

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE of the City of Olympia, Washington relating to land use project review and decisions; specifically amending Olympia Municipal Code provisions relating to the Site Plan Review Committee at Sections 12.16.040, 12.16.050, 14.04.160, 14.08.030, 16.04.460, 16.48.050, 16.54.070, 16.60.070, 17.04.070, 17.12.010, 17.16.010, 17.32.040, 17.34.070, 17.36.020, 18.02.180(L), 18.02.180(S), 18.04.060(U), 18.06.060(Z), 18.10.040, 18.36.180(B), 18.38.060, 18.38.080, 18.38.100, 18.38.160(A), 18.38.180, 18.38.220(A), 18.48.020, 18.48.040, 18.56.060, 18.56.080(A), 18.57.040, 18.57.060, 18.57.100, 18.60, 18.64.040, 18.72.020, 18.72.050, 18.72.080, 18.72.100, 18.72.140, 18.75.020, 18.76.160 and 18.76.200.**

WHEREAS, the Site Plan Review Committee (SPRC) was first created in 1978 pursuant to Ordinance No. 4077; and

WHEREAS, the Unified Development Code (UDC) was adopted by Ordinance No. 5517 on May 9, 1995, becoming effective on June 19, 1995; and

WHEREAS, the SPRC was in use by the Community Planning & Development Department at the time of the adoption of the UDC, and its purpose and powers were codified as part of the UDC under Chapter 18.60 of the Olympia Municipal Code; and

WHEREAS, on occasion, significant public interest in a land use project that occurs after a project's application warrants the heightened formality and structure of a Hearing Examiner process; and

WHEREAS, in certain other decisions that have little to no public interest, the City finds that SPRC is better suited as an advisory body to the Director of the Department of Community Planning and Development; and

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

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington State Constitution and any other legal applicable authority;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OLYMPIA, DOES ORDAIN AS FOLLOWS:**

**Section 1. Amendment of OMC 12.16.040. Section 12.16.040 of the Olympia Municipal Code is hereby amended to read as follows:**

12.16.040 - ~~Site plan review city action~~ Public Works Director Recommendation

Upon receipt of a complete petition application package, the public works director shall schedule consideration of the proposed vacation ~~with the Olympia site plan review committee. The committee~~

~~shall consider such application with respect to criteria set forth in Section 12.16.100 and establish a recommendation to the eCity eCouncil.~~

**Section 2. Amendment of OMC 12.16.050. Section 12.16.050 of the Olympia Municipal Code is hereby amended to read as follows:**

12.16.050 - Scheduling for eCity eCouncil action

After consideration by the ~~site plan review committee~~Public Works Director, the petition application shall be scheduled for public hearing before the Olympia eCity eCouncil. Notice of such hearing shall be given not less than twenty days in advance of the day of the hearing. Required notice shall include:

- A. The posting of written notice in a prominent and conspicuous location at Olympia City Hall, ~~Olympia public works department and Olympia planning department;~~
- B. The posting of written notice in a prominent and conspicuous location on the subject street or alley; and
- C. The mailing of written notice to all property owners abutting and within three hundred feet of the boundaries of the rights-of-way to be vacated.

**Section 3. Amendment of OMC 14.04.160. Section 14.04.160 of the Olympia Municipal Code is hereby amended to read as follows:**

14.04.160 Appeals

A. The following administrative appeal procedures are established under RCW 43.21C.075 and WAC 197-11-680:

1. Any agency or person may appeal to the Hearing Examiner the environmental review officers conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. When such conditioning, lack of conditioning or denial of action is attached to a recommendation of the ~~Site Plan Review Committee~~Director to the Hearing Examiner regarding a land use application, no appeal shall be necessary for consideration and revision of such conditions, lack of conditions, or denial by the Hearing Examiner.
2. The responsible officials initial decision to require preparation of an environmental impact statement, i.e., to issue a determination of significance, is subject to an interlocutory administrative appeal upon notice of such initial decision and only to such appeal. Notice of such decision shall be provided as set forth in OMC 18.78.020. Failure to appeal such determination within 14 calendar days of notice of such initial decision shall constitute a waiver of any claim of error.
3. All appeals shall be in writing, be signed by the appellant, be accompanied by the appropriate filing fee, and set forth the specific basis for such appeal, error alleged and relief requested. Any

appeal must be filed within seven calendar days of the SEPA determination being final. Where there is an underlying governmental action requiring review by the Hearing Examiner, any appeal and the action shall be considered together. Where there is an underlying permit decision to be made by city staff, any appeal periods shall conclude simultaneously.

4. For any appeal under this subsection, the city shall keep a record of the appeal proceeding which shall consist of the following:

- a. Findings and conclusions;
- b. Testimony under oath; and
- c. A taped or written transcript of any hearing.

5. Any procedural determination by the city's responsible official shall be given substantial weight in any appeal proceeding.

B. 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.

**Section 4. Amendment of OMC 14.08.030. Section 14.08.030 of the Olympia Municipal Code is hereby amended to read as follows:**

14.08.030 Shoreline substantial development, conditional use and variance permits

A. Applications for shoreline substantial development permits, conditional use permits, and variance permits are subject to and shall be processed pursuant to WAC Chapter 173-27, as now or hereafter amended, and, as provided below.

B. Applications for shoreline substantial development, conditional use, and variance permits shall be submitted to the planning department on forms supplied by the department. The application shall contain the information required by WAC 173-27-180 and such other information as may be required by the department. The applicant shall pay to the department the application fee prescribed by the approved fee schedule. In addition to the application fee, the applicant shall pay fees for environmental analysis, and for other necessary actions or approvals.

C. Applications for those shoreline development permits that are exempt from the State Environmental Policy Act and entirely upland of the ordinary high water mark may be decided by the ~~Site Plan Review Committee~~ Director if a public hearing is not requested by an interested party. The Hearing Examiner shall hold a public hearing and render a decision regarding other applications identified in subsection A of this section.

D. Pursuant to WAC 173-27-110, notice of the application and hearing shall be published in the manner prescribed therein, and mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the subject property, fifteen (15)

days before the hearing. In addition, the planning department, in its discretion, may give notice in any other manner deemed appropriate.

E. The decision of the ~~Hearings Examiner~~ may be appealed to the ~~city council~~, pursuant to ~~Olympia Ordinance No. 4148~~, and the decision of the council may be appealed to the Shorelines Hearings Board pursuant to WAC 173-27-220.

F. Pursuant to WAC 173-27-090 and 173-27-100, the director or the director's designee shall review and decide requests for time extensions and permit revisions. The decision of the director may be appealed pursuant to city ordinance.

**Section 5. Amendment of OMC 16.04.460. Section 16.04.460 of the Olympia Municipal Code is hereby amended to read as follows:**

16.04.460 Use of mobile housing for nonresidential purposes

A. Mobile/manufactured housing shall not be used for nonresidential purposes. All nonresidential structures shall meet the factory built commercial structure standards prescribed in RCW 43.22.490, as now or hereafter amended.

B. The placement of factory built commercial structures for temporary or permanent use may be for nonresidential purposes when approved by the ~~Olympia site plan review committee~~Director and permitted by the building official.

C. The use must comply with the use district in which it is placed.

**Section 6. Amendment of OMC 16.48.050. Section 16.48.050 of the Olympia Municipal Code is hereby amended to read as follows:**

16.48.050 Exemptions

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

A. Projects requiring approval of the ~~city site plan review committee~~Director under the zoning ordinance, and/or by the ~~Hearings 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 square feet in size for the purpose of 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 shoreline areas, creeks, and parcels where the predominant slope is in excess of 20 percent;

D. Clearing within a maximum of 30' (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 a 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 7. Amendment of OMC 16.54.070. Section 16.54.070 of the Olympia Municipal Code is hereby amended to read as follows:**

**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 ~~Site Plan Review Committee~~ 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.

**Section 8. Amendment of OMC 16.60.070. Section 16.60.070 of the Olympia Municipal Code is hereby amended to read as follows:**

16.60.070 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 ~~Site Plan Review Committee~~ 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 75 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 Area Buffer. Trees located within or adjacent to critical area buffers. (Those trees within the buffer may count up to 50 percent of the required tree density.)

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. In designing a development project and in meeting the required minimum tree density the following trees shall be planted in the following order of priority:

- a. Critical Area Buffers, Significant Wildlife Habitat. Trees planted within or adjacent to Critical Areas and Significant Wildlife habitat areas.
- b. Stormwater retention/detention ponds. Trees planted adjacent to Stormwater retention/detention ponds.
- c. Landscaping. For residential subdivisions this may include entrance landscaping, traffic islands, separate deeded tree tracts, and other common areas.
- d. Individual residential building lots. Trees planted on individual lots.

**Section 9. Amendment of OMC 17.04.070. Section 17.04.070 of the Olympia Municipal Code is hereby amended to read as follows:**

17.04.070 Administrative duty

The ~~city planning~~ Director and his staff, hereafter referred to as the "planner" or the "planning department," are vested with the duty of administering this title and may prepare and require the use of such additional forms which are necessary to effectuate the provisions thereof.

**Section 10. Amendment of OMC 17.12.010. Section 17.12.010 of the Olympia Municipal Code is hereby amended to read as follows:**

17.12.010 Definitions

For the purpose of this title, certain words and terms are defined in this chapter. When consistent with the context, words used in the present tense shall include the future; the singular term shall include the plural; and the plural, the singular; the word "shall" is always mandatory and the word "may" denotes a use of discretion.

A. "Applicant" means any individual or entity who applies for preliminary plat, short plat, large lot subdivision or binding site plan approval under this title.

B. "Auditor" means the auditor of Thurston County, Washington.

C. "Binding site plan" means a drawing made and approved in accordance with the provisions of subdivisions D, E and G of Section 17.04.040 of this title which contains inscriptions and attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city, and which contains provisions requiring any development to be in conformance with the site plan.



D. "Buildable lot" means a lot meeting all of the requirements of size, shape, frontage, sanitation, etc., contained in this title and other ordinances of the city for any specific type of development.

E. "Boundary line adjustment" means an alteration of a division of land by adjustment of boundary lines, between platted or unplatted lots or parcels or both, which does not create an additional lot, tract, parcel, building site, or division nor creates any lot, tract, parcel, building site, or division which contains insufficient area or dimension to meet the minimum requirements for width or area for a building site. Boundary line adjustments include lot consolidations wherein boundary lines are removed.

F. "City council" means the mayor and council members of the city.

G. "Comprehensive plan" means a plan adopted by the eCity eCouncil as a guide to the physical growth and improvement of the city, including modifications or refinements which may be made from time to time. Said plan may include the following elements: land use, transportation, transit, public services and facilities, housing, community development, and additional subjects relating to the physical development of the city.

H. "County" means the county of Thurston, state of Washington.

I. "Date of filing" means the date that a complete and accurate application for preliminary plat, short plat, large lot plat or final plat approval is filed with the city.

J. "Declaration of short subdivision" means a document signed by all persons having any real interest in the land being subdivided and acknowledged before a notary that they signed the same as their free act and deed, and containing, as a minimum, the following elements:

1. A legal description of the tract being divided;
2. An illustrative map;
3. Any restrictive covenants;
4. A title report or plat certificate;
5. Any special conditions of short subdivision approval (e.g., frontage improvements requirements).

K. "Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat or plan for filing by the appropriate governmental unit.

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

M. "Development" means the development of land as proposed and/or described in any application for development permit approval submitted to the city.

N. "Development permit" means any land use permit which must be approved by the city prior to the development of land. Development permits shall include preliminary plats, short plats, binding site plans, large lot subdivisions and final plats.

O. "Director" means the Director of the City of Olympia Community Planning and Development Department, and the Director's designees.

OP. "Easement" means a right granted by a property owner to specifically named parties or to the general public for the use of certain areas or strips of land for particular purposes. Where appropriate to the context, easement may also refer to the land covered by the rights granted. This may include pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.

PQ. "Final Approval" means the final official action taken by the eCity eCouncil, hHearing eExaminer, or planner on the proposed subdivision, short subdivision, binding site plan, large lot subdivision or dedication, or portion thereof.

QR. "Final plat" means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in RCW Chapter 58.17 and in this title adopted pursuant thereto.

RS. "Flooding" means the inundation of an area of land that is not usually under water.

ST. "Hearing examiner" means the land use hHearing eExaminer for the city.

TU. "Improvements" means and includes, but is 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; 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 or binding site plan approval.

UV. "Large lot subdivision" means the division of land into lots or tracts, each of which is 1/128 of a section of land or larger, or 5 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.

VW. "Lot" means a fractional part of subdivided or site planned land having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

WX. "Mean sea level datum" means the published mean sea level datum established by the U. S. Coast and Geodetic Survey (now National Geodetic Survey) and the benchmarks referenced to this datum established by the city Public Works Department.

XY. "Olympia coordinate system" means the horizontal ground scale coordinate system referenced to the Washington Coordinate System as established by the city Public Works Department.

YZ. "Person" means every person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

ZAA. "Planned residential development" means a unified development approved in accordance with Title 18 of this code.

AABB. "Plat" means 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.

BBCC. "Preliminary Approval" means the official action taken on a proposed division of land when provision of improvements or fulfillment of conditions are to occur prior to final approval.

CCDD. "Preliminary plat" means a neat and approximate 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 chapter. The preliminary plat shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

DD EE. "Short plat" means the map or representation of a short subdivision containing all of the pertinent information as required by this title.

EEFF. "Short subdivision" means 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.

FFGG. "Site plan review committee" ~~means the city planner, engineer, fire chief and building official or their designated representatives.~~ is defined in OMC 18.02.180.

GGHH. "Subdivider" means a person who undertakes the subdividing of land.

HHII. "Subdivision" means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions, which are less than five acres in area, whether immediate or future, for the purpose of sale, lease or transfer of ownership. This definition applies whether or not there is a dedication involved.

IIJJ. "Utilities easements" means rights-of-way which may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone and television cable for the construction, operation, maintenance, alteration and repair of their respective facilities.

KKK: "Variance" means an authorization granting relief under the provisions of Chapter 17.52 of this title from the literal enforcement of this title, when special conditions exist or unusual hardship will result therefrom.

**Section 11. Amendment of OMC 17.16.010. Section 17.16.010 of the Olympia Municipal Code is hereby amended to read as follows:**

17.16.010 Conference prior to submission of application

Prior to the submission of the preliminary plat application, the subdivider or his representative may meet with the ~~Site Plan Review Committee~~ Director to discuss preliminary sketches or studies. At this time, said committee shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to eliminate as many potential problems as possible in order for the preliminary plat to be processed without delay. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as the comprehensive plan, development standards, Shore-line Master Plan, zoning, availability of sewer and water, latecomer charges, development concepts, other city requirements and permits, and the environmental impact of the plat. If the applicant owns adjacent land, the possibilities of future development should be discussed.

**Section 12. Amendment of OMC 17.32.040. Section 17.32.040 of the Olympia Municipal Code is hereby amended to read as follows:**

17.32.040 Conference prior to submission of application

Prior to the submission of the short plat application, the subdivider or his representative may meet with the ~~Site Plan Review Committee~~ Director to discuss preliminary sketches or studies. At this time said ~~committee~~ Director shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to be processed without delay. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as the comprehensive plan, development standards, Shoreline Master Plan, zoning, availability of sewer and water, latecomer charges, development concepts, other requirements and permits, and the environmental impact of the plat. If the applicant owns adjacent land, the possibilities of future development should be discussed.

**Section 13. Amendment of OMC 17.34.070. Section 17.34.070 of the Olympia Municipal Code is hereby amended to read as follows:**

17.34.070 - Approval procedures

- A. Review and Approval. The binding site plan application shall be reviewed by the ~~Site Plan Review Committee~~Director. The ~~Site Plan Review Committee~~Director may take the following actions on the application: approve, approve with conditions, deny, or return it to the applicant for correction.
- B. Conditional Approvals. When the preliminary binding site plan approval is contingent upon conditions, then the conditions shall be completed and a final plan filed within two years from the date of the conditional approval.
- C. Appeal of the Decision. The decision of the ~~Site Plan Review Committee~~Director shall be final, unless an appeal to the ~~Hearing e~~Examiner is filed with CP&D within fourteen (14) days after the committee's written decision. The appeal shall be in writing and accompanied by the appropriate filing fee.

**Section 14. Amendment of OMC 17.36.020. Section 17.36.020 of the Olympia Municipal Code is hereby amended to read as follows:**

17.36.020 Presubmission conference

Prior to the submission of the large plat application, the subdivider or his representative may meet with the ~~Site Plan Review Committee~~ Director to discuss preliminary sketches or studies. At this time said ~~committee~~Director shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to eliminate as many potential problems as possible in order for the large lot plat to be processed without delay. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as the comprehensive plan, development standards, Shoreline Master Plan, zoning, availability of sewer and water, latecomer charges, development concepts, other city requirements and permits, and the environmental impact of the plat. If the applicant owns adjacent land, the possibilities of future development should be discussed.

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

Chapter 18.02 – Basic provisions

L. DEFINITIONS - SPECIFIC.

Lake. A naturally existing or artificially created body of standing water greater than twenty (20) acres in size. Lakes include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A lake is bounded by the ordinary high water mark or the extension of the elevation of the lake's ordinary high water mark within the stream, where the stream enters the lake. All lakes meet the criteria of RCW Chapter 90.58 (Shoreline Management Act) and have been inventoried as "Shorelines of the State" found in the Shoreline Master Program for the Thurston Region in OMC 14.08.

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

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

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

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

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

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

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

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

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

Legal Lot of Record. A lot of a subdivision plat or binding site plan or a parcel of land described in a deed either of which is officially recorded to create a separate unit of property, provided that such plat, site

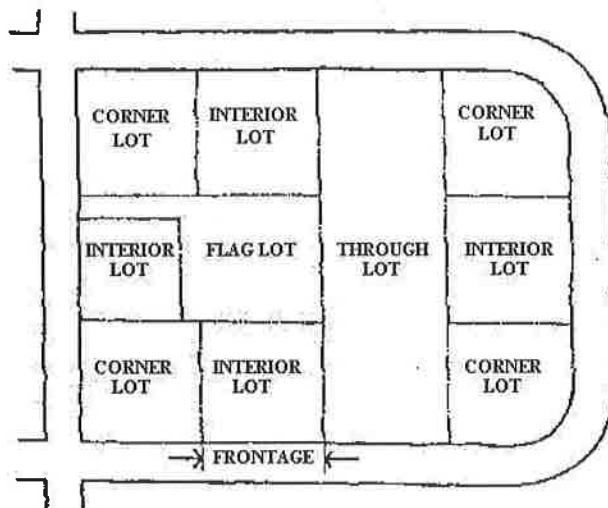
plan, or deed shall accord with applicable local, state or federal law on the date created. Separate descriptions of adjoining parcels within a single deed shall not necessarily constitute separate legal lots of record.

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

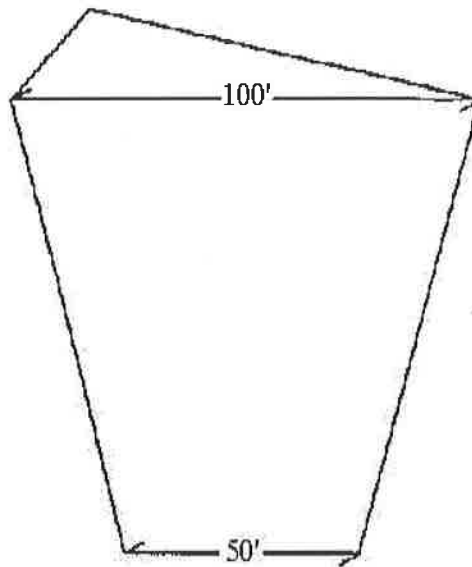
**Lodging House.** See Dwelling, Transient.

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

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



**FIGURE 2-5**



**Example of a Wedge-Shaped Lot**

**FIGURE 2-5b**

Lot Frontage. See Frontage.

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

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

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

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

Low Income Housing. See Affordable Housing.

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

Section 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.

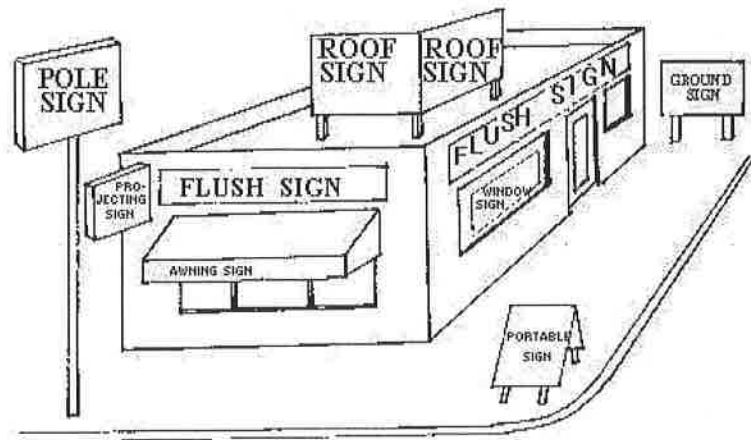
Sign, Sandwich Board Sidewalk Sign. A type of portable sign.

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.

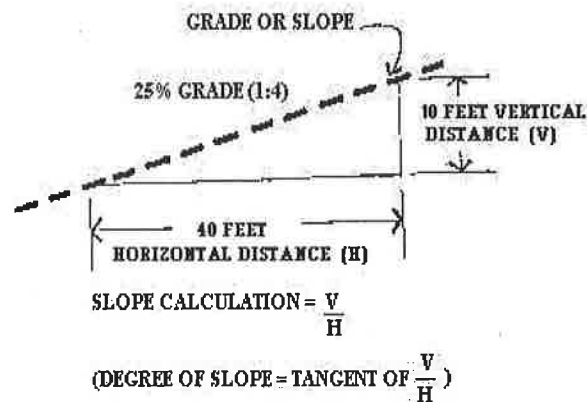
Site Plan. The development plan which shows the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, walkways; means of ingress and egress; circulation; utility

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, and 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, Senior Planner, Development Services City Engineer, the 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 ~~Site Plan Review Committee (SPRC) Director~~ review of proposed construction on undersized legal lots of record approved prior to June 19, 1995.

Small Lot Subdivision. See Subdivision, Short.

Sorority House. A building, occupied by unrelated female members of a private educational organization, which contains sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room. (See Fraternity, Dormitory.)

Special Assessment District. A district with the power to levy taxes created by act, petition, or vote of property owners for a specific purpose.

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/Retention 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.

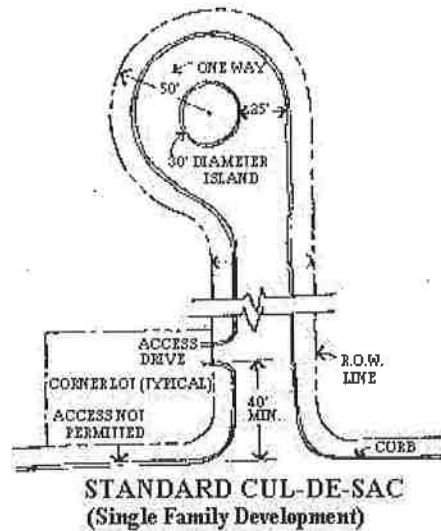
Stream. See OMC 18.32.405.

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

18.04.060 Residential districts' use standards

#### U. PLACES OF WORSHIP.

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

1. Location. Before a place of worship may be located in an R-4, R 4-8, R 6-12, MR 7-13 or MR 10-18 district, at least one (1) of the following locational criteria shall be met:
  - a. The proposed place of worship shall be located within three hundred (300) feet of an arterial street, major collector street, or an access point on a highway; or
  - b. The site is within three hundred (300) feet of a school and/or park; or
  - c. The place of worship was the legal owner of the property prior to June 20, 1961.
2. Plan Review. Plans showing the site layout and design of proposed buildings shall be submitted for approval to the Hearing Examiner and the ~~Site Plan Review Committee~~ Director.
3. Size. The minimum lot size shall be twenty thousand (20,000) square feet.
4. Dwelling Units. Any dwelling in conjunction with a place of worship shall comply with the provisions governing residential uses in the district where it is located.
5. Conversion. No existing building or structure shall be converted to a place of worship unless such building or structure complies or is brought into compliance with the provisions of this code and any other applicable City regulations.
6. Screening. There shall be sight-obscuring screening along the perimeter of parking lots adjunct to a place of worship which are located across the street from or abutting a residential use. (See Chapter 18.36, Landscaping and Screening.)
7. Associated Uses. Uses sponsored by a place of worship such as day-schools, auditoriums used for social and sports activities, health centers, convents, preschool facilities, convalescent homes and others of similar nature shall be considered separate uses subject to the provisions of the district in which they are located. (See Section 18.04.060(D) which provides for child care centers as accessory uses.)

**Section 18. Amendment of OMC 18.06.060(Z). Subsection 18.06.060(Z) of the Olympia Municipal Code is hereby amended to read as follows:**

#### Z. Temporary Uses.

1. Intent. Certain uses, when active for a limited period of time and when properly regulated, can be compatible, or otherwise limited in impact to neighboring properties and the general community. In accord with this intent, no temporary use shall be allowed unless a temporary use permit is approved by the City as prescribed by this section. Each separately proposed activity or use shall require a separate permit and pay the fee required by OMC 4.40.010(A).

2. General Standards. Temporary uses are subject to the following regulations:

- a. Temporary uses not listed in the use table of this chapter may be authorized by the applicable approval authority, provided such temporary uses are similar to and no more intensive than other temporary uses permitted in the district in which the subject property is located.
- b. The applicable approval authority may apply additional conditions to any temporary use permit in order to:
  - i. Ensure compliance with this chapter;
  - ii. Ensure that such use is not detrimental to neighboring properties and the community as a whole; and
  - iii. Ensure compliance with the Building Code.
- c. Within three (3) days after termination of the temporary use permit, such use shall be abated and all structures, signs and evidence of such use removed. The City Director may require a financial surety be posted by the applicant upon application to defray the costs of cleanup and repair of the property should the permittee fail to do so. The property owner is responsible for such abatement action and costs should the permittee fail to properly clean and repair the property.
- d. Temporary use permits not exercised within thirty (30) days of issuance shall be null and void.
- e. Unless otherwise stated in this section temporary use permits are valid from the date of issuance for ninety (90) consecutive days per calendar year.
- f. Unless otherwise stated in this section no more than two (2) temporary use permits will be issued for any specific site per calendar year.
- g. Nothing in this section shall exempt the applicant from obtaining all necessary applicable permits from all other agencies having jurisdiction.
- h. Hours of operation, including the use of generators and lot lighting, excluding security lighting, shall be limited to 7:00 a.m. to 10:00 p.m. unless otherwise specified in writing by the Planning Director or his designee. Security lighting shall be shielded to prevent light spillage onto adjacent properties.

3. Specific Temporary Use Standards. The following temporary uses are permitted in commercial districts and the Evergreen Park PUD, subject to the following regulations:

a. Entertainment Events to include: circuses, carnivals and similar transient amusement enterprises, limited to operation of not more than twice each year, and not more than ten (10) consecutive days per event per site in any one (1) calendar year.

b. Off-site contractor's Offices (including trailers and mobile homes) and storage yards associated with an active construction project, not to exceed one (1) year in duration.

c. Mobile Vendors.

i. Temporary use permits for mobile vendors are valid for one (1) year from the date of issuance.

ii. Approval from the property owner, or underlying property owner if located in a right-of-way, is required.

iii. Mobile vendors located within the sidewalk right-of-way must comply with the following rules:

(a). Only one mobile sidewalk vendor shall be permitted per block face.

(b). Public sidewalks used by mobile vendors shall have a minimum width of eight (8) feet.

(c). In no instance shall the clear walking area around a sidewalk vendor be less than forty-eight (48) inches. The clear walking area around a sidewalk vendor must be at least six (6) feet if within the downtown "Pedestrian Walking Lane" area delineated in OMC 9.16.180(B), Figure 1.

(d). The maximum length of space occupied by a mobile sidewalk vendor and equipment is eight (8) feet.

(e). Mobile sidewalk vendor stands must be readily movable at all times.

(f). Mobile sidewalk vendors shall locate their stands at the back of the sidewalk away from curb.

(g). All locations shall be approved on a first-come, first-serve basis.

(h). Mobile sidewalk vendors shall sign a Hold Harmless Agreement with the City of Olympia.

d. Parking lot and other outdoor sales of merchandise and/or services unrelated to the primary use of the property must comply with the following:

i. Merchandise displays may only occupy parking stalls which are in excess of city parking requirements.

ii. There shall be no obstruction of emergency exits, Fire Lanes or other Emergency apparatus.

iii. Sales areas shall be maintained in an attractive and trash-free manner.

iv. Sales areas shall not substantially alter the existing circulation pattern of the site.

e. Temporary, commercial wireless communications facilities, for the purposes of providing coverage of a special event such as news coverage or sporting event. Such facilities must comply with all federal and state requirements. Temporary wireless communications facilities may be exempt from the provisions of Chapter 18.44 up to one week after the duration of the special event.

f. Temporary surface parking lots on previously developed property are allowed subject to approval by the ~~Site Plan Review Committee~~ Director, and are limited to a one time permit valid for two years. A one year extension may be granted by the ~~Site Plan Review Committee~~ Director if a complete Land Use Application has been submitted for review. All applications must provide a complete Site Plan and comply with the following:

i. A twenty by twenty (20'x20') foot paved surface at all approved points of ingress/egress.

ii. A dust-free surface.

iii. An erosion control and stormwater containment plan.

iv. Clear designation of parking spaces and drive aisles consistent with OMC 18.32.220 with striping and/or parking blocks. To prevent obstruction of public rights-of-way wheel blocks must be provided at the perimeter of the site.

v. No new or additional points of access.

vi. Provision for an enforceable compliance and closure agreement.

vii. May not be established on Pedestrian "A" streets per OMC 18.16.080(H).

4. Violations. At any time a temporary use is operated in violation of required conditions of this section or of the permit (Subsection 18.06.060(Z)(2)(b)) or otherwise found to constitute a nuisance, the City may take appropriate enforcement action including the process set forth at OMC 18.73.010.

**Section 19. Amendment of OMC 18.10.040. Section 18.10.040 of the Olympia Municipal Code is hereby amended to read as follows:**

18.10.040 Budd Inlet height district

A. The maximum building height shall not exceed five (5) feet above the average grade of the centerline of the adjacent portion of West Bay Drive for properties within the area bounded by West Bay Drive on the west, Budd Inlet on the east, the platted rights-of-way for Harrison Avenue on the south, and the platted rights-of-way for Madison Avenue on the north.

B. Likewise, the maximum building height shall be reviewed by the ~~Site Plan Review Committee~~Director for properties within the area bounded by East Bay Drive on the east, the platted rights-of-way for Olympia Avenue on the south, Budd Inlet on the west, and the platted rights-of-way for Miller Avenue on the north. The maximum height shall be established for individual parcels in such a manner as to minimize view obstruction, while permitting a reasonable use of the property.

**Section 20. Amendment of OMC 18.36.180(B). Subsection 18.36.180(B) of the Olympia Municipal Code is hereby amended to read as follows:**

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 (3) 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 ~~Site Plan Review Committee~~Director or ~~Design Review Board~~ 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, or for trash receptacles, utility boxes, or driveways.



**Section 21. Amendment of OMC 18.38.060. Section 18.38.060 of the Olympia Municipal Code 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, the ~~Site Plan Review Committee~~Director may require a parking demand study or determine the standards that should be applied to the use in question.

I. Shared Parking. The ~~Site Plan Review Committee~~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 22. Amendment of OMC 18.38.080. Section 18.38.080 of the Olympia Municipal Code is hereby amended to read as follows:**

18.38.080 Administrative variance

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 ~~Site Plan Review Committee (SPRC) Director~~ prior to any final, discretionary approvals; e.g., design review, site plan review, environmental review, or any planning, building or engineering permits. The ~~SPRC 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 ~~Site Plan Review Committee 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 ~~SPRC the Director~~ will serve as a basis for denial.

**Decrease of 10% to 20%**

The ~~Site Plan Review Committee 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 ~~Site Plan Review Committee 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 ~~Site Plan Review Committee~~Director.

**Increase of 10% to 20%**

The ~~Site Plan Review Committee~~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
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 ~~SPRC~~the Director; and
5. A report is submitted which supports the need for more parking.

**Increase of 21% to 40%**

The ~~Site Plan Review Committee~~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
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 ~~SPRC~~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 ~~SPRC~~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 ~~Site Plan Review Committee~~ 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 ~~Site Plan Committee~~ 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 ~~SPRC~~ 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 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.

**Section 23. Amendment of OMC 18.38.100. Section 18.38.100 of the Olympia Municipal Code is hereby amended to read as follows:**

**18.38.100 Vehicular and bicycle parking standards**

A. Required Vehicular and Bicycle Parking. A minimum number of bicycle parking spaces are required as set forth in Table 38-01 below. The specific number of motor vehicle parking spaces set forth in Table 38-01 +/- ten percent (10%) shall be provided, unless varied pursuant to OMC 18.38.080 or other provision of this code. Any change in use which requires more parking shall install vehicular and bicycle facilities pursuant to Table 38.01 and consistent with the location standards of OMC 18.38.220.

B. Building Area. All vehicle parking standards are based on the gross square feet of building area, unless otherwise noted.

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

D. Reserved Area for Bicycle Spaces. Where specified in Table 38.01 below, an area shall be designated for possible conversion to bicycle parking. Such reserve areas must meet the location requirements of short-term parking and may not be areas where pervious surfaces or landscaping is required. A cover is not required for such areas.

**TABLE 38.01**

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
<b>COMMERCIAL</b>			
Carpet and Furniture Showrooms	One and one-quarter (1.25) space per one thousand (1000) sq. ft. of gross showroom floor area. Each store shall have a minimum of four (4) spaces.	One per sixteen thousand (16,000) square feet of showroom floor area. Minimum of two (2).	One per eight thousand (8,000) square feet of showroom floor area. Minimum of two (2).
Child and Adult Day Care	One (1) space for each staff member plus 1 space for each ten (10) children/adults if adequate drop-off facilities are provided. Adequate drop-off facilities must allow a continuous flow of vehicles which can safely load and unload children/adults. Compliance with this requirement shall be determined by the review authority.		
Hotel and Motel	One (1) space for each room or suite and one (1) space per manager s unit. Hotel/motel banquet and meeting rooms shall provide six (6) spaces for each thousand (1000) square feet of seating area. Restaurants are figured separately.	One (1) per ten (10) rooms. Minimum of two (2).	One (1) per thousand (1,000) square feet of banquet and meeting room space. Minimum of two (2).
Markets, Shopping Centers and Large Retail/Wholesale Outlets	Less than 15,000 sq. ft = 3.5 spaces for each 1000 sq. ft. of gross floor areas. 15,001 to 400,000 sq. ft = 4 spaces for each 1000 sq. ft. of gross floor area. More than 400,001 sq. ft. = 4.5	One per six thousand (6,000) square feet. Maximum of five (5); minimum of one (1).	One per three thousand (3,000) square feet. Maximum of ten (10) per tenant; minimum of two (2) within fifty (50) feet of each

**TABLE 38.01**

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Medical and Dental Clinics	spaces per 1000 sq. ft. of gross floor area. Four (4) spaces per 1000 sq. ft. of gross floor area.	One (1) per 10,000 square feet. Minimum of two (2).	customer entrance. One (1) per 10,000 square feet, minimum of two (2) within fifty (50) feet of each customer entrance; plus an equal reserved area for adding spaces.
Ministorage	Three (3) spaces minimum or (1) space for every one hundred (100) storage units, and two (2) spaces for permanent on-site managers.	None	None
Mixed Uses	Shared parking standards shall be used to calculate needed parking. This calculation is based upon the gross leasable area (GLA) for each shop or business and does not include atriums, foyers, hallways, courts, maintenance areas, etc. See shared parking 18.38.180.	See individual use standards.	See individual use standards
Mortuaries and Funeral Parlors	One (1) space per seventy-five (75) square feet of assembly area or thirteen (13) stalls per 1000 sq. ft.	One (1)	Two (2)
Offices, General	Gross floor area up to 2000 sq. ft = One (1) space for each 250 sq. ft. Gross floor area between 2001 to 7500 sq. ft. = One (1) space for each 300 sq. ft. Gross floor area between 7501 to 40,000 sq. ft. = One (1) space for each 350 sq. ft. Gross floor area of 40001 and	One (1) per ten thousand (10,000) square feet. Minimum of two (2).	One (1) per ten thousand (10,000) square feet; plus an equal reserved area for adding spaces. Minimum of two (2).



**TABLE 38.01**

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Offices, Government	greater = One (1) space for each 400 sq. ft. 3.5 spaces per one thousand (1000) sq. ft.	One (1) per five thousand (5,000) square feet. Minimum of two (2).	One (1) per five thousand (5,000) square feet; minimum of two (2); plus an equal reserved area for adding spaces.
Retail Uses	Three and a half (3.5) spaces per one thousand (1000) sq. ft.	One per six thousand (6,000) square feet. Maximum of five (5); minimum of one (1).	One per three thousand (3,000) square feet. Maximum of ten (10) per tenant; minimum of two (2) within fifty (50) feet of each customer entrance.
Service Station (mini-marts are retail uses)	Three and a half (3.5) spaces per one thousand (1000) sq. ft. g.f.a. or 1 space per 300 sq. ft.	None.	None
Warehouse, Distribution	1 space for each thousand (1000) sq. ft. or 1 space for each employee.	One (1) per forty thousand (40,000) square feet or one (1) per forty (40) employees. Minimum of one (1).	None.
Warehouse Storage	Gross Floor area of 0-10,000 sq. ft. = One (1) space for each one thousand (1000) sq. ft. Gross floor area between 10,001 - 20,000 sq. ft. = ten (10) spaces plus .75 space for each additional one thousand (1000) sq. ft. beyond ten thousand (10,000) sq. ft. Over 20,000 sq. ft. = eighteen (18) spaces plus .50 for each additional 1000 sq. ft. beyond	One (1) plus one (1) for each eighty thousand (80,000) square feet above sixty-four thousand (64,000) square feet; or one (1) per forty (40) employees. Minimum of one (1).	None

**TABLE 38.01**

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
	20,000 sq. ft., or 1 space for each employee.		
<b>INDUSTRIAL</b>			
Manufacturing	One (1) for each two (2) employees on the largest shift, with a minimum of two (2) spaces.	One (1) for each thirty (30) employees on largest shift. Minimum of two (2).	One (1) for each thirty (30) employees on largest shift. Minimum of two (2).
<b>INSTITUTIONAL</b>			
Beauty Salons/Barber Shops, Laundromats/Dry Cleaners, and Personal Services		One per six thousand (6,000) square feet. Minimum of one (1).	One per three thousand (3,000) square feet. Minimum of two (2).
Educational Facilities (to include business, vocational, universities, and other school facilities).		One (1) per five (5) auto spaces. Minimum of two (2)	One (1) per five (5) auto spaces. Minimum of four (4).
Elementary and Middle School	One (1) stall per twelve (12) students of design capacity.	One (1) per classroom.	Three (3) per classroom.
Farmers Market		None	One (1) per ten (10) auto stalls. Minimum of ten (10).
High School	One (1) space per classroom and office, plus one (1) space for each four (4) students that are normally enrolled and are of legal driving age. Public assembly areas, such as auditoriums, stadiums, etc. that are primary uses may be considered a separate use.	One per five (5) classrooms, plus one (1) for each forty (40) students (may also require one (1) per four thousand five hundred (4,500) assembly seats). Minimum of two (2).	One per five (5) classrooms, plus one (1) for each forty (40) students (may also require one (1) per four thousand five hundred (4,500) assembly seats). Minimum of four (4).
Hospitals, Sanitariums, Nursing Homes, Congregate Care, Rest Homes, Hospice Care	One (1) for each two (2) regular beds, plus one (1) stall for every two (2) regular employees on the largest shift.	One (1) per thirty (30) beds, plus one (1) per thirty (30) employees on largest	One (1) per thirty (30) beds, plus one (1) per thirty (30) employees on largest

**TABLE 38.01**

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Home and Mental Health Facilities.		shift. Minimum of two (2).	shift. Minimum of two (2).
Libraries and Museums	One (1) space per three hundred (300) square feet of public floor area or 3.3 spaces per thousand (1000) sq. ft. Six (6) stalls either on-site or on-street directly adjacent to the property. The <del>Site Plan Review Committee</del> <u>Director</u> may allow pervious-type parking surfaces.	One (1) per six thousand (6,000) square feet of public floor area. Minimum of two (2).	One (1) per one thousand five hundred (1,500) square feet of public floor area. Minimum of four (4).
Marinas		Minimum of four (4).	One (1) per ten (10) auto stalls. Minimum of four (4).
Other Facilities Not Listed		None	One (1) per twenty-five (25) auto stalls. Minimum of two (2).
Park-N-Ride Lots and Public (Parking) Garages		One (1) per fifteen (15) auto stalls Minimum of four (4)	Two (2).
Parks		None	One (1) per five (5) auto stalls. Minimum of four (4).
Transit Centers		Ten (10).	Ten (10).

**PLACES OF ASSEMBLY**

Passenger Terminal Facilities	One (1) space for each one hundred (100) square feet of public floor area or ten (10) spaces per thousand (1000) sq. ft.	Minimum of ten (10)	Minimum of ten (10)
Place of Worship	One (1) space per four (4) seats. When individual seats are not provided, one (1) space for each six (6) feet of bench or other seating. The <del>Site Plan Review Committee</del> <u>Director</u> may use a ratio of six (6) stalls/1000 sq. ft. of assembly area where seats or pews are not provided or when circumstances warrant increased parking; e.g., large regional congregations which attract a large congregation or one which has multiple functions. See shared parking. 18.38.180	One (1) per 10,000 square feet of gross floor area.	One (1) per 160 seats or 240 lineal feet of bench or other seating, and one (1) per 6,000 square feet of assembly area without fixed seats. Minimum of four (4).
Private Clubs or Lodges (does not include health clubs or retail warehouse)	Six (6) spaces per thousand (1000) sq. ft.	One (1) per 6,000 square feet. Minimum of one (1).	One (1) per 6,000 square feet. Minimum of two (2).
Theater and Auditorium	One (1) space for each four and a half (4.5) fixed seats. If the theater or auditorium is a component of a larger commercial development the above parking standard may be modified to account for shared parking as provided in Section 18.38.180 of this Code	One (1) per 450 fixed seats. Minimum of one (1).	One (1) per 110 fixed seats. Minimum of four (4).
Theater and Auditorium without fixed seats	One (1) space for each three (3) permitted occupants. Maximum building occupancy is determined by the Fire Marshal.	One (1) per 300 permitted occupants. Minimum of one (1).	One (1) per 75 permitted occupants. Minimum of four (4).

**RECREATION/AMUSEMENT**

Bowling Alleys	Five (5) spaces for each alley.	One (1) per twelve (12) alleys. Minimum of one (1).	One (1) per four (4) alleys. Minimum of four (4).
Health Club	Four (4) spaces for each thousand (1000) sq. ft.	One (1) per 5,000 square feet. Minimum one (1).	One (1) per 2,500 square feet. Minimum of four

Skating Rinks and Other Commercial Recreation	Five (5) spaces per thousand (1000) sq. ft.	One (1) per 8,000 square feet. Minimum of one (1).	(4). One (1) per 4,000 square feet. Minimum of four (4).
<b>RESIDENTIAL</b>			
Accessory Dwelling Unit	One (1) space per unit	None	None
Bed and Breakfast	One (1) space in addition to space(s) required for the residential unit.	One (1) per ten (10) rooms. Minimum of one (1).	None
Community Club Houses		None	One (1) per ten (10) auto stalls. Minimum of two (2).
Cottage Housing	One (1) space per unit or 1.5 space per unit if on-street parking is not available along street frontage (One (1) space per twenty (20) linear feet).	One per five (5) units, or one (1) per three (3) units if no on-street parking. Minimum of two (2).	One per ten (10) units, or one (1) per six (6) units if no on-street parking. Minimum of two (2).
Elder Care Home	One (1) space in addition to space(s) required for the residential unit.	Minimum of two (2).	Minimum of two (2).
Fraternities, Sororities and Dormitories	One (1) space for every three (3) beds, plus one (1) space for the manager.	One per fourteen (14) beds. Minimum of two (2).	Ten (10) per dormitory, fraternity or sorority building.
Group Home	One (1) space for each staff member plus one (1) space for every five (5) residents. Additionally, one (1) space shall be provided for each vehicle used in connection with the facility.	One (1) per ten (10) staff members plus one (1) per thirty (30) residents. Minimum of one (1). Additional spaces may be required for conditional uses.	None
Home Occupations	None, except as specifically provided in this table.	None	None
Mobile Home Park	Two (2) spaces per lot or unit, whichever is greater. If recreation facilities are provided, one (1) space per ten (10) units or lots.	None	None

Multifamily Dwellings	Three or more units shall provide one and one-half (1.5) off-street parking spaces per dwelling unit. Multifamily dwelling units located on HDC-4 properties, where the new project provides for the development of replacement dwelling units in a development agreement, and the project site is all or part of an area of 40 acres or more that was in contiguous ownership in 2009, are exempt from the parking requirements of this section. If parking is voluntarily provided by the property owner, then the <u>City Director</u> shall permit such parking to be shared with parking provided for non-residential development on the property.	One (1) storage space per unit that is large enough for a bicycle.	One (1) per ten (10) units. Minimum of two (2) per building.
Single Family to include Duplex and Townhouse.	Two (2) spaces per unit. Note: parking spaces may be placed in tandem (behind the other). DB, CSH and RMH zone districts require one (1) space/unit.	None	None
Studio Apartments.	Apartments with one (1) room enclosing all activities shall provide one (1) off-street parking space per dwelling unit	None	One (1) per ten (10) units. Minimum of two (2) per building.

**RESTAURANT**

Cafes, Bars and other drinking and eating establishments.	Ten (10) spaces per thousand (1000) sq. ft.	One per 2,000 square feet; minimum of one (1).	One per 1,000 square feet; minimum of one (1).
Car Hop	One (1) for each fifteen (15) square feet of gross floor area.	One per 300 square feet; minimum of one (1).	One per 150 square feet; minimum of one (1).
Fast Food	Ten (10) spaces per thousand (1000) square feet plus one (1) lane for each drive-up window with stacking space for six (6) vehicles before the menu board.	One per 2,000 square feet; minimum of one (1).	One per 1,000 square feet; minimum of one (1).

**Section 24. Amendment of OMC 18.38.160(A). Subsection 18.38.160(A) of the Olympia Municipal Code is hereby amended to read as follows:**

18.38.160 Specific zone district requirements

A. Ten (10) Percent Reduction in Parking Requirements.

The median motor vehicle parking requirements contained in Section 18.38.100 shall be reduced by ten (10) percent for uses in the High Density Corridor 1, 2, 3, and 4 Districts (see High Density Corridor Map), Neighborhood and Urban Villages, and within the Downtown (see Figure 38-2). This shall not be used in combination with an administrative parking variance or other reductions unless approved by the ~~Site Plan Review Committee~~Director.

**Section 25. Amendment of OMC 18.38.180. Section 18.38.180 of the Olympia Municipal Code is hereby amended to read as follows:**

18.38.180 Shared Parking Facility

A. General.

The ~~Site Plan Review Committee~~Director shall require an applicant to provide proof that shared parking is feasible when adjacent land uses have different hours of operation. Mixed use and shopping center developments with similar operating hours may also be required to submit a parking demand study to determine if parking can be combined.

1. Authority. In order to eliminate multiple entrances and exits, reduce traffic hazards, to conserve space and to promote orderly development, the ~~Site Plan Review Committee~~Director and Hearing Examiner are each hereby authorized to plan and group cooperative parking facilities for a number of parking generators in such a manner as to obtain the maximum efficiency in parking and vehicular circulation.

2. Allocation.

a. Shared parking.

i. When two (2) or more land uses, or uses within a building, have distinctly different hours of operation (e.g., office and church), such uses may qualify for a shared parking credit. Required parking shall be based on the use that demands the greatest amount of parking.

ii. If two (2) or more land uses, or uses within a building, have different daytime hours of operation (e.g., bowling alley and auto part store), such uses may qualify for a total parking reduction of no more than fifty (50) percent.

b. Combined parking.

Two (2) or more uses which have similar hours of operation and combine parking facilities may qualify to decrease the number of parking stalls as follows. The ~~Site Plan Review Committee~~Director may require a parking demand study to ensure sufficient parking is provided.

Two (2) uses:	Five (5) percent reduction
Three (3) uses:	Ten (10) percent reduction
Four (4) or more uses:	Fifteen (15) percent reduction

3. Location. Parking spaces provided for one use shall not be considered parking space for another use. Uses may be defined as singular, combined, or share parking.

a. Shared parking. In case there are uses in close proximity of each other that operate or are used at entirely different times of the day or week, the ~~Site Plan Review Committee~~ Director may allow shared parking facilities to satisfy the parking requirements of such uses if the parking facilities are within seven hundred (700) feet of all parking generators being served by such facilities; and

b. Combined parking. Two (2) or more uses may satisfy their parking requirements by permanently allocating the requisite number of spaces for each use in a common parking facility, cooperatively established or operated; provided, the total number of spaces conforms to the requirements in item 4 below.

4. Agreement. An agreement, lease, deed, contract or easement establishing shared use of a parking area, approved by the City Attorney, shall be submitted to the Director ~~of Community Planning and Development~~ and recorded with the County Auditor's Office. For new buildings which share parking under this provision, such agreements shall run with the land for both and all properties with shared parking. Such agreement requires ~~City Director~~ approval for any change or termination. A parking agreement may be attached to a lease if additional parking is required due to a change in occupancy. This only applies in circumstances where there is existing parking and the change in use creates a deficiency.

5. Termination of Shared or Combined Use.

a. In the event that a shared or combined parking agreement is terminated, those businesses or other uses with less than the required parking shall notify the Director ~~of Community Planning and Development~~ within ten (10) days and take one of the following actions:

i. Provide at least fifty (50) percent of the required parking within ninety (90) days, and provide the remaining required parking within three hundred and sixty-five (365) days following the termination of the shared use; or

ii. Demonstrate, based upon a study deemed reliable by the Director ~~of Community Planning and Development~~, that the available parking is sufficient to accommodate the use's peak parking demand.

iii. Apply for and receive administrative parking variance.



b. If sufficient parking is not provided, the use, or that portion of the use out of compliance with this chapter, shall be terminated upon the expiration of the time period specified in (5)(a)(i) above. This requirement shall be established as a condition of the occupancy permit for uses relying on shared parking.

**Section 26. Amendment of OMC 18.38.220(A). Subsection 18.38.220(A) of the Olympia Municipal Code is hereby amended to read as follows:**

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, unless otherwise stated.

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

<b>1</b>	<b>2 SW</b>	<b>3 WP</b>	<b>4 VPW</b>	<b>5 VPi</b>	<b>6 AW</b>	<b>7 W2</b>	<b>8 W4</b>
<b>Parking Class</b>	<b>Basic Stall Width (ft)</b>	<b>Stall Width Parallel to Aisle (ft)</b>	<b>Stall Depth to Wall (ft)</b>	<b>Stall Depth to Interlock (ft)</b>	<b>Aisle Width (ft)</b>	<b>Modules Wall-to-Wall (ft)</b>	<b>Modules Interlock to Interlock (ft)</b>
A	2-Way Aisle-90° 9.00	9.00	17.5	17.5	26.0	61.0	61.0
A	2-Way Aisle-60° 9.00	10.4	18.0	16.5	26.0	62.0	59.0
A	1-Way Aisle-75° 9.00	9.3	18.5	17.5	22.0	59.0	57.0
A	1-Way Aisle-60° 9.00	10.4	18.0	16.5	18.0	54.0	51.0
A	1-Way Aisle-45° 9.00	16.5	16.5	14.5	15.0	48.0	44.0

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.

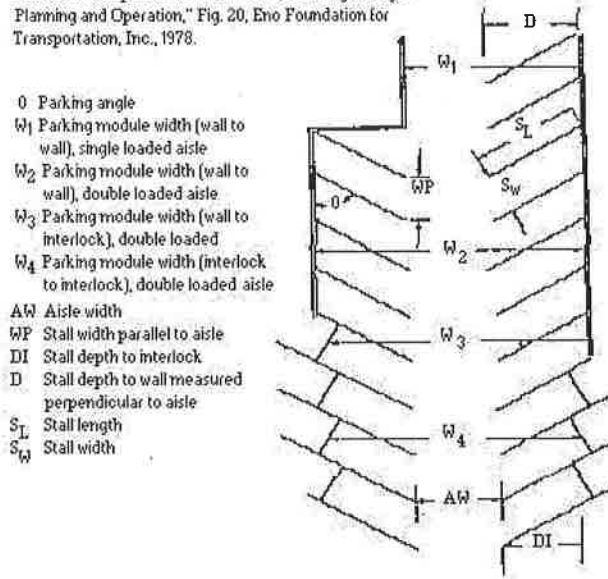


FIGURE 38-5

1. Driveways. Driveways and curb cuts shall be in accordance with 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 Site Plan Review Committee Director, upon recommendation of the Public Works 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 the 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 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.

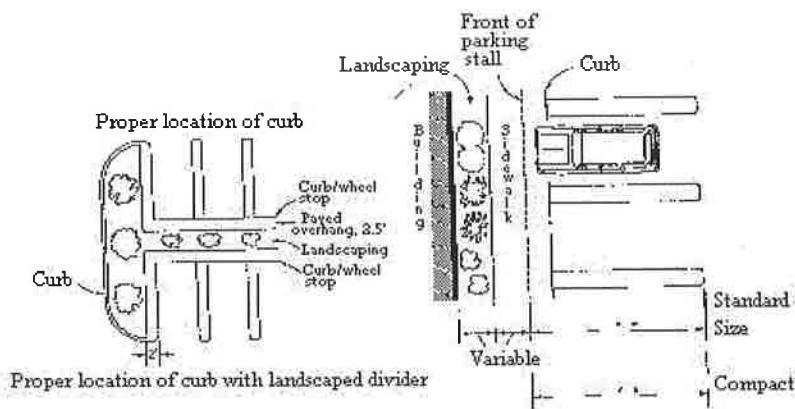


FIGURE 38-6

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 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:

	<b>Compact Car Dimension</b>	<b>Standard Car Dimensions</b>
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

**Section 27. Amendment of OMC 18.48.020. Section 18.48.020 of the Olympia Municipal Code is hereby amended to read as follows:**

18.48.020 Conditional use approval

A. Hearing Examiner approval. Certain uses, because of their unusual size, infrequent occurrence, special requirements, possible safety hazards or detrimental effects on surrounding properties and other similar reasons, are classified as conditional uses. These uses may be allowed in certain districts by a Conditional Use Permit granted by the Hearing Examiner or as provided below. Prior to granting such a permit the Hearing Examiner shall hold a public hearing, unless otherwise provided for in this code, and determine that all applicable conditions will be satisfied. If the conditional use proposed in a residential zone exceeds 5,000 square feet in floor space, it must also be reviewed by the Design Review Board.

B. Permit content and enforcement. Conditional Use Permits shall state the location, nature and extent of the conditional use together with all conditions that were imposed and any other information deemed necessary for the issuance of said permit. A copy of this permit shall be kept on file in the Community Planning and Development Department and if, at any time, it is found that the conditional use no longer complies with the conditions therein specified, the owner shall be declared in violation of this Title and shall be subject to its penalties.

C. Expansion of Approved Conditional Uses. The ~~Site Plan Review Committee (SPRC) Director~~ may authorize up to a twenty-five (25) percent expansion, in any five (5) year period, of an approved conditional uses gross floor area, height, parking and occupancy (e.g., number of seats, classrooms and students). The ~~SPRC Director~~ may also authorize alterations to the site design, including landscaping, fences, lighting, signs and similar site features. If the expansion in a residential zone exceeds 5,000 square feet in floor space, it must receive review by the Design Review Board. All such modifications shall be consistent with the original conditions of approval and applicable regulations. Notice of the proposed expansion or alteration shall be sent to property owners within three hundred (300) feet of the subject

site, consistent with the notice requirements specified in Chapter 18.78. If anyone requests a public hearing in writing within the specified comment period, ~~SPRC~~the Director shall refer the request to the Hearing Examiner. Copies of all ~~SPRC~~Director decisions shall be mailed to everyone who commented on the project or requested a copy of the decision. ~~SPRC~~Director decisions may be appealed to the Hearing Examiner consistent with Section 18.75.020, Appeals of Administrative Decisions.

D. SEPA-exempt Conditional Uses. The ~~Site Plan Review Committee (SPRC)~~Director may authorize any conditional use that is exempt from the State Environmental Policy Act. See OMC 14.04.065 and WAC 197-11. Part Nine. Notice of such proposed use shall be sent to property owners within three hundred (300) feet of the subject site, consistent with the notice requirements specified in Chapter 18.78. If anyone requests a public hearing in writing within the specified comment period, ~~SPRC~~the Director shall refer the request to the Hearing Examiner. If the conditional use is in a residential zone and exceeds 5,000 square feet in floor space, it must be reviewed by the Design Review Board. Copies of all ~~SPRC~~Director decisions shall be mailed to everyone who commented on the project or requested a copy of the decision. ~~SPRC~~Director decisions may be appealed to the Hearing Examiner consistent with Section 18.75.020, Appeals of Administrative Decisions.

**Section 28. Amendment of OMC 18.48.040. Section 18.48.040 of the Olympia Municipal Code is hereby amended to read as follows:**

18.48.040 Additional conditions

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

- A. Increase requirements in the standards, criteria or policies established by this Title;
- B. Stipulate an exact location as a means of minimizing hazards to life, limb, property, traffic, or of erosion and landslides;
- C. Require structural features or equipment essential to serve the same purpose set forth in item B above;
- D. Impose conditions similar to those set forth in items 2 and 3 above to assure that a proposed use will be equivalent to permitted uses in the same zone with respect to avoiding nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards and similar matters;
- E. Ensure that the proposed use is compatible with respect to the particular use on the particular site and with other existing and potential uses in the neighborhood.
- F. Assure compliance with the Citywide Design Guidelines, Unified Development Code Chapter 18.20, as recommended by the Design Review Board.

**Section 29. Amendment of OMC 18.56.060. Subsection 18.56.060(A) of the Olympia Municipal Code is hereby amended to read as follows:**

18.56.060 Preliminary approval process

A. Pre-submission Conference. Prior to making application, the developer may meet with the ~~Site Plan Review Committee (SPRC) Director or his/her designee~~ for an initial pre-submission discussion of the proposal.

**Section 30. Amendment of OMC 18.56.080(A). Subsection 18.56.080(A) of the Olympia Municipal Code is hereby amended to read as follows:**

18.56.080 Final PRD approval

A. Application. Application for final PRD approval:

1. For any portion of the PRD which is to be platted, approval of the final plat shall constitute final development plan approval for the platted portion of the PRD. Application requirements shall be as provided for final plat approval under City Ordinance.

2. For any portion of the PRD which is not to be platted, approval of a binding site plan shall constitute final development plan approval. The ~~Site Plan Review Committee~~Director may attach terms and conditions to the approval of the site plan if necessary to insure compliance with the preliminary PRD. Review of the site plan shall be as provided in Chapter 18.60, Site Plan Review.

**Section 31. Amendment of OMC 18.57.040. Section 18.57.040 of the Olympia Municipal Code is hereby amended to read as follows:**

18.57.040 Approval process overview

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

A. Districts. Development within the COSC, NC, NV and UV districts is permitted only after Master Plan approval, project approval, and construction permits are issued pursuant to this Chapter, Chapter 18.05, and Chapter 18.05A (Villages and Centers).

B. Pre-Submission Conference. Applicants shall meet with the ~~Site Plan Review Committee (SPRC) Director~~ for an initial discussion of the proposed MPD prior to submittal of an application. The applicant shall present preliminary studies and conceptual sketches which contain in a rough and approximate manner the information required on the MPD application. The purpose of the preliminary site plan review is to eliminate as many potential problems as possible in order for the MPD to be processed without delay. (See Section 18.57.060 Pre-Submission Conference.)

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

D. Project Application Review Process. At any time during review or after Master Plan approval, the applicant may submit a Project Application for a portion or all of the site to the Department for review by the Design Review Board, Hearing Examiner, and/or ~~SPRC~~ Director. (See Section 18.57.100, Development Application Approval Process.)

**Section 32. Amendment of OMC 18.57.060. Section 18.57.060 of the Olympia Municipal Code is hereby amended to read as follows:**

18.57.060 Pre-submission conference

Prior to submitting a Master Plan the applicant shall meet with the ~~Site Plan Review Committee (SPRC)~~ Director for an initial discussion of the proposal, as follows:

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

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

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

**Section 33. Amendment of OMC 18.57.100. Section 18.57.100 of the Olympia Municipal Code is hereby amended to read as follows:**

18.57.100 Project approval process

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

A. Conceptual Design Review. A complete Conceptual Design Review supplement, on forms provided by the City, shall be submitted to the Design Review Board for review and recommendation. The Design Review Board shall not recommend approval of a Conceptual Design Review supplement unless the Board determines that said proposal complies with the applicable design concepts and guidelines contained in the approved Master Plan. The Design Review Board may:

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

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

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

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

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

Such decisions by the Hearing Examiner are final ~~unless appealed to the City Council.~~

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

1. Schedule additional meetings to consider the project application; or
2. Approve with or without conditions of approval; or



3. Deny the proposal.

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

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

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

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

1. Schedule additional meetings to consider the Detailed Design Review Application; or
2. Recommend approval with or without conditions of approval; or
3. Recommend denial of the proposal.

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

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

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

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

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

1. Subdivisions. Pursuant to OMC Title 17.20, Subdivision Term and Effect of Preliminary Plat Approval, an approved preliminary plat shall be binding for a period not to exceed five (5) years.
2. Land Use Approval. The Land Use approval shall be valid for one year and may be extended for a period not to exceed two years pursuant to OMC Section 18.72.140(E), Administration - Expiration of Approvals.
3. Detailed Design Review Approval. The Detailed Design Review Approval shall be valid so long as the associated building permit is valid.

**Section 34. Amendment of OMC 18.60. Chapter 18.60 of the Olympia Municipal Code is hereby amended to read as follows:**

Chapter 18.60 – Land Use Review and Approval

## 18.60.000 Chapter Contents

### Sections:

- 18.60.020 Purpose.
- 18.60.040 Applicability.
- 18.60.050 Delegation of authority.
- 18.60.060 Application - Content.
- 18.60.080 Application - Review process.
- 18.60.100 Site plan review log - Summary of action.
- 18.60.120 Notification.
- 18.60.140 Reconsideration in response to SEPA comments.
- 18.60.160 Preliminary review.
- 18.60.180 Amendments.
- 18.60.200 Variances.
- 18.60.220 Dedication, improvements and performance bond.
- 18.60.240 Final approval - Expiration.

### 18.60.020 Purpose

The purpose of this section is to allow for the placement of uses permitted by Title 18 of the Olympia City Code, through a comprehensive site plan review process, which insures compliance with the adopted plans, policies and ordinances of the City of Olympia. It is further intended to provide for the examination of development proposals with respect to overall site design and to provide a means for guiding development in logical, safe and attractive manners.

### 18.60.040 Applicability

Construction and development of projects reviewed through the Land Use Approval process shall be in strict compliance with the approved site plan and conditions attached thereto. When required by this section, site plan review and land use approval shall be completed and all appeal periods terminated prior to issuance of a building or any other construction permit. Land use approval is required for the following types of projects:

- A. Any change of occupancy of a building from one Uniform Building Code group or division of a group to another or a change of use of land;
- B. Any new nonresidential and nonagricultural use of land;
- C. The location or construction of any nonresidential or nonagricultural building, or any multifamily project in which more than four (4) dwelling units would be contained; and
- D. Any addition to such structure or remodel or substantial revision of the site plan associated with such use.

#### 18.60.050 Delegation of authority

Upon finding that any proposed land use and associated construction is exempt from environmental review pursuant to OMC Chapter 14.04 and WAC 197-11-800, ~~and upon finding that coordinated multi-disciplinary review is not necessary to protect the public health, welfare and safety,~~ the Site Plan Review ~~Committee~~Director may waive appropriate land use application fees and may delegate review and approval of a proposed land use and associated improvements to the Olympia Fire Chief, Senior Planner, Building Official and/or ~~Development~~City Engineer, as deemed appropriate by the ~~Committee~~Director.

#### 18.60.060 Application –Content

Each application for land use approval shall contain all required information as set forth in the approved land use application together with the following information:

- A. A complete environmental checklist, when required by the State Environmental Policy Act;
- B. All fees, signatures and information specified in the approved application form;
- C. Complete application(s) for all associated non-construction approvals or permits required by this code, including but not limited to concept design review, conditional use approval, shoreline development, site plan review, variance, preliminary plat approval, and rezone.

#### 18.60.080 Application –Review process

##### A. Filing.

1. Applications for land use approval shall be made on forms provided by the ~~City~~Director and made available at the Department.
2. A complete application for land use approval shall be filed with the Department. An application shall not be considered complete if it fails to contain any of the information and material required by Section 18.60.060 or Chapter 18.77.
3. Upon determination of a complete application, the Department shall notify all appropriate recognized neighborhood associations.
4. Application fee(s) as established by the City are due upon presentation of an application for land use approval.

##### B. Review by ~~Site Plan Review Committee (SPRC)~~Director.

1. The Site Plan Review Committee shall consist of the Building Official, ~~Senior Planner, Development Services~~City Engineer, ~~Environmental Review Officer~~SEPA Official, and the Fire Chief or their designees. The Committee shall be chaired by the CP&D Director or his/her designee and serves in an advisory capacity to the Director, who shall be responsible for all land use related

decisions. The Committee shall adopt rules of procedure for the purpose of ensuring fair, lawful and timely ~~decisions and recommendations.~~

2. Except when a public hearing is required or where the applicant agrees to an extension of time, the ~~Site Plan Review Committee~~Director shall, within one hundred twenty (120) days from the date of complete application, approve, disapprove or approve with conditions any proposed land use. Notice of the ~~SPRC's~~Director's decision or recommendation shall be distributed as provided by Table 78-1.

3. When a public hearing is required prior to land use approval, the ~~Site Plan Review Committee~~Director shall issue ~~its~~his/her recommendation to the Hearing Examiner in a manner that will provide the Hearing Examiner sufficient time to issue a notice of final decision within 120 days of the date of complete application.

4. Any time required to prepare, review and issue a final environmental impact statement as required under the provisions of SEPA shall not be included under the time constraints of this subsection.

5. The ~~SPRC~~Director shall review proposed projects for consistency with the standards and provisions of the City of Olympia as expressed in the various adopted plans and ordinances, including this Title.

6. Whenever the ~~SPRC~~Director denies land use approval, ~~it~~he/she shall set forth, in writing, ~~its~~his/her findings which shall specify the reasons for the disapproval. Unless a public hearing is otherwise required, the decision of the ~~SPRC~~Director shall be final unless appealed to the Hearing Examiner pursuant to Section 18.75.020(D).

C. Referral to Hearing Examiner. ~~The SPRC shall have the prerogative of refusing to rule on a proposed land use if in the Committee's opinion the project~~ If in the Director's opinion a project is so extraordinarily complex or presents ~~such~~ significant environmental, design or compatibility issues, ~~the Director may refer the project that it should be reviewed by and be the subject of for~~ a public hearing before the Hearing Examiner. Any decision of the ~~SPRC~~Director to refer a project to the Examiner shall ~~may~~ be made prior to ~~and issued with the determination of completeness~~ at any time.

D. Hearing Examiner. Any review by the Hearing Examiner shall be conducted according to the procedural requirements of Chapter 18.82, Hearing Examiner.

#### 18.60.100 Site plan review log –Summary of action

On the first work day following action of the ~~SPRC~~Director, the Hearing Examiner or City Council on a project, the action shall be entered into the permit tracking system maintained by the Department.

#### 18.60.120 Notification

Notice of the decision of the ~~SPRC~~Director, Hearing Examiner or City Council shall be mailed to the applicant within seven (7) calendar days following the action. (See Chapter 18.78, Public Notification.)

#### 18.60.140 Reconsideration in response to SEPA comments

Any interested person may submit written comments and request reconsideration by the ~~Site Plan Review Committee~~Director within fifteen (15) days of the date any decision attached to a SEPA threshold determination is issued. Unless further action is taken by the ~~Site Plan Review Committee~~Director in response to such comments, the period in which to file an appeal shall terminate twenty-one (21) days after the date the decision is issued. SEPA exempt actions of the committee shall not be subject to reconsideration and shall be subject to only a fourteen (14) day appeal period.

#### 18.60.160 Preliminary review

Prior to applying for land use approval, a prospective applicant may present to the ~~SPRC~~Director a presubmission site plan. The purpose of the presubmission review of the site plan is to enable the applicant to obtain the advice of the ~~SPRC~~Director as to the intent, standards and provisions of the City as applied to a project.

#### 18.60.180 Amendments

A project approved by the ~~SPRC~~Director, Hearing Examiner or City Council may be amended at the applicant's request by the same procedures provided under this chapter for original application approval.

#### 18.60.200 Variances

The Hearing Examiner may grant variances from the provisions of this title as will promote the public health, safety and general welfare. Application for a variance shall be made in writing stating fully the reasons for the variance and the provisions of this title for which the variance is requested. (See Chapter 18.66 for variance requirements.)

#### 18.60.220 Dedication, improvements and performance bond

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

#### 18.60.240 Final approval –Expiration

Unless utilized by application for unexpired construction permits or explicitly extended by the ~~SPRC~~Director, the final approval of a land use application shall expire in one (1) year pursuant to 18.72.140(D), Expiration of Approvals.

### **Section 35. Amendment of OMC 18.64.040. Section 18.64.040 of the Olympia Municipal Code is hereby amended to read as follows:**

18.64.040 Applications, review authority and use districts

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

B. Review Authority.

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

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

**Section 36. Amendment of OMC 18.72.020. Section 18.72.020 of the Olympia Municipal Code is hereby amended to read as follows:**

18.72.020 Applications

The ~~Department~~Director shall prescribe the official form in which ~~petitions~~applications are made for amendments to the Comprehensive Plan and Unified Development Code and the form of all project permit applications to be used for all matters which may come before the ~~Department's Administrative Staff, the Site Plan Review Committee,~~ the Heritage Commission, the Design Review Board, Hearing Examiner, the Planning Commission and the City Council. The Department will prepare and provide copies for such purposes and prescribe the type of information to be provided in the application or petition by the applicant or petitioner. No application ~~or petition~~ shall be deemed complete unless it complies with such requirements.

Such forms shall specify the elements of each complete application as approved by the City Council. See Chapter 18.77 - Complete Application Form and Content. At minimum, each form shall require the authorized signature of the applicant, designation of a single person or entity to receive determinations and notices, and payment of the appropriate application fee, if any.

**Section 37. Amendment of OMC 18.72.050. Section 18.72.050 of the Olympia Municipal Code is hereby amended to read as follows:**

18.72.050 Consolidated review of applications

Pursuant to RCW 36.70B.060 (3) and 36.70B.120 and OMC 18.02.130(B), except as prohibited by Resolution M-1419 or its successor, an applicant may elect to submit a consolidated project permit

application. Such a request shall be indicated by the applicant in writing upon and simultaneously with submission of all applications to be consolidated. Upon payment of the appropriate consolidation fee, all consolidated applications shall be processed as one application with the final decision on such application to be made by the ~~Site Plan Review Committee~~Director if no public hearing is required, or the Hearing Examiner if a public hearing is required by law or by exercise of the ~~Committee's~~Director's OMC 18.60.080(C) discretion. Simultaneous applications for permit approval within one category of approvals, such as solely land use, building, or engineering approval, shall not be deemed consolidated reviews subject to a consolidated review fee, but nonetheless shall be entitled to consolidated review if so elected by the applicant.

**Section 38. Amendment of OMC 18.72.080. Section 18.72.080 of the Olympia Municipal Code is hereby amended to read as follows:**

18.72.080 Approval and appeal authorities

The project review process for an application or a permit may include review and approval by one or more of the following processes:

A. Department Staff. Individual staff shall have the authority to review and approve, deny, modify, or conditionally approve, among others, Accessory Buildings, Accessory Dwelling Units, Boundary Line Adjustments, Building Permits and other construction permits exempt from the State Environmental Policy Act, Environmental Determinations, Home Occupation Permits, Minor Design Review (including reviews of undersized lots of record), Short Plats creating 2-9 lots, Sign Permits, Certificates of Occupancy, Temporary Use Permits, Time Extensions, Tree Plans, and Shoreline Exemptions, and to provide interpretations of codes and regulations applicable to such projects.

B. ~~Site Plan Review Committee~~Director. Pursuant to Chapter 18.60 the ~~Site Plan Review Committee~~Director shall have the authority to conduct pre-submission conferences and to grant, conditionally grant, deny, or modify, land use approvals regarding projects for which a public hearing is not required, and to extend the period of approval for land use approval granted by the ~~Committee~~Director or by the Hearing Examiner. The Site Plan Review Committee provides technical assistance and advice to the Director or his/her designee for such projects.

C. Design Review Board. The Design Review Board shall have the authority to review and provide recommendations regarding Major Design Review applications and appeals of administrative Minor Design Review decisions pursuant to OMC Chapter 18.100, Design Review. With respect to design review criteria, the recommendation of the Board shall always be accorded substantial weight by the decision-maker.

D. Olympia Hearing Examiner. Olympia Hearing Examiner shall have the authority vested pursuant to Chapter 18.82, Hearing Examiner.

E. The City Environmental Review Officer shall administer the State Environmental Policy Act (SEPA), OMC Chapter 14.04 Environmental Policy and OMC Chapter 18.32 Critical Areas.



F. Shoreline Permit Review Process. See OMC Chapter 14.08 and the Shoreline Master Program for the Thurston Region.

G. Subdivision Review Process. See OMC Title 17.

**Section 39. Amendment of OMC 18.72.100. Section 18.72.100 of the Olympia Municipal Code is hereby amended to read as follows:**

18.72.100 Review and appeal authority

The following table describes development permits and the final decision and appeal authorities. When separate applications are consolidated at the applicant's request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application

**KEY:**

- StaffDirector = Community Planning and Development PersonnelDirector or designee
- SPRC = Site Plan Review Committee
- DRB = Design Review Board
- PC = Planning Commission
- HC = Heritage Commission
- HE = Hearing Examiner
- Council = City Council
- R = Recommendation to Higher Review Authority
- D = Decision
- O = Open Record Appeal Hearing
- C = Closed Record Appeal Hearing

[NOTE: City Council decisions may be appealed to Superior Court except comprehensive plan decisions which may be appealed to the State Growth Management Hearings Board.]

**StaffDirector SPRC DRB PC HC HE Council**

**ZONING**

Conditional Use Permit		R			D
Interpretations	D				O
Land Use ( <del>Site Plan</del> ) Review	<u>D</u> <sup>1</sup>	<u>R</u> <del>D</del>			O

	<b>Staff</b>	<b>Director</b>	<b>SPRC</b>	<b>DRB</b>	<b>PC</b>	<b>HC</b>	<b>HE</b>	<b>Council</b>
Small Lot Review	D						O	
Townhouse (2 - 4 Units)	D						O	
Townhouse (10 or more units)			R	R (DR)			D	
Townhouse Final (2-9)	D						O	
Townhouse Final (10 or more)			R					D
Zoning Variance	R						D	
Zone Map Change, without Plan Amendment	R						R	D
Zone Change, with Plan Amendment or Ordinance Text Amendment	R				R			D
Home Occupation	D						O	
Temporary Use Permit	D						O	
SEPA exempt Building Permit	D						O	
Parking or Fence Variance	<u>D</u>			<u>R</u>			O	
Accessory Dwelling Unit	D						O	
Accessory Building	D						O	
Occupancy Permit	D						O	
Sign Permit	D						O	
Landscape Plan	D						O	
Tree Plan	D						O	
Historic Properties	<u>D</u>			<u>R</u>		R	O	
<b>COMPREHENSIVE PLAN</b>								
Amendments (map, text)	R				R			D
<b>DESIGN REVIEW</b>								
Detailed Review	D			R				
major				O				
Concept Review	<u>D</u>			<u>R</u>	<u>R</u>		O	
Signs (general)	D						O	
Scenic Vistas	<u>D</u>			<u>R</u>	R		O	

**ENVIRONMENTAL**

Threshold Determination	D	O
Impact Statement Adequacy	D	O
Reasonable Use Exception	R	D
SEPA Mitigating Conditions	D	O
Major Shoreline Substantial Development Permit	R	D
Shoreline Conditional Use Permit	R	D
Shoreline Variance	R	D
Shoreline Permit Revision or Exemption	D	O

**SUBDIVISION**

Boundary Line Adjustment (including lot consolidation)	D	O
Preliminary Plat, Long	R	D
Preliminary Short, (2-9 lots)	D <sup>1</sup>	O
Final Short Plat	D	O
Final Long Plat	R	D
Master Plan Approval	R	R R D
MPD Project Approval	R R	D
Preliminary PRD	R	R D
Final PRD	R	D
Time Extensions	D	O

<sup>1</sup> Except when the Director refers the project for a public hearing before the Hearing Examiner pursuant to OMC 18.60.080 or 17.32.130(A)(4).

**Section 40. Amendment of OMC 18.72.140. Section 18.72.140 of the Olympia Municipal Code is hereby amended to read as follows:**

18.72.140 Expiration of approvals

Knowledge of the expiration date of any approval is the responsibility of the applicant. The City shall not be held accountable for notification of expirations.

A. Variance. Unless exercised, a variance shall expire one year from the date a final decision is issued. If timely exercised, a variance shall be valid indefinitely.

B. Conditional Use Permit. Unless exercised or otherwise specified, a conditional use permit shall be void one (1) year from the date a notice of final decision was issued. If exercised, a conditional use permit shall be valid for the amount of time specified by the Hearing Examiner. If the use allowed by the permit

is inactive, discontinued or abandoned for twelve (12) consecutive months, the permit is void and a new permit shall be obtained in accordance with the provisions of this title prior to resuming operations.

C. Home Occupation Permit. A home occupation permit shall be valid indefinitely unless a time limitation is specified by staff or the Hearing Examiner or it is revoked for lack of compliance to conditions. A home occupation permit shall be void unless exercised within one (1) year from the date such permit was issued. If the use allowed by the permit is inactive, discontinued or abandoned for twelve (12) consecutive months, the permit is void and a new permit shall be applied for and obtained in accordance with the provisions of this title prior to resuming operations. A Home Occupation permit shall not be transferable to a new site or entity.

D. Land Use Approval. Unless exercised by complete application for necessary construction permits, any land use approval shall expire and be null and void two years from the date the final approval was issued. Land use approval shall be extended two additional years if a complete building or other construction permit application for the project is submitted prior to expiration of the land use approval. Even absent such application, upon finding that there has been no substantial change in relevant circumstances and standards, land use approval may be extended up to two (2) additional years by the ~~Site Plan Review Committee~~ Director pursuant to a written request submitted prior to expiration of land use approval. Upon receiving such request, notice shall be provided pursuant to the comparable notice of application procedures of Table 78-1. Following a comment period of at least 14 days, ~~SPRC~~ the Director may grant, limit or deny the extension and may impose such conditions of extension to ensure compliance with any subsequently revised standards. If such written request for extension is not received by the Department prior to expiration, such extension shall be denied.

E. Detailed Design Review approval shall expire simultaneously with expiration of any associated building or other construction permit.

**Section 40. Amendment of OMC 18.75.020. Section 18.75.020 of the Olympia Municipal Code is hereby amended to read as follows:**

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 (~~SPRE~~Director) decisions
17. ~~Concept design review decisions~~
18. ~~Detailed design review decisions~~
19. ~~Administrative decisions on impact fees~~

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. ~~Site Plan Review and Land Use Approval.~~

1. ~~Site Plan Review Committee~~ 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 ~~SPRC-Director~~ shall be final.

D. Building and Fire Permits Appeals.

~~When-For~~ building or fire code appeals, the ~~h~~Hearing ~~e~~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 ~~h~~Hearing ~~e~~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, 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 41. Amendment of OMC 18.76.160. Section 18.76.160 of the Olympia Municipal Code is hereby amended to read as follows:**

18.76.160 Voting

The Board may recommend approval, approval with conditions, or denial of any application which comes before it. The Board shall provide its recommendation to the ~~Site Plan Review Committee~~Director, the Hearing Examiner, or to the City Council for Master Planned Development applications. All recommendations shall be issued in writing stating the reasons for the recommendation. The recommendations of the Board shall be made by a majority vote of the quorum present at the time of the decision. A majority of the members shall constitute a quorum for the transaction of business; provided, that at least three (3) shall be required to constitute a quorum excluding any disqualifications. Action may be taken by a majority of those present when those present constitute a quorum at any regular or special meeting of the Board. Any number less than a quorum shall be authorized to convene a ~~m~~meeting at the time set for the purposes of adjournment, recess or continuation of a regular or special meeting to a date and time certain.

**Section 42. Amendment of OMC 18.76.200. Section 18.76.200 of the Olympia Municipal Code is hereby amended to read as follows:**

18.76.200 Staff Review

The Department shall be responsible for the administration of this chapter and for providing staff to the Design Review Board and Joint Review Committee. All projects which require design review action shall be coordinated with other affected City departments through the ~~Site Plan Review Committee~~ Director as established in Chapter 18.60.

**Section 43. Ratification.** Any act consistent with the authority and prior to the effective date of this amendment is hereby ratified and affirmed.

**Section 44. Severability.** If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

**Section 45. Effective Date.** This Ordinance shall take effect five (5) days after passage and publication, as provided by law.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

Darren Menaber  
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: