reached. (See Section 18.38.180, Shared and Combined Parking Facilities.)

~~J. Compact Parking. No more than thirty (30) percent of total required parking may be devoted to compact cars, provided design standards in Section 18.38.220 are met.~~

~~K.~~ On-Street Credit – Non-Residential. Upon the applicant’s request, non-residential uses located adjacent to a public right-of-way where on-street parking is permitted shall receive credit for one off-street parking space for each twenty (20) linear feet of abutting right-of-way, exclusive only of curb cuts and regardless of the actual and particular on-street parking provisions.

~~L.~~ Rounding of Fractions. When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or over shall be counted as one (1) space.

Section 31. Amendment OMC 18.38.080. Olympia Municipal Code Section 18.38.080 is hereby amended to read as follows:

OMC 18.38.080 Administrative ~~variance~~ modifications

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

required to increase or decrease the number of required spaces by up to ten percent. Modifications greater than forty percent may only be granted by the Hearing Examiner and only pursuant to the criteria of OMC Chapter 18.66.

B. Administrative Modifications. A modification to increase or decrease the number of required parking spaces within the range of ten percent to forty percent shall be considered by the Director at the request of the project applicant. The project applicant shall present any modification request including application fee, and any evidence and reports, prior to any final, discretionary approvals, such as land use approval, environmental review, or construction permits.

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

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

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

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

a. For modification requests of up to twenty percent:

i. Describe site and use characteristics, specifically:

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

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

(C) Shared and combined parking opportunities; and

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

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

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

iv. Identify possible negative effects on adjacent uses and mitigation strategies, if applicable; and

b. For modification requests greater than twenty percent and up to forty percent:

i. Provide the contents of a twenty percent or less request;

ii. If increasing, provide a parking demand study prepared by a transportation engineer licensed in the state of Washington, which supports the need for more parking; or

iii. If decreasing, show that the site is or within six months of occupancy will be within a one-quarter-mile walk to transit service verified by Intercity Transit, and that the site is more than 300 feet from a single-family residential zone.

3. To mitigate the need for motor vehicle parking or to minimize hard surfaces, the Director may require measures, such as more efficient parking geometrics and enhanced bicycle parking and pedestrian amenities. As a condition of approval of any increase in motor vehicle parking, at minimum the Director shall require the compliance with the provisions below. Any exceptions shall be based on site and project constraints identified and described in the approval.

a. Double the amount of required interior landscaping for that area of additional parking. This additional area may be dispersed throughout the parking area. Fifty (50) percent of this requirement may be in the form of parking spaces surfaced with a drive-able planted pervious surface, such as 'grasscrete' or 'turfblock.'

b. Without unduly compromising other objectives of this Chapter, ninety (90) percent of the parking area shall be located behind a building. Any parking area along a flanking street shall have added landscaping and a superior design to strengthen pedestrian qualities, such as low walls, arcades, seating areas, and public art.

f. Any preferential parking shall be located near primary building entrances for employees who ride-share.

g. In locations where bus service is provided, the applicant shall install a transit shelter meeting Intercity Transit standards if none is available within six hundred (600) feet of the middle of the property abutting the right-of-way. Alternative improvements may be accepted if supported by Intercity Transit's Director.

4. Public Notification and Appeals. Property owners within three hundred (300) feet of a site shall be notified by mail of modification within 14 days of receipt of any request to increase or decrease parking by twenty-one (21) to forty (40) percent. Written notice of the Director's decision shall be provided to the applicant and all interested parties of record. Administrative modification decisions may be appealed pursuant to OMC Chapter 18.75.

~~A. GENERAL:~~

~~1. An administrative variance from required parking standards must be received prior to any issuance of building and engineering permits.~~

~~2. Various methods to reduce or increase parking may not be combined to reduce or increase parking by more than forty percent. In addition, any stalls gained through sharing, combining or on-site park and ride shall be counted toward total parking needs. For example:~~

~~Evidence is submitted to support one hundred (100) additional stalls to the five hundred (500) already require;~~

~~Combined parking opportunity = twenty-five (25) stalls;~~

~~Twenty (20) percent administrative variance option is used = one hundred (100); additional stalls based on five hundred (500) total, but twenty-five (25) have already been found; so~~

~~The total number of stalls derived from administrative variance = seventy-five (75) stalls.~~

~~3. The project developer shall present all findings to the Director prior to any final, discretionary approvals; e.g., design review, site plan review, environmental review, or any planning, building or engineering permits. The Director shall authorize an increase in parking, based on compliance with the strategies in Section 18.38.080(C).~~

~~4. Public Notification. Property owners within three hundred (300) feet of a site shall be notified by mail of all variance requests to increase or decrease parking by twenty-one (21) to forty (40) percent.~~

~~B.—CRITERIA TO REDUCE AND INCREASE PARKING.~~

~~1.—Decrease in Required Parking. In addition to the following requirements, the Director may require that all or some administrative variance design requirements listed for increased parking be met (e.g., bike racks, landscaping, etc.), and require other measures to ensure all impacts associated with reduced parking are mitigated. Any motor vehicle parking spillover which can not be mitigated to the satisfaction of the Director will serve as a basis for denial.~~

~~**Decrease of 10% to 20%**~~

~~The Director may allow a 10% to 20% decrease in required parking after:~~

- ~~1. Shared and combined parking opportunities are fully explored; and~~
- ~~2. On-site park and ride opportunities are fully explored; and~~
- ~~3. Compliance with commute trip reduction measures as required by state law, if applicable; and~~
- ~~4. The site is shown to be no closer than 300 feet from a single-family residential zoned neighborhood; and~~
- ~~5. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects.~~
- ~~-~~

~~**Decrease of 21% to 40%**~~

~~The Director may allow a 21% to 40% decrease in required parking after:~~

- ~~1. Shared and combined parking opportunities are fully explored; and~~
- ~~2. On-site park and ride opportunities are fully explored; and~~
- ~~3. Compliance with commute trip reduction measures as required by state law, if applicable; and~~
- ~~4. The site is shown to be no closer than 300 feet from a single-family residential zoned neighborhood; and~~
- ~~5. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects; and~~
- ~~6. The site is served by transit or can be served within 6 months of occupancy (within 3 blocks or 600 feet, whichever is less).~~

~~2.—Increased Parking. Required parking may be increased if the criteria listed below is met to the satisfaction of the Director.~~

~~**Increase of 10% to 20%**~~

~~The Director may allow a 10% to 20% increase above required parking after:~~

- ~~1. Shared and combined parking opportunities are fully explored; and~~
- ~~2. On-site park and ride opportunities are fully explored; and~~

~~**Increase of 21% to 40%**~~

~~The Director may allow a 21% to 40% increase above required parking after:~~

- ~~1. Shared and combined parking opportunities are fully explored; and~~
- ~~2. On-site park and ride opportunities are fully explored; and~~

~~Increase of 10% to 20%~~

~~3. Compliance with commute trip reduction measures as required by state law, if applicable; and~~

~~4. All design and facility requirements listed in step 5 below are met to the satisfaction of the Director; and~~

~~5. A report is submitted which supports the need for more parking.~~

~~Increase of 21% to 40%~~

~~3. Compliance with commute trip reduction measures as required by state law, if applicable; and~~

~~4. All design and facility requirements listed in step 5 below are met to the satisfaction of the Director; and~~

~~5. A parking demand study is submitted, as determined by the Transportation Section, which supports the need for increased parking.~~

~~[NOTE: The total increase/decrease that is allowed is a percentage of total required parking and is only permitted after exploring other alternate means e.g., combined and shared parking, on-site park and ride lot, commute trip reduction, etc.]~~

~~C. PROCESS TO REDUCE AND INCREASE PARKING.~~

~~Requests to reduce parking need only follow steps 1 through 3.~~

~~1. First Step: Submit evidence that decreased/increased parking is necessary. This may take the form of a brief report for all decreases and ten (10) to twenty (20) percent increases. The Director may require additional studies to ensure negative impacts are properly mitigated. A more complete and detailed parking demand study is only required for increases of twenty-one (21) percent or more.~~

~~2. Second Step: Describe site characteristics, specifically:~~

~~a. Site accessibility for transit; e.g., pullouts;~~

~~b. Site proximity to transit with fifteen (15) to thirty (30) minute headways (time between buses);~~

~~c. Shared use of on-site parking for park-and-ride;~~

~~d. Shared use of off-site and adjacent parking;~~

~~e. Shared use of new-proposed parking by existing or future adjacent land uses;~~

~~f. Combined on-site parking; e.g., shopping centers;~~

~~g. Employee density (one hundred (100) or more must meet state commuter trip reduction requirements);~~

h.—Adjacent land uses.

3.—Third Step: Determine if additional parking can be provided by shared and combined parking, on-site park and ride (install one (1) stall for two (2) stall credit), and by commute trip reduction measures.

4.—Fourth Step: If additional parking is still desired, the Director may require the applicant to complete a parking cost worksheet.

5.—Fifth Step: If additional parking is still desired an administrative variance is required. The site plan must meet design elements a — i below. To the extent practical, all requirements found below must be included in a project proposal to the satisfaction of the Director prior to approving any administrative variance to increase parking. In those instances where site constraints impede design requirements, written findings of fact shall be made identifying site and project constraints, and shall be identified in the final project approval letter. In its findings, the Director shall determine if a good faith effort has been made in building and site design in order to accomplish required design elements:

a.—Design internal roadway, parking area, and pedestrian paths to assure access between public and private transportation facilities; access to adjacent land uses; and access within parking lots.

b.—Install pedestrian amenities; e.g., walkways using textures and colors, lighting, arcades, etc.

c.—Explore alternative parking lot designs in order to reduce impervious surface; e.g., one (1) way instead of two (2) way access aisles.

d.—Double the amount of required interior landscape within that area of additional parking (fifty (50) percent of this requirement — if proven to be maintained — may be Grasscrete, Turfblock or other driveable planted pervious surface within areas receiving sporadic use; usually the farthest from the building entrance. This additional landscape area may be dispersed throughout the parking lot.

e.—Ninety (90) percent of the parking lot area shall be located behind the building, without unduly compromising other objectives of this Chapter. Parking lot area along flanking streets shall have added landscape and a superior design to strengthen pedestrian qualities e.g. low walls, arcades, seating areas, public art, etc.

f.—Preferential parking shall be located near primary building entrances for employees who ride-share and for high occupancy vehicles (HOVs).

~~g.—Purchase and install a transit shelter to meet Intercity Transit operational needs unless already available within six hundred (600) feet, as measured from the middle of the property abutting the rights-of-way. This distance may be increased by Intercity Transit if located in lower density zones.~~

~~h.—Construct a transit pullout if requirement in letter g above is used and if Intercity Transit finds it practical. Credit may be given for other Intercity Transit demand management strategies if a transit shelter and pullout are infeasible.~~

~~i.—Create a transit/ride-share information center and place in a conspicuous location.~~

~~j.—Use permeable pavement for all parking and associated drive areas exceeding required parking by 10%.~~

Section 32. Amendment OMC 18.38.060.C. Olympia Municipal Code Subsection 18.38.060.C is hereby amended to read as follows:

OMC 18.38.100 Vehicular and bicycle parking standards

C. Residential Exceptions.

1. New residential land uses in the Downtown Exempt Parking Area do not require motor vehicle parking. See OMC 18.38.160.

2. Residential land uses in the DB, CSH, RMH, RMU, and UR Districts require only one (1) vehicle parking space per unit.

3. Table 18.01 notwithstanding, senior (age 55 or 62 and over) multi-family housing requires three (3) motor vehicle parking spaces per four (4) units. This exception is at the discretion of the applicant and only applicable if an appropriate age-restriction covenant is recorded.

Section 33. Amendment OMC 18.38.220. Olympia Municipal Code Section 18.38.220 is hereby amended to read as follows:

OMC 18.38.220 Design standards-General

Off-street parking facilities shall be designed and maintained in accordance with the standards ~~of the latest edition of the Transportation and Traffic Engineering Handbook and those hereunder, provided that up to 1530% of parking stalls may be small spaces as described in section B. unless otherwise stated. In the alternative, an applicant may propose and, if providing equal or better function, the Director may approve alternative parking geometrics consistent with the most recent specific standards promulgated by the Institute of Transportation Engineers or the National Parking Association.~~

A. General Requirements. [NOTE: Also refer to see the specific zone district design standards in this Chapter under of OMC Section 18.38.240.]

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width (ft)	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
A	2-Way Aisle-90° 9.00	9.00	17.5	17.5	26.0 24	61.0 59	61.0 59
A	2-Way Aisle-60° 9.00	10.4	18.0	16.5	26.0 24	62.0 60	59.0 57
A	1-Way Aisle-75° 9.00	9.3	18.5	17.5	22.0 20	59.0 57	57.0 55
A	1-Way Aisle-60° 9.00	10.4	18.0	16.5	18.0 16	54.0 52	51.0 49
A	1-Way Aisle-45° 9.00	16.5	16.5	14.5	15.0 13	48.0 46	44.0 42

Source: Guidelines for Parking Facility Location and Design ITE Committee 5D-8, May 1990.

STANDARD PARKING DIMENSIONS

FIGURE 38-4

Figure 7-1. Dimensional elements of parking layouts.
 SOURCE: Adapted from R. A. Weant, "Parking Garage
 Planning and Operation," Fig. 20, Eno Foundation for
 Transportation, Inc., 1978.

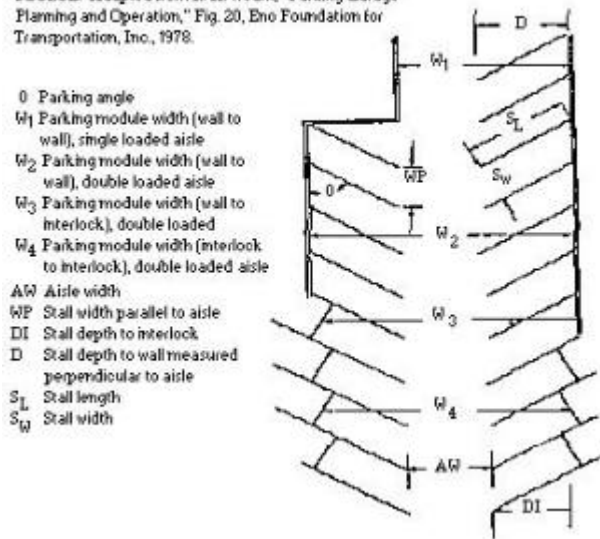


FIGURE 38-5

1. Driveways. Driveways and curb cuts within public rights-of-way shall be in accordance with the Olympia Engineering and Development Standards. ~~Chapter 12.40, Driveways, Curbs and Parking Strips, Sections 12.40.010 through 12.40.060 and 12.40.110 through 12.40.170 and plans for such shall be submitted to and approved by the Public Works Director.~~

2. Ingress/Egress Requirements.
 - a. The Director, or designee, and after appropriate traffic study, including consideration of total parcel size, frontage on thoroughfares, uses proposed and other vicinity characteristics, shall have the authority to fix the location, width and manner of approach of a vehicular ingress and egress from a building or parking area to a public street and to alter existing ingress or egress as may be required to control street traffic in the interest of public safety and general welfare.

 - b. Generally, but not in all cases, the internal circulation system and the ingress and egress to commercial or multifamily developments from an access street shall be so designed that the principal point of automobile cross-traffic on the street occurs at only one point--a point capable of being channelized for turning movements. Access shall be shared with adjoining parcels by placing ingress/egress points on shared lot lines, wherever safe and practical. Where parcels are bounded by more than a single street, generally, but not in all cases, access shall be provided only from the street having the lowest classification in the hierarchy of streets as established by the Public Works Director.

3. Maneuvering Areas.

a. All maneuvering areas, ramps, access drives, etc. shall be provided on the property on which the parking facility is located; however, if such facility adjoins an alley, such alley may be used as a maneuvering area. A garage or carport entered perpendicular to an alley must be located a minimum of ten (10) feet from the property line. A garage or carport entered parallel to an alley may be placed on the rear property line; provided sight distances are maintained. ~~{NOTE: See accessory dwelling unit and structure requirements.}~~

b. Maneuvering areas shall be provided so that no vehicle is obliged to back out of a parking stall onto the street, except ~~in~~ into neighborhood collector and local access streets within the R-1/5, RLI, R-4, R 4-8, and R 6-12 use districts, or where approved by the City Engineer. ~~{NOTE: See aisle width requirements.}~~

4. Parking Surface. All parking lots must be paved and designed to meet drainage requirements. Pervious surfaces (e.g., Turf Block) ~~or~~ and other approved dust free surfaces may be used ~~for parking areas held in reserve for future use, overflow parking (parking area furthest from building entrance), or parking areas approved by the Site Plan Review Committee.~~ A maintenance agreement may be required to ensure such surface is properly maintained.

5. Landscaping. Parking areas shall be landscaped according to the requirements of Chapter 18.36.

6. Wheel Stop, Overhang. Appropriate wheel and bumper guards shall be provided to protect landscaped areas, to define parking spaces and to clearly separate the parking area from any abutting street rights-of-way and property lines. Vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing is provided.

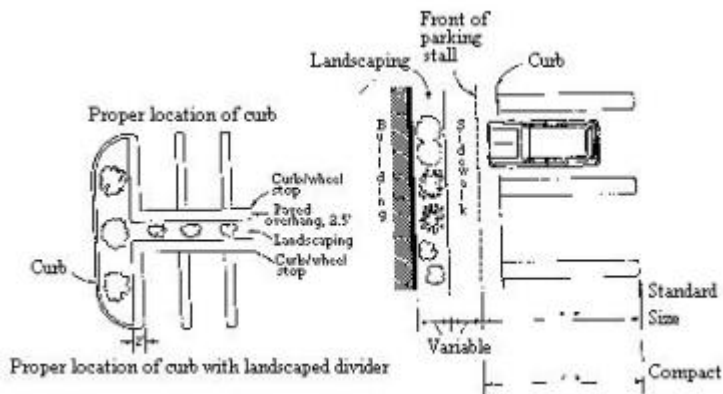


FIGURE 38-6

7. Contiguous parking lots shall not exceed one (1) acre in size. Parking lots exceeding one (1) acre in size shall be separated by a minimum ten (10) foot wide landscaped strip. This strip is in addition to interior and perimeter landscaping and may be used for stormwater management or pedestrian access ~~shall be of a different elevation than the parking lot.~~

8. ~~Downtown~~ Structured Parking Dimensions. Structured parking facilities may be designed to the general design standards found in Figures 38-4 and 38-5 above, Figure 38-7 below, or to the following structured parking design standard: Within parking structures small spaces shall not exceed 1530% of spaces within each structure.

	Compact Car Small Space Dimension	Standard Car Dimensions
Standard Stall Width	8-foot	9-foot
Standard Stall Depth	16-foot	16-foot
Standard Aisle Width	24-foot	24-foot
Standard Wall-to-Wall	57-foot	57-foot

B. Compact Car Dimensions, Layout and Circulation.

1. Parking Dimensions. No more than thirty (30) percent of spaces shall be smaller than the standard sizes. (See Compact Parking Dimensions Table below).

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
2-Way Aisle-90° A	8.00	8.00	15.0	15.0	21.0	51.0	51.0
2-Way Aisle -60° A	8.00	9.3	15.4	14.0	21.0	52.0	50.0
1-Way Aisle-75° A	8.00	8.3	16.0	15.1	17.0	49.0	47.0
1-Way Aisle-60° A	8.00	9.3	15.4	14.0	15.0	46.0	43.0
1-Way Aisle-45° A	8.00	11.3	14.2	12.3	13.0	42.0	38.0

Section 34. Amendment OMC 18.64.080.D. Olympia Municipal Code Subsection 18.64.08.D is hereby amended to read as follows:

OMC 18.64.080 Development standards

D. Building, Impervious and Hard Surface Coverage. Outside of 'village' and 'center' districts subject to table 5.05, building and impervious surface Bbuilding_coverage for an individual townhouse lot shall not exceed 60%

or the underlying district limit, whichever is greater, and hard surface coverage shall not exceed 70% or the underlying district, whichever is greater. Provided further that total coverage for each townhouse building shall not exceed building, impervious surface and hard surface coverages of the underlying district. the following standards:

- ~~1. R4 and R 4-8 Districts: Sixty (60) percent building coverage;~~
- ~~2. R 6-12 District: Seventy (70) percent building coverage;~~
- ~~3. All other Districts: Same as the underlying district.~~

Section 35. Amendment OMC 18.75.020. Olympia Municipal Code Section 18.75.020 is hereby amended to read as follows:

OMC 18.75.020 Specific appeal procedures

A. Administrative Decision. Administrative decisions regarding the approval or denial of the following applications or determinations/interpretations may be appealed to the Hearing Examiner within fourteen (14) days, or twenty-one (21) days if issued with a SEPA threshold determination including a comment period, of the final staff decision using procedures outlined below and in OMC Chapter 18.82, Hearing Examiner (Refer to 18.72.080 for other appeal authorities).

1. All Administrative Interpretations/Determinations
2. Boundary Line Adjustments
3. Home Occupation Permits
4. Preliminary Short Plats
5. Preliminary SEPA Threshold Determination (EIS required)
6. Shoreline Exemptions and staff-level substantial development permits
7. Sign Permits
8. Variances, Administrative
9. Building permits
10. Engineering permits
11. Application or interpretations of the Building Code

12. Application or interpretations of the Housing Code
13. Application or interpretations of the Uniform Fire Code
14. Application or interpretations of the Uniform Code for the Abatement of Dangerous Buildings
15. Application and interpretations of the Uniform Code for Building Conservation
16. Land Use (Director) decisions
17. Administrative decisions on impact fees
18. Appeals of Drainage Manual Administrator decisions

B. SEPA.

1. The City establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.

b. The following threshold decisions or actions are subject to timely appeal.

i. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that fourteen (14) day period immediately following issuance of such initial determination.

ii. Determination of Nonsignificance or Mitigated Determination of Nonsignificance. Conditions of approval and the lack of specific conditions may be appealed to the Hearing Examiner within seven (7) calendar days after the SEPA comment period expires.

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

iv. Denial of a proposal. Any denial of a project or non-project action using SEPA policies and rules may be appealed to the Hearing Examiner within seven (7) days following the final administrative decision.

c. For any appeal under this subsection the City shall keep a record of the appeal proceedings, which shall consist of the following:

i. Findings and conclusions; and

ii. Testimony under oath; and

iii. A taped or written transcript.

d. Any procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.

2. The City shall give official notice under WAC 197-11-680 (5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. See Chapter 18.78, Public Notification.

C. Land Use Approval.

1. The Director's decisions may be appealed to the Hearing Examiner by any aggrieved or affected parties. All appeals shall be filed in writing with the Department within fourteen (14) days of the date of the decision being appealed. Where combined with an environmental threshold determination, such appeal period shall be extended to twenty-one (21) days.

2. The Department shall send written notification of receipt of the appeal to the applicant and to all appropriate city departments prior to the date the Hearing Examiner will consider the matter.

3. Any action taken by the Hearing Examiner which upholds, modifies or reverses a decision by the Director shall be final.

D. Building and Fire Permits Appeals.

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

E. Takings and Substantive Due Process Review and Modifications.

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

2. In deciding and resolving any such issue, the Examiner may consider all law applicable to the City. Should the Examiner determine that, but for a taking without just compensation or a violation of substantive due process of law, imposition of any such condition would be required by standard, regulation, or ordinance the Examiner shall so state in the decision and so report to the Olympia City Council. In lieu of failing to impose such condition, the Examiner shall first provide the City with due opportunity to provide just compensation. The Examiner shall specify a time period in which the Council shall elect to or not to provide just compensation. Upon notice of the election of the City Council not to provide such compensation, the Examiner is authorized to and shall, within fourteen (14) days, issue a decision modifying to whatever degree necessary such condition to eliminate the taking or violation of substantive due process.

Section 36. 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 37. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 38. Effective Date. This Ordinance shall take effect on December 1, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: