

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO PROCEDURAL ISSUES REGARDING DEVELOPMENT PERMIT PROCESSING; AND AMENDING SECTION 18.00.000, CHAPTER 18.77, AND SUBSECTION 18.02.180.A OF THE OLYMPIA MUNICIPAL CODE.

WHEREAS, RCW 36.70B.080 requires development regulations adopted pursuant to RCW 36.70A.040 (Growth Management Act) to ". . . establish and implement time periods for local government actions for each type of project permit application and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations."; and

WHEREAS, RCW 36.70B.080 also states, "The development regulations must specify the contents of a completed project permit application necessary for the complete compliance with the time periods and procedures."; and

WHEREAS, Chapter 18.77 OMC currently specifies a procedure that is redundant and requires extraordinary staff resources; and

WHEREAS, the proposed amendments meet the requirements of RCW 36.70B.080 and reduce duplicative procedures; and

WHEREAS, the Land Use & Environment Committee of the City Council received a briefing on the proposed code text amendments on October 20, 2016; and

WHEREAS, these amendments are procedural and do not therefore require a public hearing or a State Environmental Policy Act (SEPA) decision; and

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

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

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, along with other documents on file with the City of Olympia, including but not limited to documents relating to Community Development and Planning file entitled "Application Content Lists"; and

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

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

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

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

18.00.000 Title Contents

**Title 18
UNIFIED DEVELOPMENT CODE**

Chapters:

Article I. GENERAL PROVISIONS

18.02 Basic Provisions

Article II. LAND USE DISTRICTS

18.04 Residential Districts

18.05 Villages and Centers

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

18.06 Commercial Districts

18.08 Industrial Districts

Article III. OVERLAY DISTRICTS

18.10 Height Overlay Districts

18.12 Historic Preservation

18.16 Pedestrian Street Overlay District

Article IV. GENERAL REGULATIONS

18.32 Critical Areas

18.36 Landscaping and Screening

18.37 Nonconforming and Conforming Buildings and Uses

18.38 Parking and Loading

18.40 Property Development and Protection Standards

18.42 Signs

18.44 Antennas and Wireless Communications Facilities

18.46 Eligible Wireless Communication Facilities Modifications

Article V. DISCRETIONARY APPROVALS

18.48 Conditional Uses

18.50 Homeless Encampments

18.51 State-Licensed Marijuana Producers, Processors, and Retailers Regulations

18.52 Limited Zones

18.53 Development Agreements

18.54 Planned Unit Development (PUD)

18.56 Planned Residential Development (PRD)

18.57 Master Planned Development (MPD)

18.58 Rezones and Text Amendments

18.59 Olympia Comprehensive Plan Amendment Process

18.60 Land Use Review and Approval

18.64 Townhouses

18.66 Variances and Unusual Uses

Article VI. ADMINISTRATION

- 18.72 Administration
- 18.73 Civil and Criminal Penalty
- 18.75 Appeals/Reconsideration
- 18.76 Design Review Board
- 18.77 Permit Application Contents Lists
- 18.78 Public Notification
- 18.82 Hearing Examiner
- 18.86 Neighborhood Association Recognition and Notification
- 18.90 Transfer of Development Rights
- 18.100 Design Review
- 18.105 Historic Structures and Buildings Within Historic Districts
- 18.110 Basic Commercial Design
- 18.120 Commercial Design Criteria Downtown
- 18.130 Commercial Design Criteria High Density Corridor (HDC)
- 18.135 Commercial Design Criteria Residential Scale District
- 18.140 Commercial Design Review Auto Oriented District
- 18.145 Commercial Design Review Freeway Corridor District
- 18.150 Port Peninsula
- 18.155 West Bay Drive District
- 18.170 Multi-Family Residential
- 18.175 Infill and Other Residential
- 18.180 Manufactured Home Parks

Section 2. Amendment of OMC 18.77. Olympia Municipal Code Chapter 18.77 is hereby amended to read as follows:

Chapter 18.77 PERMIT APPLICATION CONTENTS LISTS

18.77.000 Chapter Contents

Section:

18.77.010 Complete application form and content.

18.77.010 Complete application form and content

~~A. —Permit Application Contents Lists. The City of Olympia Project Permit Applications Content Lists dated July 20, 2009, which include Wireless Communications Facilities Submittal Requirements, shall specify on each type of permit application the requirements necessary for complete compliance with required time periods and procedures for approval. are hereby adopted by reference; o~~One (1) copy of which ~~each permit application~~ shall be kept on file in the offices of the City Clerk and the Olympia Community Planning and Development Department ~~and shall be available in electronic format where possible.~~ Such ~~lists-applications~~ shall be considered a part of the Olympia Municipal Code as though fully set forth therein. Such ~~lists-applications~~ specify the content necessary for timely and orderly processing of each project permit application ~~of the city of Olympia~~ and for reaching a determination that such

application is complete as provided by Section 18.72.060 of the Olympia Municipal Code. The Director shall be responsible for updating the permit applications as necessary.

~~B. — Conflict Between Regulations. When any provision of the Application Content Lists shall be found to be in conflict with any other duly adopted development regulation of the City, the Application Content Lists shall prevail. All project permit application forms of the City shall be consistent with the provisions of the Application Content Lists.~~

Section 3. Amendment of OMC 18.02.180. Olympia Municipal Code Subsection 18.02.180.A is hereby amended to read as follows:

18.02.180 Definitions

A. DEFINITIONS - SPECIFIC.

Abandon. To cease or suspend from developing or maintaining a building or use for a definite period of time.

Abandoned Activity. A business or activity with no reported sales or activity for a period of twelve (12) months, except temporary closures for repairs, alterations, or other similar situations. Land and/or buildings not in use for such period are considered vacant and unoccupied and may be subject to review including land use approval prior to renewal of use.

Abutting. Two or more parcels or buildings sharing a common boundary of at least one point.

Access. Safe, adequate, and usable ingress/egress (entrance/exit) to a property or use.

Accessory Dwelling Unit. See Dwelling, Conventional.

Accessory Structure. A structure detached from the principal building located on the same lot and customarily incidental and subordinate to the principal building. Any part of the main building which shares a common wall and roof is considered a part of that building. A building or portion thereof is not considered attached if the attachment is by a covered breezeway. (See also Subordinate.)

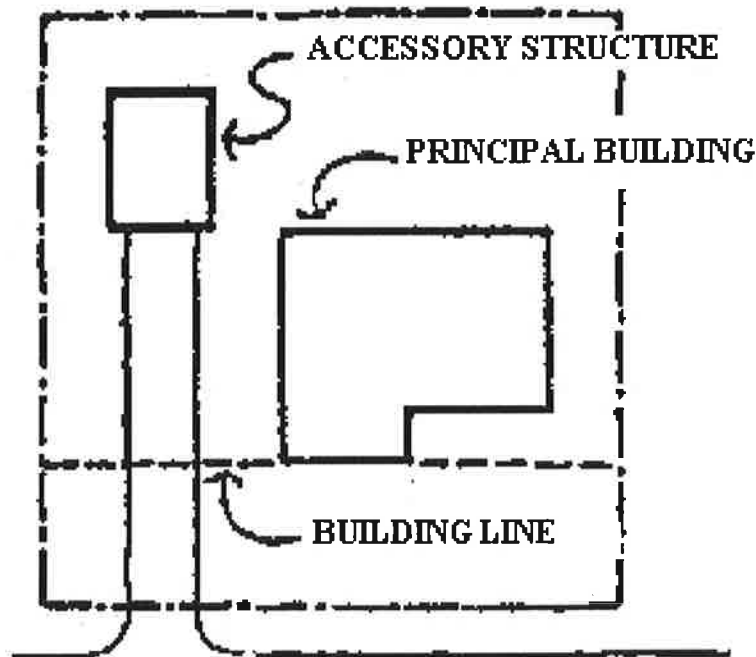


FIGURE 2-1

Accessory Use. A use of land or a portion thereof customarily incidental and subordinate to the principal use of the land and located on the same lot with the principal use, such as: garage sales; merchandise displays outside of a business; community oriented outdoor activity associated with schools, churches, and other non-profit organizations; and temporary contractor offices on a construction site.

Action. A decision made by the review authority(s) on a land use application, including any findings, environmental determination and conditions of approval.

Adult Day Care Home. See Dwelling, Assisted Living.

Adult Entertainment.

a. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely opaquely covered; or

- b. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation of, or relation to, the following specified sexual activities:
- i. Human genitals in a state of sexual stimulation or arousal;
 - ii. Acts of human masturbation, sexual intercourse, or sodomy; or
 - iii. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; provided, adult entertainment and specifically the "depiction, description, simulation of, or relation to" sexual activities described above, shall not be construed to include any form of actual sexual conduct as defined in this section.
- c. Any exhibition, performance, or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance exhibition or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

Adult-Oriented Business. Shall mean the following businesses:

- a. Adult arcade. An establishment containing any individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines are used to show films, motion pictures, video cassettes, slides, or other photographic reproduction of sexual conduct, or adult entertainment.
- b. Adult cabaret. A night club, bar, restaurant, theater, or auditorium, or similar commercial establishment, whether or not alcoholic beverages are served, which presents adult entertainment.
- c. Adult motel. A hotel, motel, or similar commercial establishment which:
 - i. Offers sleeping accommodation to the public for any form of consideration and, as a significant purpose of its business, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of or description of sexual conduct or adult entertainment and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America; or

- ii. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- iii. Allows a tenant or occupant of a sleeping room to sub rent the room for a period time that is less than ten (10) hours.

d. Adult motion picture theater. A commercial establishment or drive-in theater where a significant portion of the films, motion pictures, video cassettes, slides, or similar photographic reproductions are characterized by the depiction or description of adult entertainment or sexual conduct and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America and are shown for any form of consideration.

e. Adult book store. A business having as a significant portion of its volume of trade the display, barter, rental and/or sale of books, printed matter, video tapes, discs or cassettes, films, pictures or other material or paraphernalia distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual conduct or adult entertainment, as defined herein. For purposes of this ordinance, "portion of its volume or trade" means that portion of the store's display space devoted to such material, or that portion of its gross receipts received from the sale of such material, whichever is greater.

f. Other adult entertainment facility. Any commercial establishment to which any patron is invited or admitted and where adult entertainment is presented as a substantial part of the premises' activity, including but not limited to escort agencies, seminude or nude modeling studios, or similar establishments.

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

Affordable Housing. Housing affordable to households with an income not greater than 80 percent of the median income for Thurston County as determined by the U.S. Department of Housing and Urban Development. Affordable housing should cost no more than 30 percent of gross household income (including utilities).

Agriculture. The use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment and onsite sales of agricultural products, but excluding stockyards, slaughtering or commercial food processing.

Airport or Heliport. Any area of land or structure designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration.

Alley. A public or private way, at the rear or side of property, permanently reserved as a means of vehicular or pedestrian access to a property.

Alteration. Any change, addition or modification in construction or occupancy.

Amendment. The action whereby the content of this title is revised, including additions, deletions, or clarification of language, maps, or diagrams.

Amusement Activity. An indoor, covered or outdoor facility or building that contains various devices for entertainment, including coin or token-operated machines, rides, booths to conduct games or the sale of souvenir items.

Ancillary Structure, WCF. Any form of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

Animals. Any living organism except a plant, fungus, virus, or bacterium. (See also Pet, Traditional.)

Animal Hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment, including the accessory use of the premises as a kennel or a place where animals or pets are boarded for compensation.

Animal Kennel. See Kennel.

Animal Unit. One thousand pounds of live weight of any given livestock species or any combination of livestock species. For additional information, see the U.S. Department of Agriculture Natural Resource Conservation Service Animal Waste Field Handbook.

Antenna. Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including but not limited to: telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM and TV), yagi, or parabolic (dish) antennas.

Antenna Array. A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Element. Any antenna or antenna array.

Antenna Support Structure. A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building. Types of support structures include the following:

Guyed Structure. A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Lattice Structure. A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Monopole Structure. A style of freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

Anti-Climbing Device. A piece or pieces of equipment, which are either attached to an antenna support structure, or which are freestanding and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excluding the use of barbed or razor wire.

Apartment. See Dwelling, Conventional.

Apparel and Accessory Stores. Stores primarily engaged in selling new or used clothing, shoes, jewelry, and related articles for personal wear and adornment and stores which rent clothing such as costumes or formal wear.

Applicant. Owner(s) or lessee(s) of property, including their agent(s) who submit an application for development, including person(s) who have contracted to purchase property.

~~Application Content Lists. That document entitled "City of Olympia Project Permit Application Content Lists" approved and adopted by the City Council setting forth the required content for project permit applications to be "completed" as that term is used in RCW 36.70B.080.~~

Arcade. A covered walk with shops along one side and a line of arches or columns on the other side.

Archaeological Sites. Any site or location of prehistoric or historic significance including, but not limited to, burial sites, camp sites, rock shelters, caves and their artifacts, implements and remains of preexisting native Americans.

Architectural Elements. Components that are part of a building, such as windows, doors, materials, details, and structural membrane.

Articulation. The giving of emphasis to architectural elements of a building (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces.

Ash, Incinerator. Particulate or solid residues resulting from the operation of incinerator or energy recovery facilities managing municipal solid waste, including solid waste from residential, commercial and industrial establishments, if the ash residues:

- a. Would otherwise be regulated as hazardous wastes under RCW [70.105](#); and
- b. Are not regulated as a hazardous waste under the Federal Resource Conservation and Recovery Act (RCRA), 42, U.S.C. Section 6910, et seq.

ASR. The Antenna Structure Registration Number as required by the FAA and FCC.

Attached Structure. Any structure that has an enclosed interior wall(s) and covered roof in common with another structure sufficient to constitute an occupiable room (i.e., seven feet wide or more). A structure connected to another structure only by a covered passageway is not considered attached. (See Detached Structure; note that structures conforming with neither definition must conform with requirements of this title for both types of structures.)

Auction. See Swap Meet.

Auditor. The Auditor of Thurston County, Washington.

Automobile Rental Agencies. This includes businesses primarily engaged in short-term rental or extended-term leasing of passenger cars, hearses, limousines, and the like, without drivers. Finance (equity or full-payout) leasing of automobiles is classified with Motor Vehicle Sales.

Automobile Wrecking. The wrecking, dismantling, or salvage of motor vehicles or trailers, or the storage of, sale of or recycling or disposal of dismantled, partly dismantled, or wrecked motor vehicles or their parts. (See also Junk or Salvage Facility.)

Awning. A structure affixed to a building which extends over windows, sidewalks or doors, principally as protection from sun and rain.

Section 4. 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 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: