

ORDINANCE NO. 7030

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City Council determined that the proposed amendments are necessary to ensure compliance with the goals and requirements of the Growth Management Act;
WHEREAS, it is the Council expectation that this Ordinance will not be published as required by law until it is approved by the Washington State Department of Ecology; and

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

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

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

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

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

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

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




MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED: 8/16/2016

APPROVED: 8/16/2016

PUBLISHED:

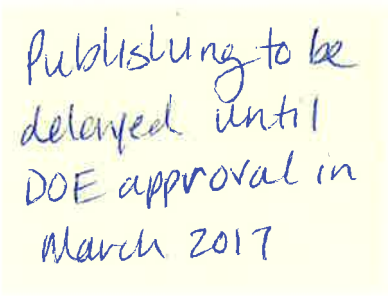

Publishing to be
delayed until
DOE approval in
March 2017

Exhibit A

Chapter 18.32
CRITICAL AREAS

18.32.000 Chapter Contents

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18.32.100 General Provisions - Purpose and Intent

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

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

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

18.32.105 General Provisions - Critical Area Development Regulations

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

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

18.32.110 General Provisions - Application of Critical Area Regulations

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

Exhibit A

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

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

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

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

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

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

18.32.111 General Provisions – Exemptions

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

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

Exhibit A

B. Development involving or near artificially created wetlands or streams intentionally created from non-wetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities, and landscape features, except wetlands, streams, or swales created as mitigation or that provide habitat for salmonids.

C. Normal maintenance and repair, reconstruction or remodeling, and additions to existing structures that do not increase the previously approved building footprint.

D. Development within the footprint of existing paved surfaces that were previously approved.

E. Educational and scientific research and investigative or exploratory activities such as wetland delineation or soil boring that do not require grading or placement of structures.

F. Passive recreation such as fishing, hiking or bird watching.

G. Removal by hand of invasive and noxious vegetation, which does not include using mechanical equipment or the use of herbicides. Invasive vegetation removal on steep slopes with the potential for erosion should use erosion control practices, followed by planting of native species to ensure slope stability.

H. Non-commercial signs associated with critical areas, including interpretive signs, Critical Area boundary signs as provided in OMC 18.32.145, and survey markers.

18.32.112 General Provisions – Public Agency and Utility Exception

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

Exhibit A

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

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

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

1. There is no other practical alternative to the proposed development with less impact on the critical areas;

2. The application of this Chapter would unreasonably restrict the ability to provide utility services to the public;

3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

4. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and

5. The proposal is consistent with other applicable regulations and standards.

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

18.32.115 General Provisions - Applicant Requirements

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

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

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

~~1. Identifies and characterizes critical areas on the development parcel, and critical areas located on adjacent parcels to the extent feasible;~~A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and

~~2. Assesses the impact upon the critical areas both from activities outside the critical area and from any proposed alteration of the critical areas determined to be permitted under this Chapter, and~~A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations.~~3. — Proposes adequate protection mechanisms for the specific critical areas which may include but not be limited to avoidance, mitigation, monitoring and financial measures.~~

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

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

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

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

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

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

18.32.120 General Provisions - Application Form for Critical Areas Review

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

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

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

Exhibit A

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

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

18.32.125 General Provisions - Department Requirements

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

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

18.32.130 General Provisions - Hearing Examiner Role

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

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

18.32.135 General Provisions - Mitigation ~~Priorities~~ Sequencing and General Measures

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

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

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

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

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

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

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

18.32.136 General Provisions - Mitigation Plan Requirements

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

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

1. description of the anticipated impacts to the critical areas, the mitigating actions proposed and the purposes of the mitigation measures, including the site selection criteria; identification of mitigation goals; identification of resource functions; and dates for beginning and completion of site mitigation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area;

2. review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in restoring, enhancing, or creating the type of critical area proposed; and

3. analysis of the likelihood of success of the mitigation project.

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

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

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

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

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

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

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

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

18.32.140 General Provisions - Critical Area Tracts

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

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

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

Exhibit A

2. A deed restriction recorded on the Chapter of all lots containing a critical area tract or tracts created as a condition of the permit; or
3. Limiting conditions on the face of the recorded plat or binding site plan.

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

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

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

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

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

18.32.145 General Provisions - Signs and Fencing

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

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

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

"(Critical Area)

Protected by Law

Exhibit A

Contact City of Olympia Community Planning & Development

for Information"

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

18.32.150 General Provisions - Notice on Title

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

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

18.32.155 General Provisions - Authorized Activity Time Period

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

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

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

18.32.160 General Provisions - Application of Multiple Development Regulations

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

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

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

18.32.165 General Provisions - Emergency Actions

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

Exhibit A

B. The person or agency responsible for the emergency action shall undertake good faith efforts to notify the Department prior to taking action and shall report to the Department ~~as soon as possible following commencement of the emergency activity, but in no case more than~~ within five-one (51) working days after commencement.

C. Within thirty (30) days, the Department will determine if the action taken was within the scope of the emergency actions allowed in this subsection.

D. If the Department determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions ~~of~~ contained in OMC 18.73 and 4.44 shall apply.

E. Within thirty (30) days of the decision in 18.32.165.C, the person or agency undertaking the action shall:

1. Submit all required applications and reports as would be required for a critical areas review. This application packet shall be reviewed in accordance with the review procedures contained within this Chapter; and

2. Fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan.

F. Restoration and/or mitigation activities must be initiated within and completed in a timely manner. Seasonal delays (such as not working in fish-bearing streams during spawning season) are acceptable.

18.32.170 General Provisions - Critical Area Maps

A. The Department shall maintain a set of critical area maps for each critical area category (e.g., landslide hazard area, wetlands).

B. The boundaries of those critical areas shall be ~~these as~~ defined in this Chapter.

C. Additions or corrections to those critical area maps shall be made as necessary when additional site specific information is available.

D. ~~In the event that~~ If there is a conflict between a boundary on the map and the criteria set forth in this Chapter, the criteria shall control.

E. Omission of a site from a critical area map does not and shall not exempt that site from complying with otherwise applicable provisions of this Chapter.

18.32.175 General Provisions - Unauthorized Alterations and Enforcement

Exhibit A

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

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

C. Minimum Performance Standards for Restoration

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit A

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

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

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

Exhibit A

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

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

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

Exhibit A

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

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

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

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

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

Exhibit A

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

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

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

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

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

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

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

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

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

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

Exhibit A

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

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

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

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

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

18.32.230 Drinking Water (Wellhead) Protection Areas - Hydrogeological Report

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

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

C. A Hydrogeological Report shall contain:

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

Exhibit A

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

18.32.235 Drinking Water (Wellhead) Protection Areas - Existing Uses

A. The Department in consultation with the Thurston County Health Officer shall request that an owner of any existing use which is located within a designated drinking water protection area, which uses, stores, handles or disposes of hazardous materials above the minimum cumulative quantities listed within this section submit a hazardous materials management (spill) plan that will ensure adequate protection of the aquifer and any domestic water supply. This plan shall be reviewed and updated as needed, and conditions under this plan shall be met on an ongoing basis.

Hazardous materials management (spill) plans shall include, at a minimum, the following:

1. A brief description of business activities and a list and map of the locations, amounts, and types of hazardous materials, hazardous waste and petroleum products, used or stored on site;
2. A description of inspection procedures for hazardous material storage areas and containers and the minimum inspection intervals. An inspection logbook shall be maintained for periodic review by the county;

Exhibit A

3. Provision of an appropriate spill kit with adequate spill supplies and protective clothing;
4. Detailed spill cleanup and emergency response procedures identifying how the applicant will satisfy the requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC, in the event that hazardous material is released into the ground, ground water, or surface water;
5. Procedures to report spills immediately to the Department of Ecology and the Environmental Health Division of the Thurston County Public Health and Social Services Department, in that order;
6. A list of emergency phone numbers (e.g., the local fire district and ambulance);
7. Procedures to ensure that all employees with access to locations where hazardous materials are used or stored receive adequate spill training. A training logbook shall be maintained for periodic review by the county;
8. A map showing the location of all floor drains and any hazardous material and petroleum product transfer areas; and
9. Additional information determined by the approval authority to be necessary to demonstrate that the use or activity will not have an adverse impact on ground water quality.
10. Liquid, soluble, or leachable hazardous materials, shall be stored in a secondary contaminant device or system that will effectively prevent discharge on-site. (~~See Chapter 15.54 and 17.21 RCW regarding pesticide storage.~~) (Refer to Chapter 14.32 TCC, International Fire Code, regarding seismic standards).

B. Any existing use ~~which that~~ uses, stores, handles or disposes of ~~hazardous~~ hazardous materials above these minimum cumulative quantities will meet requirements described in A-OMC 18.32.235(A) above:

1. Chemical substances that are ignitable, corrosive, reactive or toxic, consistent with WAC 173-303-090, as amended, except as provided for below. Minimum cumulative quantity: 160 pounds or the equivalent of 20 gallons.
2. Cleaning substances for janitorial use or retail sale in the same size, packaging and concentrations as a product packaged for use by the general public. Chlorinated solvents and nonchlorinated solvents which are derived from petroleum or coal tar will not be considered a cleaning substance under this subsection, but rather a chemical substance under subsection (B)(1) of this section. Minimum cumulative quantity: eight hundred (800) pounds [or the equivalent one hundred (100) gallons], not to exceed fifty-five (55) gallons for any single package.
3. Businesses which use, store, handle or dispose of chemicals listed in WAC 173-303-9903 as "P" chemicals. Minimum cumulative quantity: two and two tenths (2.2) pounds.

18.32.240 Drinking Water (Wellhead) Protection Areas - Farm Conservation Plan

A. The Department, upon request of the Thurston County Health Officer, or based upon good cause and with reasonable expectations of risk to groundwater, shall request that the owner of an existing agricultural use located within a designated drinking water protection area develop and implement a ~~f~~Farm ~~e~~Conservation ~~p~~Plan.

B. Where a ~~f~~Farm ~~e~~Conservation ~~p~~Plan has been requested, such plan shall be prepared in conformance with the Natural Resources Conservation Service - Field Office Technical Guide. The Department may solicit advice from the Thurston Conservation District with regard to consistency of a ~~f~~Farm ~~e~~Conservation ~~p~~Plan with the Technical Guide. Only those portions of the Farm Conservation Plan which are related to groundwater protection must be implemented to comply with this standard.

C. The Farm Conservation Plan shall include the following:

1. A resource inventory which includes livestock types/numbers, soil types, surface water and groundwater issues and location of wells;_i
2. ~~An approved-~~ management plan for manure storage on site, or manure export off-site;
3. Adequate setbacks from surface water and wells;_i
4. Heavy use protection in confinement areas;_i and
5. A management plan that addresses if and when fertilizers, manure, pesticides and/or herbicides may be applied.

18.32.300 Important Habitats and Species - Purpose and Intent

In order to preserve and protect important habitats and ~~important~~ species which are known to occur in Thurston County and which may be found within the City of Olympia, and which are not already protected by another critical area category, appropriate protection ~~shall be provided on lands which lie within one thousand (1,000) feet of an important habitat or species location~~ shall be subject to the standards in OMC 18.32.305 through OMC 18.32.330. Protection in lake and marine shorelines is regulated under the City of Olympia Shoreline Master Program.

18.32.305 Important Habitats and Species - Applicability and Definition

"Important habitats and species" are habitats or species known to occur within Thurston County and which may be found within the City of Olympia and which are not receiving habitat protection by another critical area category (e.g. Streams, Wetlands, or Landslide Hazard Areas) in this Chapter and:

Exhibit A

- A. Are designated as endangered or threatened species identified under the Endangered Species Act; or
- B. ~~Are state designated-endangered, threatened, or sensitive species identified by the Washington Department of Fish and Wildlife and the habitat primarily associated with those priority species identified on the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) List and their habitats of primary association. (Consult the state WDFW for the current PHS list); or~~
- C. Are areas in Olympia that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness.
- D. Small lakes, defined as naturally existing bodies of standing water less than twenty acres in size that exist on a year-round basis in a depression of land or expanded part of a stream and not defined as "Shorelines of the State" by RCW 90.58 (Shoreline Management Act), are considered an "important habitat." This term does not apply to constructed ponds.

~~18.32.310 Important Habitats and Species—Exempt, Prohibited, Administratively Authorized Uses, and Hearing Examiner Authorized Uses and Activities~~

~~Within one thousand (1,000) feet of an important habitat or important species location there are no specific limitations on uses and activities, except those imposed by the Department based upon its review of the Important Habitat and Species Management Plan provided in OMC 18.32.330.~~

18.32.315 Important Habitats and Species - Authority

- A. No development shall be allowed in an important habitat and species area where local, state or federally endangered, threatened or sensitive species have a primary association without approval from the Department. The Department may restrict the uses and activities of a development proposal, such as construction restrictions during breeding season, which lie within one thousand (1,000) feet of an important habitat or species location.
- B. The minimum performance standards ~~which will~~that apply to a development proposal shall be those ~~contained within~~provided by the Washington Department of Fish & Wildlife's Management Recommendations for Washington's Priority Habitat and Species Management Recommendations (1991), as amended, and the requirements in OMC 18.32.115, except as modified on the basis of ~~the an~~ Important Habitat and Species Management Plan described in OMC 18.32.330.

18.32.320 Important Habitats and Species – Buffers

~~Buffers shall be established on a case-by-case basis as described in an Important Habitats and Species Management Plan per OMC 18.32.325 and 18.32.330. The Department shall establish buffers for the habitat or species on a case-by-case basis, in consultation with the WDFW or others with expertise if needed, based on the critical area report outlined in OMC 18.32.115 and the WDFW management recommendations for Washington's priority habitats and species, if available. The buffers shall reflect the sensitivity of the specific habitat(s) and/or species to be protected.~~

~~18.32.325 Important Habitats and Species – Special Reports~~

~~When a development proposal lies within one thousand (1,000) feet of an important habitats and species location an Important Habitats and Species Management Plan shall be submitted by the applicant, provided the Department may waive the submittal when consultation with the Washington Department of Fish and Wildlife staff indicates that such a plan is not needed.~~

18.32.330 Important Habitats and Species - Management Plan

When a development proposal lies within an important habitats and/or species location, an Important Habitats and Species Management Plan shall be submitted by the applicant. The Department may waive the submittal when consultation with the Washington Department of Fish and Wildlife staff indicates that such a plan is not needed.

An Important Habitats and Species Management Plan shall:

- A. Identify how the development impacts from the proposed project will be mitigated. The Washington Department of Fish and Wildlife's Management Recommendations for Washington's Priority Habitat and Species Management Recommendations (1991), as amended, shall be the basis for this plan.
- B. Be prepared by a person who demonstrates sufficient experience and education as a wildlife biologist, habitat management consultant or botanist.
- C. Contain, but not be limited to:
 - 1. A description of the nature, density and intensity of the proposed development in sufficient detail to allow analysis of such land use change upon the important species and its habitat;
 - 2. An analysis of the effect of the proposed development, activity or land use change upon the important species and its habitat, based upon Washington Department of Fish and Wildlife management guidelines;

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3. A mitigation plan by the applicant which shall explain how any adverse impacts to the important species or its habitat created by the development will be minimized or avoided, such as:

- a. Establishment of buffer zones;
- b. Preservation of important plants and trees;
- c. Limitation of access;
- d. Seasonal restriction of construction and other activities; and
- e. Provisions for periodic review of the plan.

and

4. A map(s) to-scale, showing:

- a. The location of the proposed development site, to include a boundary survey;
- b. The relationship of the site to surrounding topographic features;
- c. The nature and density of the proposed development or land use change
- d. Proposed building locations and arrangements;
- e. Existing structures and landscape features including the name and location of all streams, ponds and other bodies of water;
- f. The extent and location of the important species habitat;
- g. A legend with: Title, scale and north arrows, and date, including revision dates if applicable.

18.32.400 Streams and ~~Important Priority~~ Riparian Areas - Purpose and Intent

In order to preserve the natural functions of streams and "~~important priority~~ riparian areas" by controlling siltation, minimizing turbidity, protecting nutrient reserves, maintaining stream flows, providing a source of large woody debris, preserving natural flood storage capacities, protecting fish bearing waters, preserving overhanging vegetation, providing groundwater recharge, and protecting the wildlife habitat associated with streams and intact riparian areas of marine and lake shorelines, all areas within three hundred (300) feet of such waters shall be subject to the standards in OMC 18.32.405 through OMC 18.32.445. (Note: Further information regarding development along marine shorelines, lakes over 20 acres in size, and streams can be found in the City's Shoreline Master Program).

18.32.405 Streams and ~~Important~~ Priority Riparian Areas - Applicability and Definition

A. "Streams" means an area where surface waters flow sufficiently to produce a defined channel or bed, i.e., an area which demonstrates clear evidence of the passage of water including but not limited to bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used to convey streams naturally occurring prior to construction.

B. "~~Important~~ Priority Riparian Areas" means those marine and lake shorelines, as measured from the ordinary high water mark, in the following locations:

1. The eastern shore of Budd Inlet from the southern property line of Priest Point Park northward to the city limits;
2. The western shore of Budd Inlet (in the Port Lagoon) from 4th Avenue NW northward to the extension of Jackson Avenue NW, but not including the BNSF railroad causeway and trestle or their western or eastern shores; West Bay Drive NW; Olympic Way NW; and parcels west of the rights-of-ways of West Bay Drive NW and Olympic Way NW;
3. The western shore of Budd Inlet (north of West Bay Drive) from the extension of 24th Avenue NW northward to the city limits, being approximately six hundred and fifty (650) feet from the end of the fill to the city limits;
4. The eastern shore of Capitol Lake (in the Middle Basin) from the extension of 13th Avenue SE (Olmsted Brothers Axis) southward to the right of way of Interstate 5;
5. The eastern shore of Capitol Lake (in the South Basin) from the right of way of Interstate 5 southward to the city limits; and
6. The western shore of Capitol Lake (in Percival Cove) from the intersection of Lakeridge Drive SW and Deschutes Parkway SW westward to the mouth of Percival Creek (a point due north of the terminus of Evergreen Park Court SW).

18.32.410 Streams and ~~Important~~ Priority Riparian Areas - Typing System

Streams are grouped into categories according to the Washington Department of Natural Resources Water Typing System. The criteria, definitions and methods for determining the water type of a stream are found in WAC 222-16-030 and 031, and the Stream Type Conversion Table below.

Exhibit A

STREAM TYPE CONVERSION TABLE

Stream Typing (per WAC 222-16-031)	Stream Typing (per WAC 222-16-030)
Type 1 stream	Type "S"
Type 2 stream	Type "F"
Type 3 stream	Type "F"
Type 4 stream	Type "Np"
Type 5 stream	Type "Ns"

A. "Type 1S streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 and 031, as a Type 1S Water and those inventoried as "Shorelines of the State" under the Shoreline Master Program for the Thurston Region (1990), TCC 19.04, pursuant to RCW Chapter 90.58. Type 1S streams contain salmonid fish habitat.

B. "Type 2F streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 and 031, as a Type 2F Water. Type 2F streams contain salmonid fish habitat.

~~C. "Type 3 streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 and 031, as a Type 3 Water. Type 3 streams contain salmonid fish habitat.~~

~~D. "Type 4Np streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 and 031, as a Type 4Np Water. Type 4Np streams do not contain salmonid fish habitat.~~

~~E. "Type 5Ns streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030 and 031, as a Type 5Ns Water. These streams are areas of perennial or intermittent seepage, and ponds and drainage ways having short periods of spring or storm runoff. Type 5Ns streams do not contain salmonid fish habitat.~~

E. Waters having any of the following characteristics are presumed to have fish use:

Exhibit A

1. Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington, and having a gradient of 16 percent or less;
2. Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size based on hydrographic boundaries;
3. Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to a fish stream;
4. Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water.

~~18.32.415 Streams and Important Riparian Areas—Prohibited Alterations~~

~~The following alterations or commencement of the following activities shall be prohibited within a stream or "important riparian area" and its associated buffer, except as specified in 18.37.070, 18.32.420 Exempt Uses and Activities, 18.32.425—Administratively Authorized Uses and Activities, or 18.32.430 Hearing Examiner Authorized Uses and Activities:~~

~~Any human action which changes the existing condition including, but not limited to:~~

- ~~A.—Grading;~~
- ~~B.—Dredging;~~
- ~~C.—Channelizing;~~
- ~~D.—Cutting;~~
- ~~E.—Clearing;~~
- ~~F.—Filling;~~
- ~~G.—Paving;~~
- ~~H.—Building of structures;~~
- ~~I.—Demolition of structures;~~
- ~~J.—Relocating or removing vegetation;~~
- ~~K.—Introduction of invasive plant species;~~

Exhibit A

~~L.— Application of herbicides, pesticides, or any hazardous or toxic substance;~~

~~M.— Discharging pollutants;~~

~~N.— Grazing domestic animals;~~

~~O.— Modifying for surface water management purposes; or~~

~~P.— Any other human activity that changes the existing vegetation, hydrology, wildlife, or wildlife habitat.~~

18.32.420 Streams and ~~Important Priority~~ Riparian Areas - Exempt Uses and Activities

In addition to the exemptions in OMC 18.32.111, the following activities shall be exempt from the review requirements of this Chapter:

A. Activities within an Improved Right-of-Way, except those activities that alter a stream or wetland, such as a bridge or culvert, or result in the transport of sediment or increased stormwater.

B. Forest Practices Class I, II, and III, as defined in and conducted pursuant to the provisions of RCW 76.09.050, as amended.

C. Construction and/or maintenance of a trail in the stream buffer, four (4) feet or less in width, not paved, and involving less than fifty (50) cubic yards of cut or fill.

~~D.— Non-commercial Signs Associated with streams or "important riparian areas," including interpretive signs, Critical Area boundary signs, and survey markers.~~

~~E.— Normal Maintenance or Repair.~~

~~F.— Passive Recreation Activities.~~

18.32.425 Streams and ~~Important Priority~~ Riparian Areas - Administratively Authorized Uses and Activities

After evaluation and consideration of mitigation sequencing requirements in OMC 18.32.135, the Department may authorize the following uses and activities within a stream or "important priority riparian area" or its buffer following guidelines in OMC 18.32.115 and OMC 18.32.125 and provided that appropriate erosion control best management practices are implemented during construction (if applicable) and any areas cleared of vegetation are replanted with native species:

A. ~~Bank Stabilization.~~ Bank stabilization may be ~~an~~ allowed on a case-by-case basis when needed to protect the following:

Exhibit A

1. An existing structure where relocation of the structure away from the channel is not feasible within the same parcel, or
2. The pier or foundation of either a railroad, road, or trail.

Bioengineering (the use of plant materials to stabilize eroding stream channels and banks) shall be employed when possible in lieu of designs which contain rip rap or concrete revetments.

B. Beach or Shoreline Access.

C. Dock/Float.

D. ~~Fencing~~The Department shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, the Department shall condition any permit or authorization issued pursuant to this Chapter to require the applicant to install a permanent fence, as described in OMC 18.32.145 at the edge of the critical area or buffer, when fencing will prevent future impacts to the critical area.

The applicant shall be required to install a permanent fence around the critical area or buffer when domestic grazing animals are present or may be introduced on site.

Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

E. ~~Forest Practices~~. Forest practices may be allowed pursuant to the provisions of OMC 16.60 and RCW 76.09.050, as amended.

F. ~~Minor Enhancement~~. Minor enhancement projects may be allowed for streams or stream buffers not associated with any other development proposal in order to enhance stream functions. Such enhancement shall be performed by a qualified professional, as defined in OMC 18.02.180, under the direct supervision of a fisheries biologist according to a plan approved by the department for the design, implementation, maintenance and monitoring of the project, ~~prepared by a civil engineer and a fisheries biologist with experience preparing riparian enhancement reports.~~

G. ~~Minor Restoration~~. Minor restoration project may be allowed when the minor stream restoration projects for fish habitat enhancement ~~when is~~ conducted by a public agency whose mandate includes such work and when the work is not associated with mitigation of a specific development proposal and does not to exceed twenty-five thousand (\$25,000) dollars in cost. Such projects are limited to placement of rock weirs, log controls, spawning gravel and other specific salmonid habitat improvements and shall involve use of hand labor and light equipment only.

H. ~~Nondevelopment Educational Activities and Scientific Research.~~

Exhibit A

~~I. Noxious Weed Control.~~

~~3H. Road/Street - Expansion of Existing Corridor and New Facilities.~~

1. Crossings of streams shall be avoided to the extent possible;
2. Bridges or open bottom culverts shall be used for crossing of Types ~~1-3~~ S and F streams;
3. Crossings using culverts shall use super span or oversize culverts;
4. Crossings shall be constructed and installed between June 15th and September 15th;
5. Crossings shall not occur in salmonid spawning areas;
6. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative exists;
7. Crossings shall not diminish flood carrying capacity; and
8. Crossings shall serve multiple properties/purposes whenever possible.

~~KI. Stormwater Facilities.~~ Stormwater facilities may be allowed ~~only in the outer half of Types 4Np and 5Ns stream buffers, and~~ only when:

1. The facility ~~does not exceed~~ is located in the outer twenty-five (25) percent of the buffer on site; ~~and~~
2. The functions of the buffer and the stream are not significantly adversely impacted; and.
3. Habitat for anadromous fish will not be adversely impacted.

J. Stormwater retrofit facilities may be allowed in Types S, F, Np, and Ns stream buffers.

~~EK.~~ Trail construction or maintenance of a trail located immediately adjacent to a stream or "important priority riparian area," greater than four (4) feet wide, with a paved surface, and/or involving more than fifty (50) cubic yards of cut or fill, but only when the Department determines that there are no practicable or reasonable alternatives.

1. Public and private trails and trail-related facilities such as picnic tables, benches, interpretive centers and signs, viewing platforms and campsites shall be allowed, but use of impervious surfaces shall be minimized.

Exhibit A

2. Trail planning, construction, and maintenance shall adhere to the following additional criteria:
 - a. Trails and related facilities shall, to the extent feasible, be placed on previously disturbed areas such as: existing or abandoned levees, or road, railroad, or utility corridors; and
 - b. Trails and trail related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat.

~~M.~~ Utility lines may be allowed within streams or "~~important priority~~ riparian area" and their buffers when it is demonstrated that:

1. There are no practicable upland alternatives for the utility corridor;
2. The corridor alignment follows a path of least impact to the functions of the stream and buffer including maintaining and protecting the hydrologic and hydraulic functions of wetlands and streams;
3. The corridor avoids cutting trees greater than six (6) inches in diameter at breast height when possible; and
4. Any access to the corridor for maintenance is provided as much as possible at specific points rather than by parallel roads.

M. Emergency actions as provided in OMC 18.362.165.

18.32.430 Streams and ~~Important Priority~~ Riparian Areas - Hearing Examiner Authorized Uses and Activities

~~After review~~As provided for in OMC 18.32.130, the Hearing Examiner may authorize the following uses and activities within a stream or "~~important priority~~ riparian area" or its buffer:

- A. ~~Bank Stabilization. The Department may allow b~~Bank stabilization when the design is consistent with the ~~Integrated Streambank Protection Guidelines (2002), published by the Washington State Aquatic Habitat Guideline Program~~Washington Department of Fish and Wildlife Integrated Streambank Protection Guidelines (Cramer et al., 2002), as amended or revised.
- B. ~~Stormwater Facilities. The Department may allow s~~Stormwater facilities in the outer half of Types ~~1, 2S~~ and ~~3-F~~ stream buffers subject to the performance standards in OMC 18.32.425(KI), and in the buffer of Types ~~4-Np~~ and ~~5Ns~~ streams provided that the facility will have a net positive benefit on the functions of the stream and its buffer and habitat for anadromous fish will not be adversely impacted.
- C. Stream Relocation.

Exhibit A

1. Streams which support salmonids shall not be relocated except as necessitated by public road projects which have been identified as a "public project of significant importance."
2. Streams may be relocated under a mitigation plan or restoration for the purpose of enhancement of in-stream resources and/or appropriate floodplain protection. Such relocations shall include:
 - a. The natural channel dimensions replicated, including substantially identical depth, width, length and gradient at the original location and the original horizontal alignment (meander lengths);
 - b. Bottom restored with identical or similar materials;
 - c. Bank and buffer configuration to as close as feasible to the original and/or natural conditions;
 - d. Channel, bank and buffer areas replanted with native vegetation which replicates the original in species, size and densities; and
 - e. Recreation of the original and/or natural habitat value.
3. An applicant must demonstrate, based on information provided by a civil engineer and a qualified biologist, that:
 - a. The equivalent base flood storage volume and function will be maintained;
 - b. There will be no adverse impact to groundwater;
 - c. There will be no increase in velocity;
 - d. There will be no interbasin transfer of water;
 - e. Performance standards as set out in the mitigation plan will be met;
 - f. The relocation conforms to other applicable laws; and
 - g. All work will be carried out under the direct supervision of a qualified biologist.

18.32.435 Streams and ~~Important~~ Priority Riparian Areas - Buffers

A. Buffers shall be required as set forth for each stream type or "priority riparian area." The required buffers shall be delineated, both on a site plan or plat and on the property, prior to approval of any regulated activity.

Exhibit A

B. The required buffer shall be extended to include any adjacent regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers.

C. Stream buffers shall be based on the water type classification as established by the Department of Natural Resources Stream Typing Classification System and required by OMC 18.32.410. The table below includes detail differentiating stream types based on fish habitat presence, stream widths, and mass wasting potential:

<u>Stream Type and Description</u>	<u>Buffer</u>
<u>Type S – Shorelines of the State</u>	<u>250 feet</u>
<u>Type F streams greater than 5 feet wide (bankfull width) that provide habitat for fish</u>	<u>250 feet</u>
<u>Type F streams less than 5 feet wide (bankfull width) that provide habitat for fish</u>	<u>200 feet</u>
<u>Type Np and Ns streams (no fish habitat) with high mass wasting potential</u>	<u>225 feet</u>
<u>Type Np and Ns streams (no fish habitat) without high mass wasting potential</u>	<u>150 feet</u>

1. Stream buffers shall be measured on a horizontal plane, outward from the ordinary high water mark (OHWM) on each side of the stream. (See Figure 32-1).

2. For streams that occur within ravines (which are not designated as a landslide hazard area) and where the standard buffer extends onto a slope of 30% or greater that is at least 10 feet in height, the buffer shall extend a minimum of 25 feet beyond the top of the slope to protect the stream channel from sediment loading from mass wasting events (e.g., landslides, earth/debris flows and slumps, and rock falls/earth topples) and reduce the risk to structures and human safety.

Exhibit A

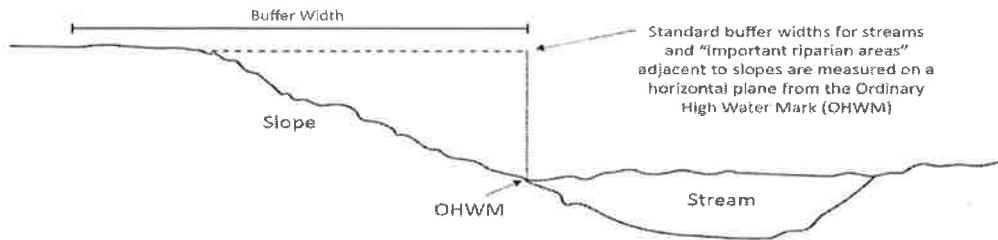


FIGURE 32-1

A.—For streams maintain the existing vegetation along both sides of a stream channel to whichever distance is greater:

- 1.—In ravines greater than ten (10) feet in depth, the existing vegetation within the ravine and within a strip fifty (50) feet from the top of the slope (refer to Figure 3):
- 2.—Where there is no ravine or where a ravine is less than ten (10) feet in depth, the existing vegetation on both sides of the stream for the distance set forth below for the applicable stream type, using the stream rating system in OMC 18.32.410 (refer to Figure 2):
 - a.—Type 1 and 2 streams: 250 feet;
 - b.—Type 3 streams: 200 feet;
 - c.—Type 4 and 5 streams: 150 feet.

BD. Maintain a buffer of existing vegetation for "important priority riparian areas:" as defined in OMC 18.32.405.

- 1.—250 feet along the eastern shore of Budd Inlet from the southern property line of Priest Point Park northward to the city limits;
- 2.—200 feet along the western shore of Budd Inlet (in the Port Lagoon) from 4th Avenue NW northward to the extension of Jackson Avenue NW, but not including the BNSF railroad causeway and trestle or their western or eastern shores, West Bay Drive NW, Olympic Way NW, and parcels west of the rights of ways of West Bay Drive NW and Olympic Way NW;

Exhibit A

3.—150 feet along the western shore of Budd Inlet (north of West Bay Drive) from the extension of 24th Avenue NW northward to the city limits, being approximately six hundred and fifty (650) feet from the end of the fill to the city limits;

4.—250 feet along the eastern shore of Capitol Lake (in the Middle Basin) from the extension of 13th Avenue SE (Olmsted Brothers Axis) southward to the right of way of Interstate 5;

5.—250 feet along the eastern shore of Capitol Lake (in the South Basin) from the right of way of Interstate 5 southward to the city limits; and

6.—250 feet along the western shore of Capitol Lake (in Percival Cove) from the intersection of Lakeridge Drive SW and Deschutes Parkway SW westward to the mouth of Percival Creek (a point due north of the terminus of Evergreen Park Court SW).

C.—All stream and "important riparian area" buffers shall be measured from the ordinary high water mark.

D.E. The stream or "~~important priority~~ riparian area" buffer widths contained in OMC 18.32.435 AC and B presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. If the vegetation and other buffer elements are inadequate, then the buffer shall be planted ~~to with a density and species composition~~ a density of four hundred (400) tree units per acre pursuant to OMC 16.60 and with an understory of native plants commonly found in comparable but healthy riparian areas of Thurston County and as approved by the City of Olympia Urban Forester.

E.—The Department may allow modification of the required stream buffer width by averaging buffer widths. Averaging of buffer widths, which can include the shifting the buffer from one side of the stream to the opposite bank, may be allowed in accordance with a Biological Assessment described in OMC 18.32.445 only if:

- 1.—It will not reduce stream functions or values;
- 2.—The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;
- 3.—The buffer width is not reduced by more than twenty five percent (25%) of the required width; and
- 4.—The stream buffer has been placed in a critical areas tract or a conservation easement.

F. The Department may reduce the required stream or "~~important priority~~ riparian area" buffer widths up to twenty five percent (25%) on a case-by-case basis in accordance with a Biological Assessment described in OMC 18.32.445 when it can be demonstrated that:

Exhibit A

1. The existing buffer area is not a high functioning buffer but instead is currently providing reduced functions due to existing land uses or previous alterations~~well vegetated with native species, as described in OMC 18.32.435 D;~~
2. Protection of the stream or "important priority riparian area" buffer using a fence and sign have been provided, as described in OMC 18.32.145;
3. Topographic conditions of the site and the buffer are protective of the stream;
4. The intensity and type of the land uses adjacent to the buffer will minimize potential adverse impacts upon the stream and wildlife habitat; [e.g., publicly owned parks, designated open space areas in plats and binding site plans, or lands with a recorded conservation easement];
5. The site design and building layout will minimize potential adverse impacts upon the stream and wildlife habitat; and
6. The smaller buffer will be adequate to protect the functions of the stream based on the best available science; and
7. Alternative mitigation measures as provided in "Land Use Planning for Salmon, Steelhead and Trout: A Land planner's guide to salmonid habitat protection and recovery," Washington Department of Fish and Wildlife, 2009, have been proposed by the applicant and approved by the Department.

G. ~~The Department may vary from the provisions of OMC 18.32.435 B up to fifty percent (50%) for Type 5 streams which have no fish usage and which discharge directly into Puget Sound when:~~

1. ~~A substantial buffer of native vegetation exists, or~~
2. ~~The buffer has been replanted to a density of four hundred (400) tree units per acre pursuant to OMC 16.60 including an understory of native plants commonly found in riparian areas of Thurston County, and~~
3. ~~Conservation measures have been taken to ensure the long term protection of the stream buffer, such as those as described in OMC 18.32.435(F)(4).~~

H. ~~The Hearing Examiner may allow reductions greater than those described in OMC 18.32.435(F) & (G) to the required stream or "important riparian area" buffer width in unique conditions and on a case by case basis when it can be demonstrated that:~~

1. ~~The provisions of the required stream or "important riparian area" have been evaluated by a Biological Assessment described in OMC 18.32.445, and~~

Exhibit A

2. —Based upon the Biological Assessment and the best available science the proposed stream-buffer width will be adequate to protect the functions of the stream or "important riparian area."

IG. If a stream segment is removed from a culvert it will not be required to meet the stream buffer requirements of OMC 18.32.435. It shall comply with the purpose and intent of this title to the degree possible, as determined by the Department.

JH. The required stream buffer widths shall be increased when the Department determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the stream and/or to protect habitat corridors between streams and other habitats.

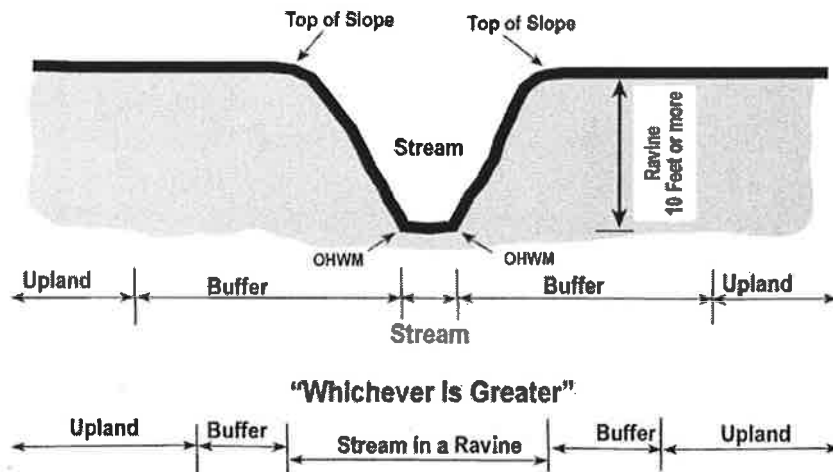


FIGURE 2

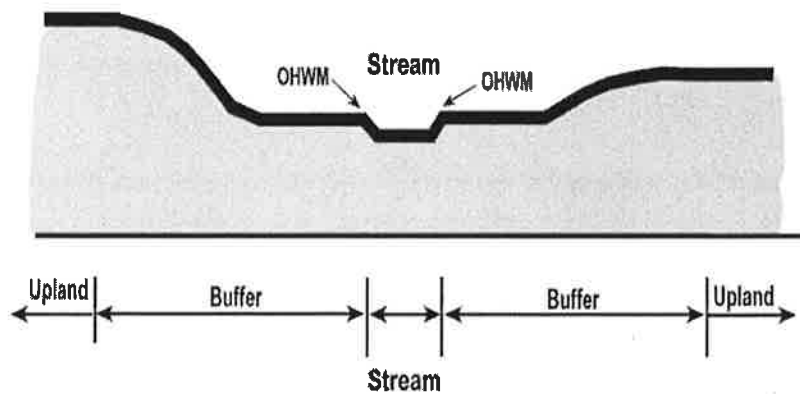


FIGURE 3

18.32.440 Streams and ~~Important-Priority~~ Riparian Areas - Special Reports

- A. Every application for development within a stream, or "~~important-priority~~ riparian area" or their ~~its~~ buffer shall include a drainage and erosion control plan and a grading plan.
- B. For applications which propose a reduction of the buffer pursuant to OMC 18.32.435(F) ~~and (G)~~, or for uses and activities which require Hearing Examiner authorization in OMC 18.32.430, a Biological Assessment shall be submitted.

18.32.445 Streams and ~~Important-Priority~~ Riparian Areas - Biological Assessment

- A. Depending upon the species of salmon, the preparation of a Biological Assessment shall follow the provisions of:
1. National Marine Fisheries Service, 1996. Making Endangered Species Act Determinations of Effect for Individual or Grouped Actions at the Watershed Scale. National Marine Fisheries Service, Environmental and Technical Services Division, Habitat Conservation Division, Portland, Oregon, or
 2. U.S. Fish and Wildlife Service, 1998. A Framework to Assist in Making Endangered Species Act Determinations of Effect for Individual or Grouped Actions at the Bull Trout Subpopulation Watershed Scale (draft). Prepared by United States Fish and Wildlife Service (adapted from the National Marine Fisheries Service).
- B. The Biological Assessment shall be prepared by a ~~person who has sufficient experience and education in fish biology, as determined by the Department~~ qualified professional as defined in OMC 18.02.

18.32.500 Wetlands ~~and Small Lakes~~ - Purpose and Intent

In order to protect the natural function of wetlands and "~~small lakes~~" for floodwater storage, floodwater conveyance, sediment control, pollution control, surface water supply, aquifer recharge, wildlife habitat, and recreation, those lands with wetlands and "~~small lakes~~" or which lie within three hundred (300) feet of wetlands and "~~small lakes~~" shall be subject to the standards in OMC 18.32.100(L) and OMC 18.32.505 through OMC 18.32.595.

18.32.505 Wetlands ~~and Small Lakes~~ - Definition

A.—"Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1,

Exhibit A

1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

B. "Small Lakes" means naturally existing bodies of standing water less than twenty acres in size, which exist on a year-round basis in a depression of land or expanded part of a stream and not defined as "Shorelines of the State" by RCW 90.58 (Shoreline Management Act). This term does not apply to constructed ponds.

18.32.510 Wetlands and Small Lakes-- Rating System

A. The Washington State Wetland Rating System for Western Washington (~~2004~~2014 update) as amended or revised, shall be used to determine if the wetland is a Category I, II, III or IV wetland. These documents contain the criteria, definitions and methods for determining if the criteria below are met.

1. ~~Category I.~~ Category I wetlands are (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands with high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). ~~These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.~~ those that 1) represent a rare wetland type; 2) are highly sensitive to disturbance; 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; 4) provide a very high level of functions; or are designated as high-value wetlands of local significance.
2. ~~Category II.~~ Category II wetlands are (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring between 20 and 22 points). ~~those that 1) are sensitive to disturbance, 2) are difficult to replicate, 3) wetlands with a moderately high level of functions or are designated as wetlands of local significance. These wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a high level of protection.~~
3. ~~Category III.~~ Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands. These wetlands generally have been altered in some ways, or are smaller, less diverse and/or more isolated in the landscape than Category

Exhibit A

II wetlands. For the purpose of this chapter, all "small lakes" shall be considered to be Category III wetlands.

4. ~~Category IV.~~ Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree, and often have been heavily altered. These are wetlands where it may be possible to replace, and in some cases be able to improve. These wetlands do provide some important functions, and should to some degree be protected.

B. Wetland rating categories shall be applied as the wetland exists on the date of application. However, wetland ratings shall not recognize alterations resulting from illegal activities.

18.32.515 Wetlands and Small Lakes - Small Wetlands

A. Wetlands and "small lakes" less than one thousand (1,000) square feet shall be exempt from the requirements of OMC 18.32.135.A; wetland buffers in OMC 18.32.535, compensation projects in OMC 18.32.545 and replacement ratios in OMC 18.32.550 provided that the wetland or pond:

1. Is an isolated Category III or IV wetland;

2. Is not associated with a riparian corridor;

3. Is not part of a wetland mosaic; and

4. Does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.

B. Wetlands and "small lakes" between one thousand (1,000) and four thousand (4,000) square feet shall be exempt from the requirements of OMC 18.32.135.A, provided that the wetland or small lake:

1. Is rated as a Category III or IV wetland,

2. Is not associated with a riparian corridor,

3. Is not part of a wetland mosaic,

4. Does not score ~~20~~5 points or greater for habitat in the Washington State Wetland Rating System for Western Washington (~~2004~~2014),

Exhibit A

5. Does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife, and
6. A wetland mitigation report is provided as required by OMC 18.32.590.

~~18.32.518 Wetlands and Small Lakes—Prohibited Alterations~~

~~The following alterations or commencement of the following activities are prohibited within a wetland and its associated buffer, except as specified in OMC 18.37.070, 18.32.520—Exempt Uses and Activities, OMC 18.32.525—Administratively Authorized Uses and Activities, or OMC 18.32.530—Hearing Examiner Authorized Uses and Activities:~~

~~Any human action which changes the existing condition including but not limited to:~~

- ~~A.—Grading;~~
- ~~B.—Dredging;~~
- ~~C.—Channelizing;~~
- ~~D.—Cutting;~~
- ~~E.—Clearing;~~
- ~~F.—Filling;~~
- ~~G.—Paving;~~
- ~~H.—Building of structures;~~
- ~~I.—Demolition of structures;~~
- ~~J.—Relocating or removing vegetation;~~
- ~~K.—Introduction of invasive plant species;~~
- ~~L.—Application of herbicides, pesticides, or any hazardous or toxic substance;~~
- ~~M.—Discharging pollutants;~~
- ~~N.—Grazing domestic animals;~~
- ~~O.—Modifying for surface water management purposes; or~~

Exhibit A

~~P. Any other human activity that changes the existing vegetation, hydrology, wildlife, or wildlife habitat.~~

18.32.520 Wetlands and Small Lakes - Exempt Uses and Activities

In addition to the exemptions in OMC 18.32.111, the following activities shall be exempt from the review requirements of this Chapter:

A. Activities within an ~~Improved Right-of-Way~~, except those activities that alter a stream or wetland, such as a bridge or culvert, or result in the transport of sediment or increased stormwater.

B. Forest Practices Class I, II, and III, as defined in and conducted pursuant to the provisions of RCW 76.09.050, as amended.

C. Construction and/or maintenance of a trail in the wetland buffer, four (4) feet or less in width, not paved, and involving less than fifty (50) cubic yards of cut or fill.

~~D. Non-commercial Signs Associated with wetlands, including interpretive signs, Critical Area boundary signs, and survey markers.~~

~~E. Normal Maintenance or Repair.~~

~~F. Passive Recreation Activities.~~

18.32.525 Wetlands and Small Lakes - Administratively Authorized Uses and Activities

The following uses and activities may be authorized within a wetland or its buffer after an evaluation by the Department following the provisions in OMC 18.32.115 and OMC 18.32.125.

A. Beach or ~~S~~horeline ~~A~~ccess.

B. Dock/~~F~~loat in Category III and IV ~~W~~wetlands only.

C. Compensation ~~M~~itigation ~~S~~ite in Category III and IV Wetlands only, and the buffer only of Category II ~~W~~wetlands.

D. Fencing~~If fencing is necessary to protect the functions and values and/or to prevent future impacts of the critical area, the Department shall condition any permit or authorization issued pursuant to this Chapter to require the applicant to install a permanent fence, as described in OMC 18.32.145, at the edge of the critical area or buffer.~~

The applicant shall be required to install a permanent fence around the critical area or buffer when domestic grazing animals are present or may be introduced on site.

Exhibit A

Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

E. ~~Forest Practices:~~ Forest practices may be allowed pursuant to the provisions of OMC 16.60 and RCW 76.09.050, as amended, in Category III and IV ~~W~~wetlands.

F. ~~Minor Enhancement:~~ Minor enhancement may be allowed of wetlands or wetland buffers not associated with any other development proposal in order to enhance wetland functions, as determined by the Department and any state agency or tribal entity with jurisdiction. Such enhancement shall be performed under a plan for the design, implementation, maintenance and monitoring of the project prepared by a ~~civil engineer and a fisheries biologist with experience preparing riparian enhancement reports, under the direct supervision of a wetland scientist~~ qualified professional, as defined in OMC 18.02.180.

G. ~~Minor Restoration:~~ Minor Restoration may be allowed but shall be limited to Category II, III and IV ~~W~~wetlands and the buffer of Category I ~~W~~wetlands.

H. ~~Noxious Weed Control~~

I. ~~Nondevelopment Educational Activities and Scientific Research~~

JH. ~~Road/Street Expansion of Existing Corridor and New Facilities in Category III and IV W~~wetlands only as follows:

1. Crossings of wetlands or other critical areas shall be avoided to the extent to the extent possible
2. Crossing of wetlands shall follow all applicable local, state and federal laws and the following criteria to ensure the least impact to wetlands:
 - a. ~~3.~~ 3.—Bridge-type structures are required for new crossings of wetlands;
 - b. ~~4.~~ 4.—Crossings using culverts shall use super span or oversize culverts.
 - c. ~~5.~~ 5.—Crossings shall be constructed and installed during periods of time when there will be the least impact on the adjacent fish and wildlife habitat;
 - ~~6.~~ 6.—~~Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;~~
 - d. ~~7.~~ 7.—Crossings shall not diminish flood carrying capacity;
 - e. ~~8.~~ 8.—Crossings shall provide for maintenance of culverts, bridges and utilities; and

Exhibit A

f. 9.—Crossings shall serve multiple properties whenever possible.

KI. Stormwater Facilities may be allowed ~~only in the outer half of in~~ Category III and IV wetland buffers ~~only,~~
and only when:

1. The facility ~~does not exceed~~ is located in the outer twenty-five (25) percent of the buffer on site;
and
2. The location of such facilities will not degrade or have a significant, adverse impact on the functions
or values of the wetland or buffer.

J. Stormwater retrofit facilities may be allowed in Category I, II, III and IV wetland buffers provided the
facility does not negatively impact the wetland's functions or values.

LK. Trail construction or maintenance of a trail greater than four (4) feet wide, with a paved surface, and/or
involving more than fifty (50) cubic yards of cut or fill located in a Category II, III or IV wetland, but only when
the department has determined that there are no practicable or reasonable alternatives:

1. Public and private trails and trail-related facilities, (such as picnic tables, benches, interpretive
centers and signs and, viewing platforms and campsites) shall be allowed, but use of impervious
surfaces shall be minimized.
2. Trail planning, construction and maintenance shall adhere to the following additional criteria:
 - a. Trails and related facilities shall, to the extent feasible, be placed on previously disturbed
areas such as: existing or abandoned levees, or road, railroad, or utility corridors; and
 - b. Trails and trail related facilities shall be planned to minimize removal of trees, shrubs, snags
and important wildlife habitat.

ML. Utility lines may be allowed within Category II, III and IV wetlands and their buffers when it is
demonstrated that:

1. There are no practicable upland alternatives for the utility corridor;
2. The corridor alignment follows a path of least impact to the functions of the stream and buffer
critical areas including maintaining and protecting the hydrologic and hydraulic functions of wetlands
and streams;
3. The utility provider avoids cutting trees in the corridor greater than six (6) inches in diameter at
breast height when possible; and

Exhibit A

4. Any access to the corridor for maintenance is provided as much as possible at specific points rather than by parallel roads.

~~NM.~~ Wildlife Blind.

~~N.~~ Emergency actions as provided in OMC 18.32.165.

18.32.530 Wetlands and ~~Small Lakes~~ Hearing Examiner Authorized Uses and Activities

The following uses and activities may be authorized within a wetland or its buffer after a review by the Hearing Examiner as provided in OMC 18.32.130:-

- A. ~~Communication Towers~~ in the buffers of Category III and IV ~~W~~wetlands only.
- B. ~~Compensation M~~itigation ~~S~~ite in Category II ~~W~~wetlands only.
- C. ~~Dock/F~~loat in Category II ~~W~~wetlands only.
- D. ~~Road/S~~street only:
 - 1. In Category II wetlands subject to the performance standards ~~for Road/Street Expansion of Existing Corridor and New Facilities~~ in OMC 18.32.525(~~JH~~).
 - 2. In Category I wetlands subject to the performance standards ~~for Road/Street Expansion of Existing Corridor and New Facilities~~ in OMC 18.32.525(~~JH~~), and being processed as a "public project of significant importance."
- E. Stormwater Facilities in Category III or IV wetlands only, and in the outer half only of a Category II standard wetland buffer, provided that if the placement of such a facility in a wetland results in elimination of an area's wetland status, then mitigation will be required to compensate for the loss of that wetland as provided in OMC 18.32.550.
- F. Trail construction or maintenance of a trail greater than four (4) feet wide, with a paved surface, and/or involving more than fifty (50) cubic yards of cut or fill located in a Category I wetland, but only when the Hearing Examiner has determined that there are no practicable or reasonable alternatives. Trails shall be subject to the performance standards ~~for T~~rails in OMC 18.32.525(~~LK~~).
- G. Utility Facility only in Category I, II, III and IV wetlands.

18.32.535 Wetlands and Small Lakes - Wetland Buffers

A. Wetlands buffer areas shall be maintained between all regulated activities and wetlands to retain the wetland's natural functions and values. ~~The required width of the wetland buffer shall be determined as provided in the tables below.~~ Wetland buffers are based upon the rating of the wetland pursuant to OMC 18.32.585575.

B. The required width of the wetland buffer shall be determined as provided in the table below.

Table ~~X~~32-1: Wetland Buffer Widths

Wetland Characteristics	Wetland Buffer Width
Natural Heritage Wetlands	Not less than 250 feet
Bogs	Not less than 250 feet
Estuarine - Category I	250 feet
Estuarine - Category II	150 feet
Habitat score: 31 pts and more <u>3 pts</u>	300-100 feet
Habitat score: 30-4 <u>pts</u>	280-100 feet
Habitat score: 29-5 <u>pts</u>	260-140 feet
Habitat score: 28-6 <u>pts</u>	240-180 feet
Habitat score: 27-7 <u>pts</u>	220 feet
Habitat score: 26-8 <u>pts</u>	200-260 feet
Habitat score: 25-9 <u>pts</u>	180-300 feet
Habitat score: 24 <u>pts</u>	160 feet
Habitat score: 23 <u>pts</u>	140 feet
Habitat score: 22 <u>pts</u>	120 feet
Habitat score: 21 <u>pts</u>	100 feet
Habitat score: 20 <u>pts</u>	100 feet
Habitat score: 19 <u>pts</u>	100 feet
Water Quality Improvement Score: 24-8 - 32-9 <u>pts</u> , and Habitat score: 19 <u>4 pts</u> or less	100 feet
Category I or II Wetland - Not meeting any of the above criteria	100 feet
Category III Wetland - Not meeting any of the above criteria	80 feet

Table ~~X~~32-1: Wetland Buffer Widths

Wetland Characteristics	Wetland Buffer Width
Category IV Wetland - Score for all three wetland functions is less than 30 <u>16</u> pts	50 feet

- C. All wetland buffers shall be measured from the wetland boundary.
- D. The wetland buffer widths contained in OMC 18.32.535(B) Table 32-1 presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation and other buffer elements are inadequate, then the buffer shall be planted ~~to a density of four hundred (400) tree units per acre~~ with native trees to a density common in the specific buffer area and ~~pursuant to OMC 16.60 including an~~ understory of native plants commonly found in riparian areas of Thurston County.
- E. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.
- F. The Department may allow modification of the required wetland buffer width by either allowing a reduction pursuant to OMC 18.32.535(G) or by allowing averaging of buffer widths when all of the following conditions are met:
1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower rated area,
 2. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion,
 3. The total area of the buffer after averaging is equal to the area required without averaging, and
 4. The buffer at its narrowest point is never less than seventy five percent (75%) of the required width.
- G. If buffer averaging has not been used, ~~the~~ Department may reduce the required wetland buffer widths by twenty five percent (25%) under the following conditions:
1. For wetlands that score ~~twenty-five~~ (205) points or more for the habitat functions, if both of the following criteria are met:

Exhibit A

a. A relatively undisturbed, vegetated corridor at least one hundred (100) feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the priority habitat by legal protection such as a conservation easement.

b. Measures to minimize the impacts of different land uses on wetlands, such as those described on Table 8c-11~~8~~, Appendix 8-C, of Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands (2005) Ecology publication #05-06-008, as amended or revised, are applied. Examples of these measures include directing lighting away from wetland, locating noise generating activities away from the wetland, and densely planting the buffer to act as barrier to pets and human disturbance.

2. For wetlands that score ~~nineteen-four (194)~~ points or less for habitat function, apply the provisions of OMC 18.32.535(G)(1)(b).

~~H. The Hearing Examiner may allow:~~

~~1. Reductions to the required wetland buffer width greater than those described in OMC 18.32.535-G on a case-by-case basis when it can be demonstrated that:~~

~~a. The provisions of OMC 18.32.535(G) have been evaluated by a Wetland Mitigation Report described in OMC 18.32.590, and~~

~~b. The proposed wetland buffer width will protect the wetlands' functions and values based upon the Wetland Mitigation Report and the best available science.~~

~~2. Buffer averaging up to fifty percent (50%) of the required width, except for a Category IV wetland, when it can be demonstrated that:~~

~~a. It will not reduce wetland functions or values according to a Wetland Mitigation Report described in OMC 18.32.590;~~

~~b. Measures to minimize the impacts of different land uses on wetlands, such as those described on Table 8c-11, Appendix 8-C, of Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands (2005) Ecology publication #05-06-008, as amended or revised, are applied;~~

~~c. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and~~

~~d. The wetland buffer has been placed in a critical areas tract or a conservation easement.~~

Exhibit A

H. The Department or Hearing Examiner, as appropriate, shall require increased buffer widths in accordance with the recommendations of an experienced, qualified wetland scientist, and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:

1. A larger buffer is needed to protect other critical areas;
2. The buffer or adjacent uplands has a slope greater than fifteen percent (15%) or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland; or
3. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to project the wetland functions and values, implementation of a buffer planting plan may substitute. Where a buffer planting plan is proposed, it shall include densities that are not less than three (3) feet on center for shrubs and eight (8) feet on center for trees and require monitoring and maintenance to ensure success. Existing buffer vegetation is considered "inadequate" and will need to be enhanced through additional native plantings and (if appropriate) removal of non-native plants when:
 - a. non-native or invasive plant species provide the dominant cover,
 - b. vegetation is lacking due to disturbance and wetland resources could be adversely affected, or
 - c. enhancement plantings in the buffer could significantly improve buffer functions.

18.32.540 Wetlands – Preference of Mitigation Actions

Mitigation for lost or diminished wetland and buffer functions shall rely on the types below in the following order of preference:

A. Restoration (re-establishment and rehabilitation of wetlands):

1. The goal of re-establishment is returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
2. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

B. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. Establishment results in a gain in wetland acres. This should be

Exhibit A

attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the Department may authorize creation of a wetland and buffer upon demonstration by the applicant's qualified wetland scientist that:

1. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;
2. The proposed mitigation site does not contain invasive plants or noxious weeds or that such vegetation will be completely eradicated at the site;
3. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and
4. The proposed land and buffer will eventually be self-sustaining with little or no long-term maintenance.

C. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement should be part of a mitigation package that includes replacing the altered area and meeting appropriate ratio requirements. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Applicants proposing to enhance wetlands or associated buffers shall demonstrate:

1. How the proposed enhancements will increase the wetland's/buffer's functions;
2. How this increase in function will adequately compensate for the impacts; and
3. How all other existing wetland functions at the mitigation site will be protected.

18.32.5405 Wetlands and Small Lakes - Compensating for Loss or Affected Functions
Wetland Mitigation Requirements

- A. Property development that may result in the loss of wetlands or "small lake" or adversely affect wetland values and/or functions shall provide compensatory mitigation in accordance with the order of priority preference set forth in OMC 18.32.135540.
- B. Compensatory mitigation shall provide functional equivalency or improvement of the wetland functions lost, except when either:

Exhibit A

1. The lost wetland provides minimal functions as determined by a site specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington State watershed assessment plan or protocol; or
2. Out-of-kind replacement of wetland type or functions will best meet watershed goals, such as replacement of historically diminished wetland types.

C. Compensatory mitigation shall be conducted on the site of the alteration except when all of the following apply:

1. There are no reasonable on-site or in sub-drainage basin opportunities (e.g., on-site options would require elimination of high-functioning upland habitat), or on-site and in sub-drainage basin opportunities do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydro geomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity); and
2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland.

D. Off-site compensatory mitigation shall be provided in the same drainage sub-basin unless:

1. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the Department and strongly justify location of mitigation at another site in a different drainage sub-basin; or
2. Credits from a state-certified wetland mitigation bank are used as compensation and the use of credits is consistent with the terms of the bank's certification.

E. The design for the compensatory mitigation project shall be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland is a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). It should not provide exaggerated morphology or require a berm or other engineered structures to hold back water.

~~18.32.545 Wetlands and Small Lakes – Compensation Projects~~

AF. Any wetland compensation project prepared pursuant to this Chapter and approved by the Department shall become part of the approved development project.

BG. Critical area tracts or a conservation easement for any mitigation area created, restored or enhanced as a part of a wetland mitigation proposal will be required if necessary to provide a reasonable assurance that the mitigation or adverse impacts will not be lost after the completion of the project, or to provide a reasonable period of time for establishment of a functioning system. The ~~regulatory agency~~ Department may accept a comparable use restriction such as, but not limited to, state or federal ownership.

CH. The person proposing a wetland compensation project shall demonstrate to the Department that sufficient expertise, supervisory capability and financial resources exist to carry out the proposed compensation project. The needed expertise, supervisory capability and financial resources will be commensurate with the proposed compensation. At minimum, the project applicant must provide a description of the personnel who will be involved in carrying out and supervising the project including academic degrees, areas of experience and work experience to date.

~~D.— Compensation areas shall be determined according to function, acreage, type, location, time factors, ability to be self-sustaining and projected success. Wetland functions and values shall be determined by use of the Washington State Methods for Assessing Wetland Functions (1999), Ecology Publication #99-115 and 99-116, as amended. Multiple compensation projects may be proposed for one project in order to best achieve the goal of no net loss.~~

EI. A development project by a public entity, or a private development project with a wetland less than four thousand (4,000) square feet, may pay a fee to the Department to have the City construct a compensation project. Such a proposal shall be on a case by case basis, must have funds committed towards a project on property owned by the city, a public entity, or a nonprofit agency acceptable to the City and meets all other provisions of this Chapter.

FJ. When loss or disturbance of wetland results from a violation of this Chapter or of any permit, order or approved mitigation plan issued pursuant thereto, penalties provided in OMC 18.73 may be imposed.

~~18.32.550 Wetlands and Small Lakes - Replacement Ratios~~

A.—The wetland replacement ratios shall be those described on Table 8c-11, Appendix 8-C, of Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands (2005) Ecology publication #05-06-008, as amended or revised.

B.—~~When the acreage required for compensatory mitigation is divided by the acreage of wetland adversely affected, the result is a number known variously as a replacement, compensation, or mitigation ratio.~~

Exhibit A

Compensatory mitigation ratios are used to help ensure that compensatory mitigation actions are adequate to offset unavoidable wetland impacts by requiring a greater amount of mitigation area than the area of impact.

18.32.555 Wetlands and Small Lakes - Increase and Reduction to Replacement Ratios

A. The Department may increase the wetland replacement ratios contained in OMC 18.32.550 under any of the following circumstances:

1. Uncertainty as to the probable success of the proposed restoration or creation;
2. Significant period of time between destruction and replication of wetland functions;
3. Projected losses in functional value; or
4. The wetland impact was unauthorized.

B. The Department may decrease the wetland replacement ratios for Category II, III, and IV wetlands contained in OMC 18.32.550 to not less than a 1 to 1 acreage replacement ratio when a qualified wetlands specialist can document that:

1. The proposed mitigation actions have a very high likelihood of success, and either
2. The proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted, or
3. The proposed mitigation actions which are to be conducted in advance of the wetland impact have been shown to be successful.

18.32.560 Wetlands and Small Lakes - Type and Location of Compensation Mitigation

A. Compensatory mitigation actions shall be conducted on the site of the alteration except when all of the following apply:

1. There are no reasonable on-site or in-drainage of sub-basin opportunities (e.g., on-site options would require elimination of high-functioning upland habitat), or on-site and in-sub-drainage basin opportunities do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity); and

Exhibit A

2.—Off site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland.

B.—Off site compensatory mitigation shall be provided in the same drainage sub-basin unless:

1.—Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the department and strongly justify location of mitigation at another site in a different drainage sub-basin; or

2.—Credits from a state certified wetland mitigation bank are used as compensation and the use of credits is consistent with the terms of the bank's certification.

C.—The design for the compensatory mitigation project shall be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland is a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). It should not provide exaggerated morphology or require a berm or other engineered structures to hold back water.

18.32.565 Wetlands and Small Lakes - Mitigation Timing

A. Where feasible, compensatory projects shall be completed prior to activities that will permanently disturb wetlands, and immediately after activities that will temporarily disturb wetlands.

B. In all cases compensatory projects shall be completed within one year after use or occupancy of the activity or development which was conditioned upon such compensation.

C. Construction of compensation projects shall be timed to reduce impacts to existing flora, fauna and fisheries.

D. The Department may authorize a one-time delay not to exceed twelve (12) months in the construction or installation of the compensatory mitigation. A written request shall be prepared by a qualified wetland professional and include the rationale for the delay. In granting a delay the Department must determine that it will not be injurious to the health, safety, and general welfare of the public.

18.32.570 Wetlands and Small Lakes - Wetland Mitigation Banks and In-lieu Fee

A.—Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

1.—The bank is certified under Chapter 173-700 WAC;

Exhibit A

~~2.—The Department determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and~~

~~3.—The proposed use of credits is consistent with the terms and conditions of the bank's certification.~~

~~B.—Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.~~

~~C.—Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.~~

A. The city may approve mitigation banking or in-lieu fee mitigation as a form of compensatory mitigation for wetland and habitat conservation area impacts when the provisions of this chapter require mitigation and the use of a mitigation bank/in-lieu fee program will provide equivalent or greater replacement of critical area functions and values when compared to conventional permittee-responsible mitigation.

B. Mitigation banks and in-lieu fee programs shall only be used when it can be demonstrated that they provide significant ecological benefits including long-term conservation of critical areas, important species, and habitats or habitat linkages, and when they are documented to provide a viable alternative to the piecemeal mitigation for individual project impacts to achieve ecosystem-based conservation goals.

C. Mitigation banks and in-lieu fee programs shall not be used unless they are certified in accordance with applicable federal and state mitigation rules and expressly authorized through city legislative action.

18.32.575 Wetlands and Small Lakes - Special Reports

Every application for development that proposed to be located within or adjacent to a regulated wetland or its buffer shall include the following special reports:

- A. Wetland boundary delineation,
- B. Wetland rating report (if the wetland is unrated),
- C. Wetland mitigation report, and
- D. Wetland compensatory mitigation plan (if the application includes wetland replacement).

18.32.580 Wetlands and Small Lakes - Wetland Boundary Delineation

A. A wetland boundary delineation report shall establish the exact location of a wetland's boundary based on a field investigation by a qualified professional, ~~applying the Washington State Wetlands Identification and~~

Exhibit A

~~Delineation Manual, (1997) Ecology Publication #96-94, as amended or revised. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements (WAC 173-22-035). Wetland data sheets shall be included in wetland reports.~~

~~B. The boundary delineation shall be prepared by a wetland biologist with experience preparing wetland reports, such as an individual certified by the Society of Wetland Scientists. Wetland delineations are valid for 5 years.~~

~~C. The wetland boundary, wetland buffer, and any critical area tract shall be identified on all grading, landscaping, site, utility or other development plans submitted on the project.~~

~~18.32.585 Wetlands and Small Lakes – Wetland Rating Report~~

~~A. A wetland rating report shall categorize the wetland (e.g., I, II, III, or IV) based on the Washington State Wetland Rating System for Western Washington (2004) as amended or revised.~~

~~B. The applicant may elect to pay a fee to the Department in lieu of submitting the wetland rating report. The Department will hire a qualified individual or firm to prepare the wetlands rating report.~~

~~C. The Department will determine the wetland category and required buffer width.~~

~~18.32.587 Wetlands and Ponds – Wetland Rating Report~~

~~A. The Washington State Wetland Rating System for Western Washington (2004) as amended or revised, shall be used to determine if the wetland is a Category I, II, III or IV wetland.~~

~~B. A wetland rating report shall categorize the wetland (e.g., I, II, III, or IV) based on the Washington State Wetland Rating System for Western Washington (2004) as amended or revised.~~

~~C. The applicant may elect to pay a fee (See OMC 4.) to the Olympia Community Planning and Development Department in lieu of submitting the wetland rating report. The Olympia Community Planning and Development Department will hire a consultant from a list of qualified individuals or firms to prepare the wetlands rating report.~~

~~D. The Department will determine the wetland category and required buffer width based on the wetlands rating report~~

~~18.32.590 Wetlands and Small Lakes - Wetland Mitigation Report~~

~~A. A Wetland Mitigation Report shall include an evaluation of the functions and values of the wetland.~~

Exhibit A

- B. It shall be prepared by a wetland biologist with expertise in preparing wetlands reports.
- C. The report ~~may~~ shall include the wetland boundary delineation and the wetland rating.
- D. The report shall include a list of the mitigation measures proposed, based upon OMC 18.32.135.
- E. It shall include a to-scale map with conditions as appropriate to the site. Use OMC 18.32.595 (DC) as guidance for those features to be included on this map.

F. The applicant may elect to pay a fee to the Department in lieu of submitting the wetland rating report. The fee shall be sufficient to cover the cost to the Department to hire a qualified individual or firm to prepare the wetlands rating report, which will determine the wetland category and required buffer width.

18.32.595 Wetlands and Small Lakes - Wetland Compensation Mitigation Report Plan

A. The Wetland Compensation Mitigation Report Plan must meet the general guidelines in OMC 18.32.136 in addition to the following specific guidelines. The Plan shall be prepared by a wetland biologist with experience preparing wetland reports, such as an individual certified by the Society of Wetland Scientists, must include a written report and map with the following elements: Full guidance can be found in the Guidance on Wetland Mitigation in Washington State - Part 2: Guidelines for Developing Wetland Mitigation Plans and Proposals, (2004) - Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10; Ecology Publication #04-06-013b, as amended or revised; and Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) – Ecology Publication No. 09-06-32.

~~B. The report shall be prepared by a wetland biologist with experience preparing wetland reports, such as an individual certified by the Society of Wetland Scientists.~~

~~B.~~ The written report must contain:

1. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland related permit(s) required for the project; and a vicinity map for the project;
2. Description of the existing wetland and buffer areas proposed to be impacted including: acreages (or square footage) based on professional surveys of the delineations; Cowardin classifications including dominant vegetation community types (for upland and wetland habitats); hydro geomorphic classification of wetland(s) on and adjacent to the site; the results of a functional assessment for the entire wetland and the portions proposed to be impacted; wetland rating based upon OMC 18.32. 585;

Exhibit A

3. An assessment of the potential changes in wetland hydroperiod from the proposed project and how the design has been modified to avoid, minimize, or reduce adverse impacts to the wetland hydroperiod;
4. An assessment of existing conditions in the zone of the proposed compensation, including: vegetation community structure and composition, existing hydroperiod, existing soil conditions, existing habitat functions. Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e., how would this site progress through natural succession?);
5. A description of the proposed actions to compensate for the wetland and upland areas affected by the project. Describe future vegetation community types for years one (1), three (3), five (5), ten (10), and twenty five (25) post-installation including the succession of vegetation community types and dominants expected. Describe the successional sequence of expected changes in hydroperiod for the compensation site(s) for the same time periods as vegetation success. Describe the change in habitat characteristics expected over the same twenty five (25) year time period;
6. The field data collected to document existing conditions and on which future condition assumptions are based for hydroperiod (e.g., existing hydroperiod based on piezometer data, staff/crest gage data, hydrologic modeling, visual observations, etc.) and soils (e.g., soil pit data - hand dug or mechanically trenched, and soil boring data. Do not rely upon soil survey data for establishing existing conditions.);
7. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands);
8. The estimated total cost for the bond for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice/year for up to five (5) years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring. The estimate shall be in sufficient detail to permit issuance of a bond to guarantee performance of the work; and
9. Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.

DC. The map must contain:

1. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions;
2. Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also

Exhibit A

existing cross-sections of on-site wetland areas that are proposed to be impacted, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation;

3. Surface and subsurface hydrologic conditions including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions;
4. Proposed conditions expected from the proposed actions on site including future hydro geomorphic types, vegetation community types by dominant species (wetland and upland), and future hydrologic regimes;
5. Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Title;
6. A plant schedule for the compensatory area including all species by proposed community type and hydrologic regime, size and type of plant material to be installed, spacing of plants, "typical" clustering patterns, total number of each species by community type, timing of installation; and
7. Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each year.

18.32.600 ~~Landslide-Geological~~ Hazard Areas - Purpose and Intent

In order to minimize damage to health and property due to landslide, erosion, seismic hazard or other naturally occurring events; control erosion, siltation, and stream health which affect fish and shellfish resources; and safeguard the public from hazards associated with landslides, mud flows and rock fall, landslide-geological hazard areas shall be subject to the standards described in OMC 18.32.605-603 through OMC 18.32.645665. The Department may also restrict the uses and activities of a development proposal located within 300 feet of a geological hazard area.

18.32.603 Geological Hazard Areas - Mapping

A. The approximate location and extent of geologically hazardous areas are shown on the following maps:

1. U.S. Geological Survey landslide hazard, seismic hazard, and volcano hazard maps;
2. Washington State Department of Natural Resources seismic hazard maps for Western Washington;
3. Washington State Department of Natural Resources slope stability maps;

Exhibit A

4. Federal Emergency Management Administration flood insurance maps; and
5. Locally available maps.

B. These maps are a reference and do not provide a final critical area designation. They may be used as a guide for the City, project applicants, and property owners and may be continuously updated as new critical areas are identified.

18.32.605 Geological Hazard Areas - Alterations

A. Alterations of geological hazard areas or associated buffers may occur only for activities that meet the following criteria:

1. Will not increase the existing threat of the geological hazard to adjacent properties;
2. Will not decrease the factor of safety within the landslide area below the limits of 1.5 for static conditions and 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the Washington State Building Code.
3. Will not adversely impact other critical areas;
4. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and
5. Are certified as safe as designed under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.

The department may condition or deny proposals as appropriate to achieve these criteria. Conditions may include limitations of proposed uses, modification of density, alteration of site layout, and other appropriate changes to the proposal.

B. Public emergency, health, and safety facilities, and public utilities, shall not be sited within geologically hazardous areas, or in areas that could be affected by geologic hazards, such as landslide run out zones, unless there is no other practicable alternative.

18.32.605-610 Landslide Hazard Areas - Applicability and Definition

A. "Landslide Hazard Area" means those areas which are potentially subject to risk of mass movement due to a combination of geologic, topographic and hydrologic factors; and where the vertical height is ten (10) feet or more. The following areas are considered to be subject to landslide hazards:

Exhibit A

1. Steep slopes of forty (40) percent or greater (refer to Figure ~~632-2~~);
2. Slopes of fifteen (15) percent or greater, with:
 - a. Impermeable subsurface material (typically silt and clay), frequently interbedded with granular soils (predominantly sand and gravel), and
 - b. Springs or seeping groundwater during the wet season (November to February) ~~(Refer to Figure 7)~~.
3. Any areas located on a landslide feature which has shown movement during the past ten thousand years or which is underlain by mass wastage debris from that period of time.

B. Not included in the definition of "Landslide Hazard Area" are those man-made steep slopes which were created in conformance with accepted construction standards or which meet the requirement of 18.32.640(C).

~~18.32.610 Landslide Hazard Areas – Prohibited Alterations~~

~~The following alterations or commencement of the following activities shall be prohibited within a landslide hazard area and its associated buffer, except as specified in OMC 18.37.070, 18.32.415 – Exempt Uses and Activities, OMC 18.32.420 – Administratively Authorized Uses and Activities, or OMC 18.32.425 – Hearing Examiner Authorized Uses and Activities:~~

~~Any human action which changes the existing condition including but are not limited to:~~

- ~~A. Grading;~~
- ~~B. Dredging;~~
- ~~C. Channelizing;~~
- ~~D. Cutting;~~
- ~~E. Clearing;~~
- ~~F. Filling;~~
- ~~G. Paving;~~
- ~~H. Building of structures;~~
- ~~I. Demolition of structures;~~

Exhibit A

- J.— Relocating or removing vegetation;
- K.— Introduction of invasive plant species;
- L.— Application of herbicides, pesticides, or any hazardous or toxic substance;
- M.— Discharging pollutants;
- N.— Grazing domestic animals;
- O.— Modifying for surface water management purposes; or
- P.— Any other human activity that changes the existing vegetation, hydrology, wildlife, or wildlife habitat.

18.32.615 Landslide Hazard Areas - Exempt Uses and Activities

In addition to the exemptions in OMC 18.32.111, the following activities shall be exempt from the review requirements of this Chapter provided that appropriate erosion control best management practices are implemented during construction (if applicable) and any areas cleared of vegetation are replanted with native species:

- A. Activities within an ~~Improved Right-of-Way~~, except those activities that alter a stream or wetland, such as a bridge or culvert, or result in the transport of sediment or increased stormwater.
- B. Fencing.
- C. Forest Practices Class I, II, and III, as defined in and conducted pursuant to the provisions of RCW 76.09.050, as amended.
- D. Construction and/or maintenance of a trail in the stream buffer, four (4) feet or less in width, not paved, and involving less than fifty (50) cubic yards of cut or fill.
- E.— ~~Non-commercial Signs Associated with Streams, including interpretive signs, Critical Area boundary signs, and survey markers.~~
- F.— ~~Normal Maintenance or Repair.~~
- G.— ~~Passive Recreation Activities.~~
- HE. Wildlife ~~N~~esting ~~S~~tructure.

18.32.620 Landslide Hazard Areas - Administratively Authorized Uses and Activities

The Department may, after evaluation, authorize the following uses and activities within a landslide hazard area or its buffer:

- A. Beach or ~~S~~shoreline ~~A~~ccess.
- B. Existing ~~S~~tructure - ~~R~~emodel and ~~R~~eplacement.
- C. Forest ~~P~~actices, pursuant to the provisions of OMC 16.60 and RCW 76.09.050, as amended.
- ~~D. Nondevelopment educational activities and scientific research.~~
- ~~E. Noxious Weed Control.~~
- ~~FD. Restoration/R~~evegetation of ~~S~~ite.
- ~~GE. Site I~~nvestigation.
- ~~HE. Slope Stabilization. The Department may allow the e~~limination of a landslide hazard area less than twenty (20) feet in height to stabilize a slope, subject to the provision of the IBC.
- ~~IG. Stormwater Facilities. The Department may allow s~~Stormwater facilities only in the outer half of the buffer at the toe of the slope, and only if the applicant demonstrates:
 - 1. No practicable alternative exists;
 - 2. The facility does not exceed twenty-five (25) percent of the buffer on site; and
 - 3. The stability of the landslide hazard area will not be adversely impacted.
- ~~3H. Trail construction or maintenance of a trail located immediately adjacent to a stream, greater than four (4) feet wide, with a paved surface, and/or involving more than fifty (50) cubic yards of cut or fill, but only when the Department determines that there are no practicable or reasonable alternatives.~~
 - 1. Public and private trails and trail-related facilities such as picnic tables, benches, interpretive centers and signs, viewing platforms and campsites shall be allowed, but use of impervious surfaces shall be minimized.
 - 2. Trail planning, construction, and maintenance shall adhere to the following additional criteria:

Exhibit A

- a. Trails and related facilities shall, to the extent feasible, be placed on previously disturbed areas such as: existing or abandoned levees, or road, railroad, or utility corridors; and
- b. Trails and trail related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat.

~~KI. Utility Line.~~ Utility lines may be allowed within landslide hazard areas when it can be determined that:

1. There are no practicable alternatives for the utility corridor,
2. The corridor alignment follows a path of least impact to the landslide hazard areas critical areas including maintaining and protecting and retaining the slope stability of streams in ravines and landslide hazard areas;
3. The corridor avoids cutting trees greater than six (6) inches in diameter at breast height when possible; and
4. Any access to the corridor for maintenance is provided as much as possible at specific points rather than by parallel roads.

18.32.625 Landslide Hazard Areas - Hearing Examiner Authorized Uses and Activities

The Hearing Examiner may, after review, authorize the following uses and activities within a landslide hazard area or its buffer:

- A. Road/Street - Expansion of Existing Corridor and New Facilities.
 1. Crossings of landslide hazard areas or other critical areas shall be avoided to the extent possible.
 2. Crossings shall serve multiple properties/purposes, whenever possible.
- B. Utility Facility.

Refer to the performance standards for Utility Line in OMC 18.32.625(~~K~~)620(I).

- C. Elimination of a Landslide Hazard Area.

When the landslide hazard area has a vertical dimension greater than twenty (20) feet in height and the landslide hazard could be eliminated through site grading.

- D. Other uses and activities.

Exhibit A

Other uses and activities may be allowed within a landslide hazard area on a case-by-case basis when it can be demonstrated that:

1. A Geotechnical Report described in OMC 18.32.640 has been provided, and
2. The applicant has demonstrated to the Examiner's satisfaction that legally enforceable commitments, such as bonds, letters of credit, and/or covenants, guarantee the use of development practices that will render the development as safe as if it were not located in a landslide hazard area.

18.32.630 Landslide Hazard Areas - Buffers

A. In order to minimize damage to personal health and property due to landslides, a buffer of undisturbed vegetation as provided in this Section shall be maintained between all regulated activities and landslide hazard areas. Development must maximize the retention of existing vegetation and retains all vegetation outside of the developed building area. Vegetation, in the form of ground cover, shrubs or trees, assists in stabilizing the ground surface. Damage to existing vegetation through removal or disturbance can have significant impacts on slope stability. Any removal of vegetation, therefore, must be minimized in steep slope areas. Where removal of vegetation cannot be avoided in order to accommodate a permitted development or to stabilize a slope, an acceptable plan to fully revegetate and restabilize affected areas must be provided.

B. The minimum required buffer widths ~~is are the greater amount of~~ the following distances measured from the edges of the landslide hazard area ~~(except for Subsection B.4 below)~~:

1. ~~From all sides of the landslide hazard area limits: the distance recommended by the engineering geologist or geotechnical engineer~~The minimum distance recommended by the engineering geologist or geotechnical engineer;
2. If no recommendation by an engineering geologist or geotechnical engineer, then (See Figure 32-3):
 - 2a. At the top of the landslide hazard area: a distance of one-third (1/3) the height of the slope or 50 feet, whichever is greater;
 - 3b. At the bottom of the landslide hazard area a distance of one-half (1/2) the height of the slope or 50 feet, whichever is greater; or
 - 4c. Fifty (50) feet in all directions from a seep; ~~or,~~
5. ~~The minimum distance recommended by the engineering geologist or geotechnical engineer (Refer to Figures 6 and 7).~~

C. All landslide hazard area buffers shall be measured from the landslide hazard area as located in the field.

Exhibit A

D. The landslide hazard area, its buffer, and any critical area tract shall be identified on all grading, landscaping, site, utility or other development plans submitted on the project.

E. The Department may reduce the required landslide hazard areas buffer widths except buffers recommended pursuant to OMC 18.32.630 B 5~~1~~, up to fifty (50) percent on a case-by-case basis when supported by a Geotechnical Report including the following:

1. Buffer width reduction is supported by a Geotechnical Report described in OMC 18.32.640 ~~that evaluates the criteria in OMC 18.32.630(E)~~;
2. The existing buffer area is well-vegetated;
3. The protection of the landslide hazard area buffer using a fence and sign have been evaluated, as described in OMC 18.32.145;
4. Topographic conditions of the site and the buffer have been evaluated;
5. The intensity and type of the land uses adjacent to the buffer have been evaluated with respect to minimizing potential adverse impacts upon the landslide hazard area; [e.g. publicly owned parks, designated open space areas in plats and binding site plans, or lands with a recorded conservation easement];
6. The site has been evaluated with respect to its site design and building layout to minimize potential risks with landslide hazard areas; and
7. A smaller buffer will be adequate to protect property from the landslide hazard based on the best available science.

F. The Hearing Examiner may allow reductions greater than those described in OMC 18.32.630(E) to the required landslide hazard area buffer width on a case-by-case basis when it can be demonstrated that:

1. The provisions of OMC 18.32.630(E) have been evaluated by a Geotechnical Report described in OMC 18.32.640, and
2. Based upon the Geotechnical Report and the best available science it is demonstrated that the proposed landslide hazard area buffer width will be adequate to protect personal health and property from a landslide from this site.

Exhibit A

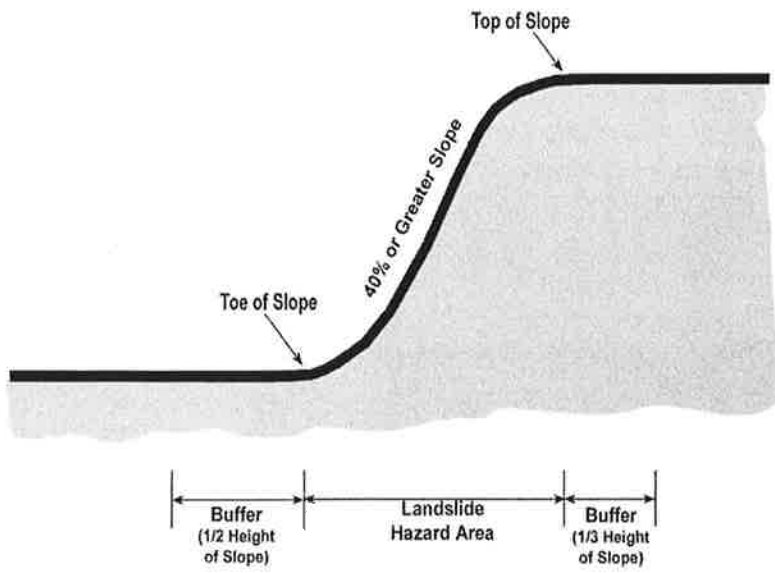


FIGURE 632-2

Exhibit A

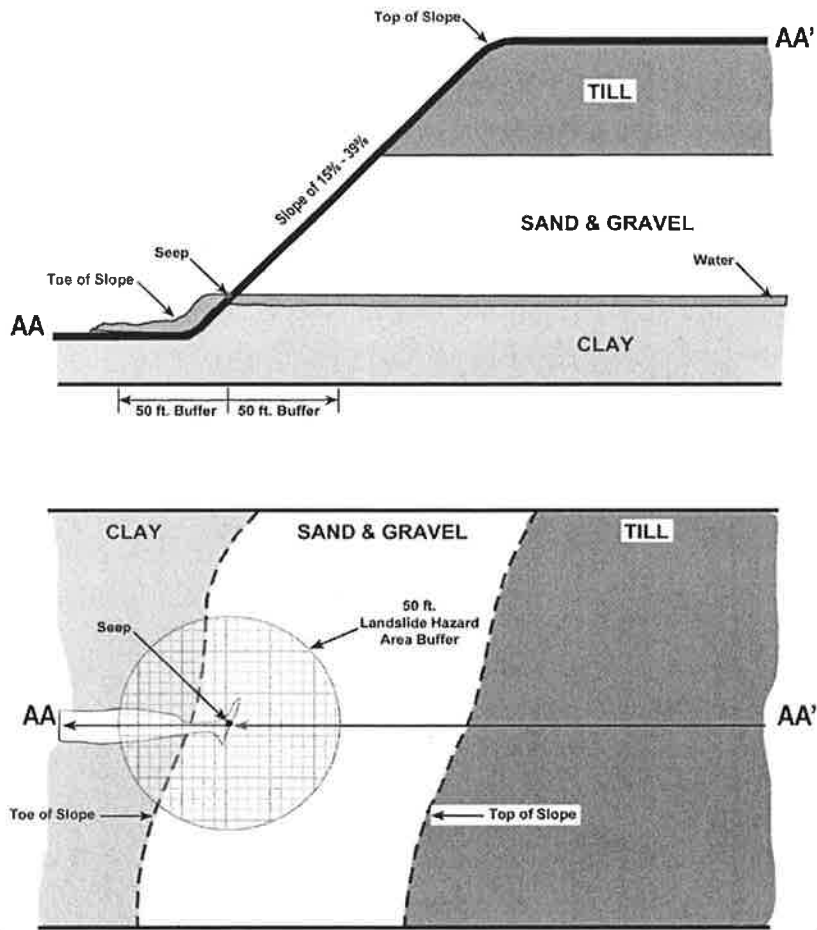


FIGURE-7

18.32.635 Landslide Hazard Areas - Special Reports

A. Every application for development within a landslide hazard area or its buffer shall provide the following special reports:

1. Drainage and erosion control plan;
2. Grading plan;
3. Geotechnical Report, and
4. Landscape Plan.

B. The Department may waive the submittal of any or all of these special reports when:

Exhibit A

1. The proposal increases the impervious surfaces within the subject parcel or parcels by less than ten (10) percent,
2. The removal of vegetation is minimal and is not likely to cause erosion or slope instability,
3. Less than fifty (50) cubic yards of material is excavated upslope from the steep slope,
4. The surface water flow is directed away from the face of the steep slope, or
5. The proposed project or activity will not substantially affect the natural integrity of the steep slope.

18.32.640 Landslide Hazard Areas - Geotechnical Report

A. The Geotechnical Report shall be prepared and sealed by either an engineering geologist as defined by RCW 18.220, as amended, or a geotechnical-licensed engineer as defined by RCW 18.22043, as amended and in accordance with the Washington State Geologist Licensing Board's "Guidelines for Preparing Engineering Geologist Reports in Washington, 2006."

B. The Geotechnical Report shall indicate if:

1. A potential landslide hazard is either present or highly likely; or
2. A potential landslide hazard is present or that it is highly unlikely; or
3. Available information to evaluate a potential landslide hazard is inadequate.

C. Any area in which the Geotechnical Report investigation indicates a potential landslide hazard shall not be subject to development unless the report demonstrates one of the following:

1. The site specific subsurface conditions indicate that the proposed development is not located in a landslide hazard area or its buffer; or
2. The proposed development has been designed so that the risk on the site and to adjacent property have been eliminated or mitigated to such a degree that the site is determined to be safe;
3. Development practices are proposed that would render the development as safe as if it were not located in a landslide hazard area, or
4. The proposed development activity is so minor as not to pose a threat to the public health, safety, and welfare.

D. The Geotechnical Report shall be submitted for review by the Department and shall include:

Exhibit A

1. A detailed review of the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies,
2. A determination of potential landslide hazard area conditions on the site, and its immediate vicinity, which may affect development on the site,
3. Consideration of the run-out hazard to the proposed development posed by debris from a landslide starting upslope (whether part of the subject property or on a neighboring property) and/or the impacts of landslide run-out on down slope properties, and
4. Results, conclusions and recommendations including supporting analysis and calculations and a list of mitigation measures necessary in order to safely construct or develop within the landslide hazard area.

18.32.645 Landslide Hazard Areas - Covenant

A. The Department may require a covenant between the owner(s) of the property and the City when development is to occur within a landslide hazard area. The covenant shall be signed by the owner(s) of the site and notarized prior to issuance of any permit by the City. The covenant shall not be required where the permit or approval is for work done by the City. The covenant shall include:

1. A legal description of the property;
2. A description of the property condition making this subsection applicable;
3. A statement that the owner(s) of the property understands and accepts the responsibility for the risks associated with development on the property given the described condition, and agrees to inform future purchasers and other successors and assignees that the property is located within a landslide hazard area, of the risks associated with development thereon, of any conditions or prohibitions on development imposed by the City, and of any features in this design which will require maintenance or modification to address anticipated soils changes;
4. The application date, type, and number of the permit or approval for which the covenant is required; and
5. A statement waiving the right of the owner(s), the owner's heirs, successors and assigns to assert any claim against the City for any loss or damage to people or property either on- or off-site resulting from soil movement by reason of or arising out of issuance of the permit or approval by the City for the development on the property, except only for such losses that may directly result from the sole negligence of the City.

Exhibit A

B. The covenant shall be filed by the Department with the Thurston County Auditor, at the expense of the owner, so as to become part of the Thurston County real property records.

18.32.650 Erosion Hazard Areas - Description

Erosion hazard areas are those areas characterized by soil types that are subject to severe erosion when disturbed. These include, but are not limited to, those identified by the United States Department of Agriculture Soil Conservation Service Soil Classification System, with a water erosion hazard of "severe" or "high." These areas may not be highly erodible until or unless the soil is disturbed by activities such as clearing or grading.

18.32.655 Erosion Hazard Areas - Protection Measures

A. Before approving any development under this subsection, the Department may require the applicant to submit any or all of the following information in addition to a critical areas report:

1. A geotechnical report prepared by a geotechnical engineer or engineering geologist licensed in the state that describes how the proposed development will impact or be impacted by each of the following on the subject property and nearby properties:

a. Slope stability, landslide hazard, and sloughing;

b. Seismic hazards;

c. Groundwater;

d. Seeps, springs and other surface waters; and

e. Existing vegetation

2. A site plan, in two-foot contours, that identifies the type and extent of geologically hazardous areas on site and off site that are likely to impact or be impacted by the proposal.

3. Recommended foundation design and optimal location for roadway improvements.

4. Recommended methods for mitigating identified impacts and a description of how these mitigating measures may impact adjacent properties.

5. Any other information the city determines is reasonably necessary to evaluate the proposal.

B. If the city approves any development under this section, it may, among other appropriate conditions, impose the following conditions of approval:

1. The recommendations of the geotechnical report are followed;

Exhibit A

2. A geotechnical engineer or engineering geologist is present on site during all development activities. As an alternative, the city may require minimal site visits by the geotechnical engineer or engineering geologist to establish proper methods, techniques and adherence to plan drawings;
3. Trees, shrubs and groundcover are retained except where necessary for approved development activities on the subject property;
4. Additional vegetation is planted in disturbed areas; and
5. Submit a letter by the geotechnical engineer or engineering geologist stating that they have reviewed the project plan drawings and in their opinion the plans and specifications meet the intent of the geotechnical report.

18.32.660 Seismic Hazard Areas – Description

Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by:

- A. The magnitude of an earthquake;
- B. The distance from the source of an earthquake;
- C. The type of thickness of geologic materials at the surface; and
- D. The type of subsurface geologic structure.

18.32.665 Seismic Hazard Areas - Alterations

Alterations to seismic hazard areas may be allowed only as follows:

- A. The evaluation of site-specific subsurface conditions shows that the proposed development site is not located in a seismic hazard area; or
- B. Mitigation based on the best available engineering and geotechnical practices shall be implemented which either eliminates or minimizes the risk of damage, death, or injury resulting from seismically induced settlement or soil liquefaction. Mitigation shall be consistent with the requirements of OMC 18.32.135 and shall be approved by the Department.

Exhibit A

Exhibit A

Exhibit A

18.02.180 Definitions

A. DEFINITIONS - SPECIFIC.

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

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

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

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

Accessory Dwelling Unit. See Dwelling, Conventional.

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

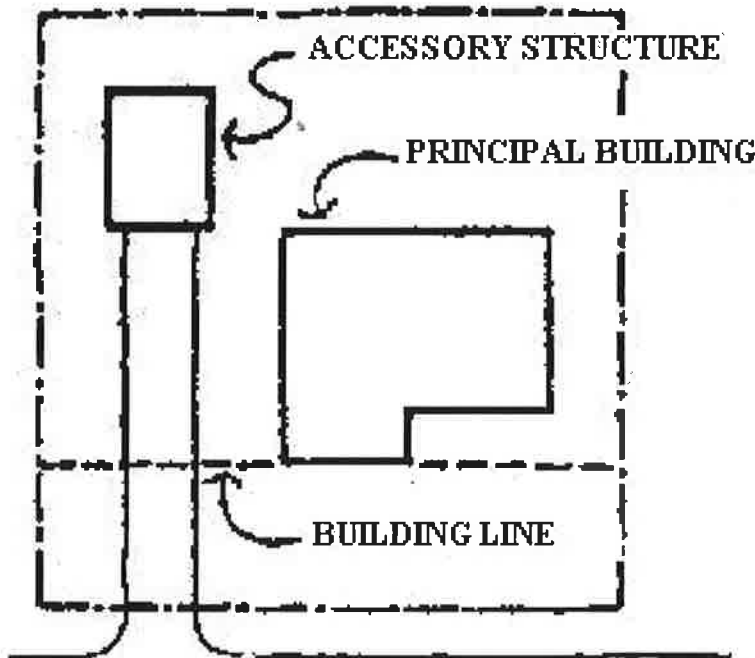


FIGURE 2-1

Exhibit B

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

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

Adult Day Care Home. See Dwelling, Assisted Living.

Adult Entertainment.

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

b. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation of, or relation to, the following specified sexual activities:

i. Human genitals in a state of sexual stimulation or arousal;

ii. Acts of human masturbation, sexual intercourse, or sodomy; or

iii. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; provided, adult entertainment and specifically the "depiction, description, simulation of, or relation to" sexual activities described above, shall not be construed to include any form of actual sexual conduct as defined in this section.

c. Any exhibition, performance, or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance exhibition or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

Adult-Oriented Business. Shall mean the following businesses:

Exhibit B

- a. Adult arcade. An establishment containing any individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines are used to show films, motion pictures, video cassettes, slides, or other photographic reproduction of sexual conduct, or adult entertainment.
- b. Adult cabaret. A night club, bar, restaurant, theater, or auditorium, or similar commercial establishment, whether or not alcoholic beverages are served, which presents adult entertainment.
- c. Adult motel. A hotel, motel, or similar commercial establishment which:
 - i. Offers sleeping accommodation to the public for any form of consideration and, as a significant purpose of its business, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of or description of sexual conduct or adult entertainment and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America; or
 - ii. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - iii. Allows a tenant or occupant of a sleeping room to sub rent the room for a period time that is less than ten (10) hours.
- d. Adult motion picture theater. A commercial establishment or drive-in theater where a significant portion of the films, motion pictures, video cassettes, slides, or similar photographic reproductions are characterized by the depiction or description of adult entertainment or sexual conduct and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America and are shown for any form of consideration.
- e. Adult book store. A business having as a significant portion of its volume of trade the display, barter, rental and/or sale of books, printed matter, video tapes, discs or cassettes, films, pictures or other material or paraphernalia distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual conduct or adult entertainment, as defined herein. For purposes of this ordinance, "portion of its volume or trade" means that portion of the store's display space devoted to such material, or that portion of its gross receipts received from the sale of such material, whichever is greater.
- f. Other adult entertainment facility. Any commercial establishment to which any patron is invited or admitted and where adult entertainment is presented as a substantial part of the premises' activity, including but not limited to escort agencies, seminude or nude modeling studios, or similar establishments.

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

Exhibit B

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

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

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

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

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

Alteration, Critical Area. Any change to, addition to, or modification of an existing use, including any human activity that results or is likely to result in an adverse impact on the existing condition of a critical area or its buffer. "Alteration" does not include passive recreation such as walking, fishing or similar low impact activities.

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

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

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

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

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

Animal Kennel. See Kennel.

Exhibit B

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

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

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

Antenna Element. Any antenna or antenna array.

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

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

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

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

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

Apartment. See Dwelling, Conventional.

Exhibit B

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

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

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

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

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

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

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

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

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

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

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

Auction. See Swap Meet.

Exhibit B

Auditor. The Auditor of Thurston County, Washington.

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

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

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

B. DEFINITIONS - SPECIFIC.

Bank. See Office, Bank.

Bankfull Width (of Streams). Per WAC 222-16-010, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross section. Field determination of the bankfull channel edge generally relies on changes in topography, vegetation, and sediment texture. Bankfull width is used to assess stream types per the Department of Natural Resources Stream Typing Classification System as required under OMC 18.32.435(C).

Base Station. The electronic equipment utilized by the wireless providers for the transmission and reception of radio signals.

Bed and Breakfast House. See Dwelling, Transient Housing.

Berm. A mound or embankment of earth.

Bicycle, In Building Parking. A secure bicycle storage area located within a building where access is restricted to users only.

Bicycle Check-in Systems. A bicycle storage area providing long and short-term storage and which is managed by an attendant.

Bicycle Lockers. A box, cabinet or other storage device which individually protects a bicycle and its components, and which contains a see-thru window or view holes. Such lockers are typically coin operated, rented on a monthly basis or managed to ensure their proper use.

Exhibit B

Bicycle, Limited Access Fenced in Areas. A restricted bicycle storage area that is protected from the weather and where access is supervised or limited to individual users.

Binding Site Plan. A drawing made and approved in accordance with the provisions of Title 17, Subdivision, and which contains inscriptions and attachments setting forth such appropriate limitations and conditions for the use of the land established by the city, and which contains provisions requiring any development to be in conformance with the site plan.

Bioengineering. The use of plant materials to stabilize and/or revegetate eroding stream channels and banks.

Blank Wall. Walls that meet the following criteria: A ground floor street wall or building wall or segment of a wall which is within 50 feet of the public rights-of-way and which is longer than 15 horizontal feet without having a ground level window door, or building facade modulation at least one foot in depth, or other architectural feature lying wholly or in part within that 15 feet length.

Block. Parcel(s) of land surrounded by public streets, highways, freeways, railroad rights-of-way, flood control channels, creeks, washes, rivers or unplatted acreage or any combination thereof.

Block Face. One complete side of a block, usually facing a public street.

Boarding Home. See Dwelling, Conventional.

Boat Sales and Rentals. A business primarily engaged in sales and/or rental of new and used motorboats, sailboats, and other watercraft. Businesses primarily engaged in the sale of supplies for recreational boating, such as sails, outboard motors, and marine hardware, are classified as Specialty Stores.

Boat Storage Facility. A facility meant to provide long-term shelter for watercraft and their accessories, e.g., canoes, sail boats, power boats, etc.; not including service, repair or sales.

Breakpoint Technology. The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Buffer. An area or distance from the critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area; or is necessary to minimize risk to the public.

Buildable Lot. A lot meeting all minimum requirements of size, shape, frontage, and sanitation contained in this Title and other ordinances of the city.

Exhibit B

Building. A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or property of any kind.

Building Area. The net portion of the lot remaining after deducting all required setbacks, public rights-of-way, critical area buffers and other required open space from the gross area of the lot.

Building Coverage. See Coverage, Building.

Building Line. A line parallel with the structural foundation located on the inside border of the required yard.

Building, Main. The principal building on a lot or building site designed or used to accommodate the primary use to which the premises is devoted. When more than one building on the premise is designed or used for the primary use, each such building is considered a main building.

Building Materials, Garden and Farm Supplies Store. This includes businesses primarily engaged in selling products such as lumber and other building materials; paint; glass; wallpaper; hardware; nursery stock; lawn and garden supplies including mowers and garden tractors; and farm supplies such as seeds, feeds, fertilizer, and farm tools. It includes such firms if they sell to the general public, even if they also sell to contractors; if they do not sell to the general public at all, they are classified as Wholesale Trade. Firms primarily selling plumbing, heating and air conditioning equipment, or electrical supplies are also classified as Wholesale Trade. Florists and other stores selling cut flowers and potted plants not grown on the premises are classified as Specialty Stores. (See also Greenhouse and Nursery.)

Building Site. A parcel of land occupied or intended to be occupied by a main building and its accessory buildings, together with all the open space and yards required by this Development Code.

C. DEFINITIONS - SPECIFIC.

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

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

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

Cemetery. Property used for the interment of the dead.

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

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

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

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

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

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

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

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

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

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

City. The City of Olympia.

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

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

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

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

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

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

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

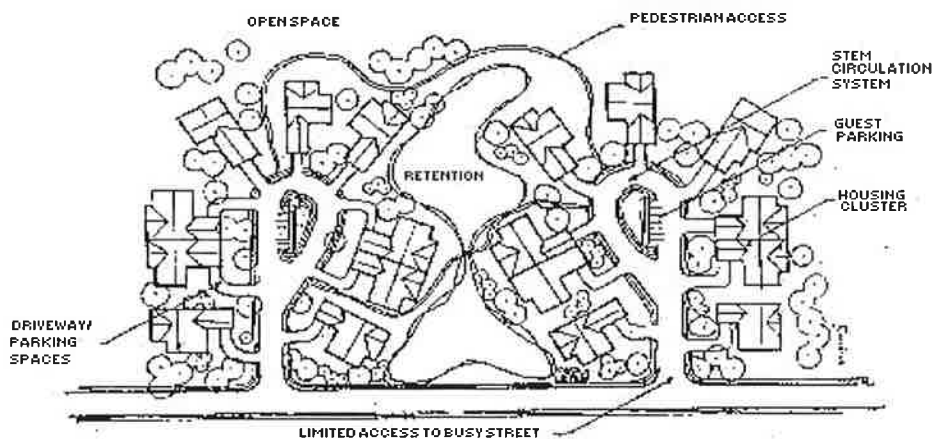


FIGURE 2-2

Cocktail Lounge. See Drinking Establishments.

Exhibit B

Co-Housing. See Dwelling, Conventional.

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

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

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

Commission. The Planning Commission of the City of Olympia.

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

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

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

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

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

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

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

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

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

Complete Application. A written application for a project permit which meets the procedural submission requirements of the City and is sufficient for continued processing even though additional information may be

Exhibit B

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

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

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

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

Condominium. See Dwelling, Conventional.

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

Confidential Shelter. See Dwelling, Assisted Living.

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

Congregate Care Senior Housing. See Dwelling, Assisted Living.

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

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

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

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

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

Convalescent Home. See Dwelling, Assisted Living.

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

Cottage Housing. See Dwelling, Conventional.

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

County. Thurston County.

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

Covenant. See Restrictive Covenant.

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

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

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

Creek. See Stream.

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

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Critical Area. Any of the following areas and ecosystems:

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

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

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

D. DEFINITIONS - SPECIFIC.

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

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

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

Days. Consecutive calendar days unless otherwise stated.

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

Dedication. The deliberate appropriation of land by an owner(s) for any general and public uses, reserving to themselves no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property is to be devoted. The intent to dedicate shall be evidenced by the owner by the

Exhibit B

presentment for filing of a final plat, short plat or binding site plan which shows the dedication thereon. Acceptance by the public shall be evidenced by written approval issued by the city of such document for filing with the County Auditor.

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

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

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

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

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

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

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

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

Exhibit B

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

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

Development Coverage. See Coverage, Development.

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

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

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

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

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

Drinking Water Protection Area. See OMC 18.32.205.

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

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

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

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

- a. Dwelling, Conventional.

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

Exhibit B

xi. **Manufactured Home, New.** Any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

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

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

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

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

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

b. Dwelling, Transient.

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

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

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

Exhibit B

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

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

v. Trailer House. See Recreational Vehicle.

c. Dwelling, Assisted Living.

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

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

iii. Congregate Care Facilities. A building or complex of dwellings specifically designed for occupancy by senior citizens which provides for shared use of facilities, such as kitchens, dining areas, and recreation areas. Such complexes may also provide kitchens and dining space in individual dwelling units. Practical nursing care may be provided, but not nursing care as described in Section 18.04.100(S).

iv. Elder Care Home. An elder care home or adult family home in the primary residence of a person licensed pursuant to Chapter 70.128 RCW to provide personal care, room, and board for one to five adults (at least 18 years of age) who are not related to the caregiver. Home health care and limited nursing care (dispensing of medicine and emergency medical aid) may be provided, but not convalescent care. (See also Convalescent Home, and Boarding Home.)

v. Group Homes. A place of residence for the handicapped, physically or mentally disabled, developmentally disabled, homeless, or otherwise dependent persons. Group Homes are intended to provide residential facilities in a home-like environment. Such homes range from licensed establishments operated with 24 hour supervision to non-licensed facilities offering only shelter. They shall not include correctional facilities (except as authorized by Chapter 137-56 and 137-57 WAC for work/training release programs), nursing homes, Type III group care facilities, foster family homes, or adult family homes as defined by the Washington State Department of Social and Health Services or its successor agency. Group homes include, but are not limited to the following:

Exhibit B

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

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

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

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

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

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

vii. Nursing Homes. See Convalescent Home.

viii. Rest Home. See Congregate Care.

E. DEFINITIONS - SPECIFIC.

Easement. A right of one owner of land to make lawful and beneficial use of the land of another, created by an express or implied agreement.

Easement, Conservation. The grant of a property right stipulating that the described land will remain in its current state, precluding future or additional development.

Easement, Scenic. An easement the purpose of which is to limit development in order to preserve or enhance a view or scenic area.

Elder Care. See Dwelling, Assisted Living.

Exhibit B

Electric Vehicle Infrastructure. Structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

- a. "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- b. "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process.
- c. "Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications:
 - i. Level 1 is considered slow charging. Level 1 is present in homes and businesses and typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit and standard outlet.
 - ii. Level 2 is considered medium charging. Typically, Level 2 is for home and public charging and operates on a 40-amp to 100-amp breaker on a 208 or 240-volt AC circuit.
 - iii. Level 3 is considered fast or rapid charging. Level 3 is primarily for commercial and public applications (e.g., taxi fleets and charging along freeways) and typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.
- d. "Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes any one of the following: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

Emergency. An imminent threat to health, safety, or welfare, or an imminent risk of substantial damage to public or private property.

Emergency Housing. A temporary shelter usually in the form of a mobile home which is occupied only during the period of reconstruction of a dwelling following damage sustained by fire, explosion, act of nature or act of public enemy.

Emergency Repair. Work necessary to prevent destruction or dilapidation of real or personal property or structures immediately threatened or damaged by fire, flood, earthquake or other disaster.

Exhibit B

Entertainment Event. Includes any festival, sporting event, celebration, circus, carnival, fair, or other similar event open to the public.

Equipment Cabinet, WCF. Any structure above the base flood elevation (including cabinets, shelters, pedestals, and other similar structures) used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

Equipment Compound, WCF. The fenced area surrounding the ground-based wireless communication facility including the areas inside or under the following: an antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna on the WCF that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures.

Entertainment (Live). Any act, play, revue, pantomime, scene, dance act, or song and dance act, or any combination thereof, performed by one or more persons, whether or not they are compensated for the performance.

Equipment - Light. Machinery which a person does not ride such as chain saws, wheelbarrows, and hand-held tools.

Equipment Rental Service, Commercial. A business which rents or leases equipment for personal or household use, including but not limited to power and hand tools, yard and garden equipment, or party supplies such as dishware, glassware, and folding tables and chairs. This does not include rental of furniture or appliances, which is classified under Furniture, Home Furnishings, and Appliance stores. It also does not include rental or leasing of portable toilets, heavy equipment like bulldozers, or similar services to the construction trades. These are classified as Light Industrial uses.

Essential Public Facilities. Public facilities and privately owned or operated facilities serving a public purpose which are typically difficult to site. They include, but are not limited to, airports; state educational facilities; state or regional transportation facilities; prisons, jails, and other correctional facilities; solid waste handling facilities; inpatient facilities such as group homes and mental health facilities; sewage treatment facilities; and communication towers and antennas.

Examiner. The Hearing Examiner of the City of Olympia.

Excavation. Any digging, scooping or other method of removing earth material.

Ex Parte Communication. Any written or oral communication made outside of a public hearing and not included in the public record.

F. DEFINITIONS - SPECIFIC.

FAA. The Federal Aviation Administration.

Exhibit B

Facade. The vertical side or sides of a building facing city streets or pedestrian plazas.

Family. An individual, or two or more persons related by blood, or marriage, or a group of not more than six persons (excluding servants) who are not related by blood or marriage, living together in a dwelling unit or a foster family home, or an adult family home, as defined under Washington State law or administrative code.

Farmers Market. See Swap Meet.

FCC. The Federal Communications Commission.

Feed Lines. Cables used as the interconnecting media between the transmission/receiving base station and the antenna of a WCF.

Fence. A physical barrier used to prevent entrance or exit, or to mark a boundary.

Filling or Fill. Any depositing or stockpiling of earth materials.

Final Approval. The final official action taken by the Review Authority on a proposed subdivision, short subdivision, binding site plan, large lot subdivision, dedication, or other application requiring City approval.

Flashing Sign. See Sign, Animated.

Flea Market. See Swap Meet.

Flood Hazard Area. Those lands having a one percent or greater chance of flooding in any one year.

Floor Area. See Gross Floor Area.

Floor Area Ratio (FAR). The ratio of floor area permitted on a zoning lot to the size of the lot. 1:1 means a one story building can cover the entire buildable area of the lot, except in the Urban Waterfront Housing District, 1 FAR of commercial is allowed, while the remainder of the building (up to the allowed zoning height) must be residential.

Flush-Mounted Antenna. Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Food Stores. Stores primarily engaged in selling food and beverages for home preparation and consumption. It includes grocery stores; meat and fish markets, including freezer provisioners; fruit and vegetable markets; candy, nut, and confectionery stores; dairy products stores; retail bakeries; wine and beer shops; liquor stores;

Exhibit B

and miscellaneous stores specializing in items such as spices, coffee, or health foods. As an accessory use, a food store may also sell prepared products for on-site or off-site consumption.

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

Fraternal Organization. A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements. [NOTE: This is not a Fraternity.]

Front Wall. The wall of a structure nearest to the street upon which the structure faces, excluding cornices, canopies, eaves, or any other architectural embellishments.

Front Yard. See Yard, Front.

Frontage. The side(s) of a lot abutting a public rights-of-way.

Frontage Improvements. See Improvements.

Functions, beneficial functions or functions and values. The beneficial roles served by critical areas including, but not limited to: water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation, groundwater recharge and discharge; erosion control; wave attenuation; historical and archaeological value protection; and aesthetic value and recreation.

Funeral Parlors and Mortuaries. Businesses primarily engaged in conducting funerals and preparing the dead for burial, but not including crematoriums.

Furniture, Home Furnishings, and Appliance Stores. Businesses primarily engaged in the retail sale of goods used for furnishing the home, such as furniture, floor coverings, draperies, lighting fixtures, woodstoves, domestic cookstoves, refrigerators, and other household electrical and gas appliances. This category also includes rental of furniture, appliances, and the like. Consumer electronics such as televisions, stereo equipment, and personal computers are classified under Specialty Stores. Mini-computers and mainframe computers are classified under Office Supplies and Equipment Stores. (See also Specialty Stores.)

G. DEFINITIONS - SPECIFIC.

Gambling Establishment. A business primarily engaged in Class E and F (fee-charged and enhanced card room activities) and house-banked card games and similar activities as defined and regulated by the Washington State Gambling Commission.

Exhibit B

Garage. An enclosed detached or attached accessory building which is primarily used for the parking of vehicles. (See also Parking Facility.)

Garage, Commercial. A structure, or portion thereof, used primarily for the parking and storage of motor vehicles and available to the general public. (See also Parking Facility, Commercial.)

Garage, Private. Any building or portion thereof accessory to, or within, the principal building, and which is used or intended to be used by persons residing on the premises for the storage or parking of motor vehicles, boats and other permitted uses. (See also Carport.)

Gas Station. See Service Station.

General Merchandise Stores. Stores which sell a number of lines of merchandise in one store, such as department stores, warehouse buying clubs, variety stores, country general stores, drug stores, and the like. A store which primarily sells only prescription and over-the-counter drugs is defined as a Pharmacy.

Geographic Search Ring. An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Geologist. A person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.

~~Geotechnical engineer. A practicing, geotechnical/civil engineer licensed as a professional civil engineer with the State of Washington who has at least four years of professional employment as a geotechnical engineer evaluating landslides.~~

Golf Course. A private or public facility with extensive outdoor grounds designed for playing golf (typically 9 or 18 holes). Accessory uses may include a clubhouse, tennis and swim activities, and a driving range, but not to include riding stables. (See also Country Club).

Grade. The finished ground level adjoining the building at the exterior walls.

Grade Plane. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building between the structure and a point six feet from the building.

Grading. Any excavating or filling of earth materials or any combination thereof.

Greenhouse. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity may be regulated for the cultivation of delicate or out-of-season plants for sale or personal enjoyment. (See also Nursery.)

Exhibit B

Grocery Store. A subcategory of food store which is primarily engaged in the retail sale of a wide variety of fresh foods, packaged foods and household supplies for preparation and consumption in the home. Commonly known as a supermarket, grocery store, or minimarket, this type of store sells such goods as tea, coffee, spices, sugar, flour and packaged foods; fresh and/or frozen fruits and vegetables; fresh and/or prepared meats, fish, and poultry; domestic cleaning products and paper goods; and miscellaneous small items for home use. See also "food store." A store which also sells a wide variety of non-grocery items (such as automotive supplies, consumer electronics, hardware, building materials, apparel, sporting goods or the like) as a major part of its sales (i.e., 30 percent or more of its display area) is classified as a "general merchandise store."

Gross Acreage. The total area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Gross Floor Area. The area included within the surrounding exterior finished wall surface of a building or portion thereof, exclusive of courtyards.

Ground Area. See Gross Acreage.

Ground Cover. A variety of grasses or other low growing plants often cultivated to reduce soil and wind erosion.

Groundwater. Water in a saturated zone or stratum beneath the surface of land or below a surface water body.

Group Home. See Dwelling, Assisted Living.

Guest House. See Dwelling, Conventional.

H. DEFINITIONS - SPECIFIC.

Handoff Candidate. A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Hazardous Materials. Those materials which are acutely toxic, ignitable, corrosive, reactive, persistent, carcinogenic, or which leach hazardous constituents, as described in Chapter 173-303 WAC. Examples include, but are not limited to, pesticides, acids, paint strippers and antifreeze.

Hazardous Waste. Those wastes which are acutely toxic, ignitable, corrosive, reactive, persistent, carcinogenic, or which leach hazardous constituents or are specifically listed as hazardous waste, as described in Chapter 173-303 WAC. Examples include, but are not limited to, pesticides, acids, paint strippers and antifreeze.

Hazardous Waste, Extremely. Any dangerous waste which:

Exhibit B

a. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form:

i. Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife, and/or

ii. Is highly toxic to man or wildlife;

b. Is disposed of at a disposal site in such quantities as would present an extreme hazard to people or the environment. (See also Ash, Incinerator and Off-Site Treatment and Storage Facility.)

Health Fitness Centers and Dance Studios. Health clubs, aerobics centers, athletic clubs and gymnasiums, indoor tennis and swim clubs, handball and racquetball clubs, weight-reducing centers, dance studios, and other businesses primarily engaged in indoor health and recreation activities, whether on a membership basis or for the general public. (See also Commercial Recreation, Golf Courses, Country Clubs, and Riding Stables.)

Health Officer. That person of the Thurston County Health Department described as such in Chapter of 70.05 RCW or a duly authorized representative.

Hearing Examiner. See Examiner.

Hedge. A row of shrubs or low-branching trees planted close together that forms a sight-obscuring or obstructing barrier below seven feet above the ground.

Height, Building. The vertical distance from grade plane to the average height of the highest roof surface.

Herbicide. Any substance used to kill plants, especially weeds.

Heritage Commission. A commission charged with historic planning and preservation, consisting of members appointed by the City Council.

Heritage Register or Register. The listing of properties having special historic significance and is listed on the Olympia Heritage Register, and including listings on the Washington Heritage Register, or National Register of Historic Places.

Heritage Review Committee. A sub-committee of the Heritage Commission charged with reviewing proposed changes to properties on the Heritage Register or within a historic district, and with making recommendations on permit approval to the Building Official.

Historic Building. A building listed on the Olympia Heritage Register, the National Register of Historic Places and/or the Washington Heritage Register.

Exhibit B

Historic District. A geographically defined area containing buildings, structures, sites, objects and spaces linked historically through location, design, setting, materials, workmanship, feeling, and/or association. The significance of a district is the product of the sense of time and place in history that its individual components collectively convey. This sense may relate to developments during one period or through several periods in history.

Historic House Museum. A home owned by a public or registered nonprofit organization that has been placed on the National, local or State Register of Historic Places, and which is open to the public.

Historic Preservation Officer, Preservation Officer. The person designated by the Director to respond to requests for review and information relating to historic preservation and to be the primary staff liaison to work with the Heritage Commission.

Historic Resources. Any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology or culture of this city, state, or nation, as identified by the Olympia Heritage Register, Washington Heritage Register, or the National Register of Historic Places.

Historic Site. A place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or the site may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined or now nonexistent building, structure, or object if the location itself possesses historic, cultural, or archaeological significance.

Historic Sites (Registered). Those buildings, structures, districts, sites and objects which are on the City Heritage Register or the State or National Register of Historic Places. (See also Archaeological Sites.)

Home Occupation. A commercial use within a residential dwelling unit which is clearly incidental and accessory to the residential use of the property and complies with applicable provisions of this Title.

Hospice Care Center. See Dwelling, Assisted Living.

Hospital. A medical institution or facility within an integrated campus setting for the purpose of diagnosis, care, and treatment of human illness, including surgery, long-term and emergency medical treatment. (See also Office, Medical.)

Hotel. See Dwelling, Transient.

Human Scale. The size or proportion of a building element or space, or an article of furniture, relative to the structural or functional dimensions of the human body. For example, a brick is approximately the size of a human hand.

Exhibit B

Hydric Soil. A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. (USDA—NRCS 1995, Federal Register, 7/13/94, Vol. 59, No. 133, pp 35680-83). Hydric soils that occur in areas having positive indicators of hydrophytic vegetation and wetland hydrology are wetland soils, as defined by the Regional Supplement to the Corps of Engineers Wetland Delineation Manual; Western Mountains, Valleys, and Coast Region (Version 2.0) May 2010. ~~Washington State Wetlands Identification and Delineation Manual (1997), Ecology Publication #96-94, as amended or revised.~~

I. DEFINITIONS - SPECIFIC.

Impervious Surface. Pavement, including but not limited to, asphalt, concrete, and compacted gravel, roofs, revetments, and any other man-made surfaces which substantially impede the infiltration of precipitation. Exceptional pavements and other materials may be exempted in whole or in part by the Director.

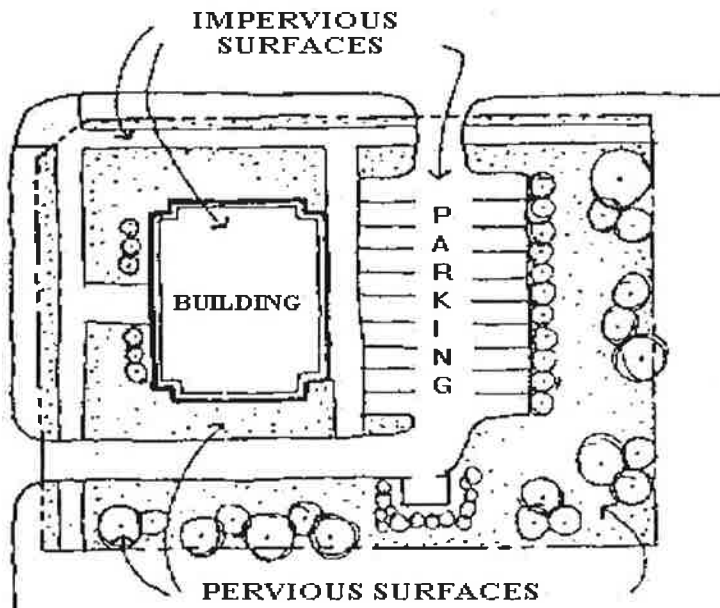


FIGURE 2-4

Important Habitat. See OMC 18.32.305.

Important Riparian Area. See OMC 18.32.405.

Important Species. See OMC 18.32.305.

Improvements. Any act which improves the value of public, real and personal property, or which is necessary as a condition of development, including but not limited to: streets and roads complying with the development standards and specifications adopted by the city; public utility and pedestrian facilities; street lights; landscape features; sewer and water lines; bridge structures; storm drainage facilities; and traffic control devices as are

Exhibit B

required to be installed as a part of subdivision, short subdivision, large lot subdivision, binding site plan, or commercial development. (See also Development.)

Incentives. A motivation or stimulus provided by government for public purposes, including but not limited to: compensation, rights or privileges or combination thereof which the City Council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of properties. Examples of economic incentives include but are not limited to tax relief, bonus densities, conditional use permits, rezones, street vacations, planned unit developments, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

Industry, Heavy. The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. This may include either Group F (factory and industrial) or Group H (hazardous) occupancies (types of buildings) under the Uniform Building Code. Other occupancies, such as Group M (mercantile) or Group S (storage), are allowed.

Industry, Light. A use engaged in the basic processing and manufacturing of materials or products predominantly from previously prepared materials or finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic processing of raw materials, except for food products. This also includes maintenance and service facilities for motor vehicle passenger transportation, such as for taxi fleets, public transit fleets, or school bus fleets. This may include Group F (factory and industrial)--but not Group H (hazardous)--occupancies (types of buildings) under the Uniform Building Code. Other occupancies, such as Group B (business) or Group S (storage), are allowed.

Infill Development. New development that occurs on vacant lots within areas already developed.

Inpatient Facility. A state-licensed facility providing board and room on a 24 hour per day basis as part of a treatment program for alcoholism, drug addiction, or other chemical dependency. The term includes shelters for qualified indigent alcoholics and/or drug addicts placed by chemical dependency assessment centers.

Interdisciplinary Team. A group of technical experts from the City of Olympia, other consulted agencies, and tribes which advises the Department on a specific development application.

J. DEFINITIONS - SPECIFIC.

Joint Review Committee. The committee comprised of representatives from the Heritage Commission and Design Review Board.

Exhibit B

Junk Yard or Salvage Facility. Primary or accessory use of structures and/or land for storage, recycling, dismantling and/or selling of cast-off, unused, scrap or salvage material of any sort.

K. DEFINITIONS - SPECIFIC.

Kennel. Any site where four or more dogs, cats, or other small animals over the age of four months are kept, whether such keeping is for pleasure, profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale, or hire.

Kitchen. Any room or area, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food.

L. DEFINITIONS – SPECIFIC.

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

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

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

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

Landscape Plan. A component of a site development plan on which is shown: proposed landscape species (number, spacing, size at time of planting, and plant details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features;

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grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

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

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

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

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

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

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

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

Lodging House. See Dwelling, Transient.

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

- a. Lot, Corner. A lot that abuts two (2) or more intersecting streets.
- b. Lot, Flag or Panhandle. A lot with less than thirty (30) feet of street frontage which is typically connected to a public or private street by a narrow driveway. A lot where access is only provided by a private easement is not a flag lot.

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- c. Lot, Interior. A lot that has frontage on one public or private street only, or is provided access by a private easement.
- d. Lot, Through. A lot that fronts on two (2) parallel or nearly parallel streets that do not intersect at the boundaries of the lot.
- e. Lot, Wedge-shaped. A lot with a street frontage which is no more than half as wide as the lot's width at the rear property line, as depicted in Figure 2-5b.

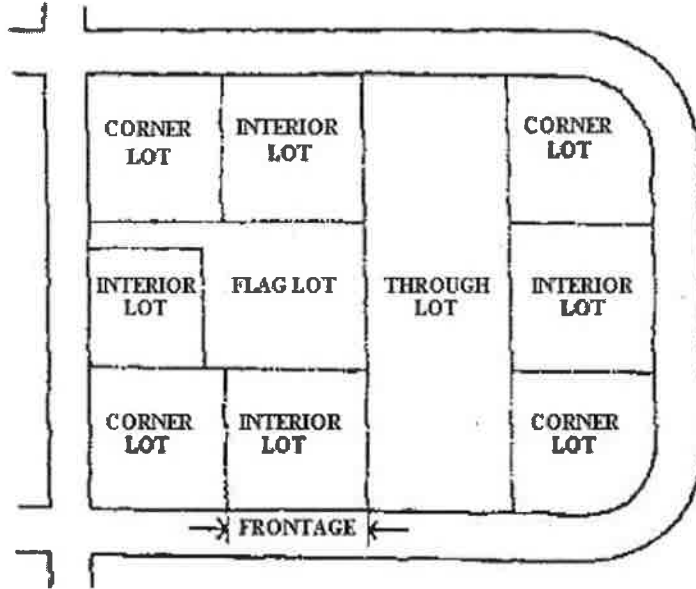
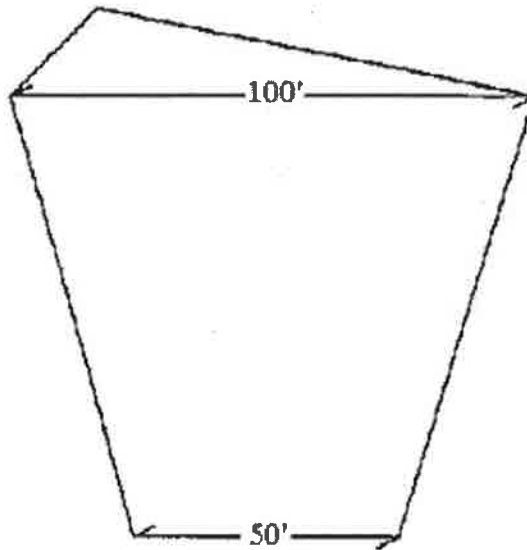


FIGURE 2-5



Example of a Wedge-Shaped Lot

FIGURE 2-5b

Lot Frontage. See Frontage.

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

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

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

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

Low Income Housing. See Affordable Housing.

M. DEFINITIONS - SPECIFIC.

Main Building. See Building, Maintenance.

Management Plan. See Specific or Management Plan.

Manufactured Home. See Dwelling, Conventional.

Marina/Boat Launching Facility. A facility for storing, servicing, fueling, berthing, launching and securing boats, which may include eating, sleeping, and retail facilities for owners, crews, and guests.

Marquee. A permanent covered structure, attached to and supported by a building, which protrudes outward.

Mass Wasting. A general term for a variety of processes by which large masses of rock or earth material are moved downslope by gravity, either slowly or quickly. Mass wasting can take the form of landslides, earth/debris flows and slumps, and rock falls/earth topples. The potential for mass wasting can be determined based on the surrounding topography, presence of slope-stabilizing vegetation and historical records.

Mean Sea Level Datum. The published mean sea level datum established by the U.S. Coast and Geodetic Survey (National Geodetic Survey).

Median. A paved or planted area separating a street or highway into two or more lanes of opposite direction of travel.

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Mental Health Facility. A private or public hospital, sanitarium, or other similar place which is licensed or operated under RCW 71.12 or RCW 72.23, and whose primary business is to receive or care for mentally ill or mentally incompetent persons.

Micro Brewery. A combination retail, wholesale and manufacturing business that brews and serves beer and/or food.

Ministorage. A building or group of buildings which may contain manager living quarters, office and individual, compartmentalized self-storage units, stalls, or lockers which are rented or leased for the storage of household or business goods, supplies or materials.

Mitigation. Methods used to alleviate or lessen the impact of development, including avoiding, minimizing, or compensating for adverse critical area impacts. Mitigation includes, but is not limited to, the following:

- a. **Compensatory.** The replacement of probable project-induced critical area losses including, but not limited to, restoration, creation or enhancement.
- b. **Creation.** A type of mitigation performed to intentionally establish a critical area (e.g. wetland) at a site where it does not currently exist.
- c. **Enhancement.** A type of mitigation performed to improve the condition of existing degraded critical areas (e.g. wetlands) so that the functions they provide are of a higher quality.
- d. **Restoration.** A type of mitigation performed to reestablish a critical area (e.g. wetland), or the functional characteristic and processes which have been lost by alterations, activities or catastrophic events within an area which no longer meets the definition of a critical area (e.g. wetland).

Mitigation, WCF. A modification of an existing antenna support structure to increase the height, or to improve its integrity, by replacing or removing one or several antenna support structure(s) located in proximity to a proposed new antenna support structure in order to encourage compliance with this ordinance or improve aesthetics or functionality of the overall wireless network.

Mixed Use Development. The development of a parcel or structure with two or more different land uses, such as a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile Home. See Dwelling, Conventional.

Mobile, Manufactured and Modular Housing Sales. The sale of new or used mobile, manufactured, or modular housing. Sale of recreational vehicles and motor homes is classified under Motor Vehicle Sales.

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Mobile Vendor. A vendor that sells food, goods or services from a non-permanent location, and that is unrelated to the primary use of the property and readily movable at all times. (Does not include accessory uses, uses listed under a Festival and Event permit, busking, or uses such as ice cream or home delivery trucks that operate in constant motion within the street.)

Model Home. A home or homes used for the purpose of advertising various floor plans and styles of architecture found within a residential subdivision. Model homes are usually located on-site and are occupied only by a sales representative.

Modular Home. See Dwelling, Conventional.

Modulation. The measured proportional inflexion (stepping back and stepping forward) of a building facade.

Monitoring. The collection and analysis of data by various methods for the purposes of understanding and documenting changes in systems and features. "Monitoring" includes gathering baseline data, evaluating the impacts of development proposals on the biological, hydrologic and geologic elements of such systems and assessing the performance of required mitigation measures.

Motel. See Dwelling, Transient.

Motor Vehicle Dealer. A business engaged in the buying, selling, exchanging, or otherwise dealing in motor vehicle sales and service at an established place of business (see motor vehicle sales).

Motor Vehicle Franchise. One or more agreements, whether oral or written, between a manufacturer and a new motor vehicle dealer, under which the new motor vehicle dealer is authorized to sell, service, and repair new motor vehicles, parts, and accessories under a common name, trade name, trademark, or service mark of the manufacturer. "Franchise" includes an oral or written contract and includes a dealer agreement, either expressed or implied, between a manufacturer and a new motor vehicle dealer that purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motor vehicles manufactured, distributed, or imported by the manufacturer; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the manufacturer; and (c) the dealer's business relies on the manufacturer for a continued supply of motor vehicles, parts, and accessories.

Motor Vehicle Sales. A business primarily engaged in the sale of new and used autos, trucks, motorcycles, recreational vehicles, utility trailers, aircraft, snowmobiles, and the like.

Motor Vehicle Supply Stores. Auto supply stores, tire dealers, and the like. Firms which salvage used parts from inoperable vehicles are classified as Junk Yards and Salvage Facilities. Businesses primarily engaged in both selling and installing such automotive parts as mufflers and brakes are classified as Service Stations.

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N. DEFINITIONS - SPECIFIC.

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

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

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

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

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

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

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

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

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

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

Notice of Application. A written notice that a complete project permit application has been received by the City, including, at minimum, the date of application, the date of the notice of completeness of the application, the date of the notice of application, a description of the proposed project, a list of permits requested by the applicant, a list of any studies requested by the City, identification of other permits known to be required for the project but not requested by the applicant, identification of existing environmental documents evaluating the proposal, the location where the application and any studies can be reviewed, a statement of the public

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comment period, a statement of the right of any person to comment on the application, receive notice of and participate in any hearing, request a copy of the decision once made, and of any appeal rights, the date, time, place, and type of any hearing scheduled at the date of the notice, a statement of the preliminary determination of those development regulations that will be used for project impact mitigation, a statement of whether an environmental impact statement will be required and a statement of any preliminary determination of consistency with plans and regulations of the City. [See RCW 36.70B.110].

Notice of Decision. A written notice of the City's decision on a project permit application, including a statement of any SEPA threshold determination and any administrative appeals procedures.

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

Number. See Rounding of Quantities.

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

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

O. DEFINITIONS - SPECIFIC.

Object. A thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Off-Site Treatment and Storage Facility. A facility that treats or stores hazardous wastes or special incinerator ash generated on properties other than the property on which the off-site facility is located. (See also current edition of "Zoning Guidelines for Hazardous Waste Treatment and Storage Facilities," prepared by the Solid and Hazardous Waste Program of the State Department of Ecology.)

Office. A building or portion thereof which is primarily used to transact the administrative or professional activities of a business. Such uses include, but are not limited to: medical (excluding veterinary), dental, chiropractic, optometric, legal, banking, insurance, real estate, security brokers, administrative, public, contractors, consultants, corporate, or manufacturers' offices. (See also Home Occupation.)

Office, Bank. Banks, savings and loans, credit unions, and other depository institutions.

Office, Business. The offices of real estate agencies, mortgage brokers, advertising agencies, credit agencies, mailing services and postal substations, employment agencies, insurance agencies, membership organizations except fraternal organizations, accountants, attorneys, security brokers, financial advisors, architects, engineers, surveyors, tax preparation services, computer software development, and other similar business

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services. This may also include the administrative offices for businesses whose primary activity may be construction, manufacturing, utility services, or some other non-office use conducted elsewhere.

Office, Government. The legislative, administrative, service delivery, or judicial offices of local, state, or federal agencies. It also includes federal post offices where mail processing takes place for local delivery. It does not include government land uses such as maintenance facilities for government-owned trucks, busses, or heavy equipment which are a Light Industrial use.

Office, Medical. This includes the offices of doctors, dentists, chiropractors, optometrists, and other health practitioners providing outpatient care. It also includes medical and dental laboratories, blood banks, and the like.

Office Supplies and Equipment Stores. Stores selling office products such as stationery, legal forms, writing implements, typewriters, computers, copiers, office furniture, and the like.

Office Uses, General. A room or group of rooms used for conducting the affairs of a business and generally furnished with desks, tables, files, and communication equipment.

Office, Veterinary/Clinic. A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use. (See also Animal Hospital.)

Olympia Coordinate System. The horizontal ground scale coordinate system referenced to the Washington Coordinate System as established by the City Public Works Department.

On-Site. Located on the same lot that is the subject of an application for development.

On-Site Treatment and Storage Facility. A facility that treats or stores hazardous wastes generated on the same property, see current edition of "Zoning Guidelines for Hazardous Waste Treatment and Storage Facilities," prepared by the Solid and Hazardous Waste Program of the State Department of Ecology.

Open Record Hearing. A hearing conducted by a single hearing body or officer that creates the City's record through testimony and submission of evidence and information under procedures prescribed by this Title. [See RCW 36.70B.020(3)].

Open Record Appeal Hearing. A form of open record hearing held on request in response to a notice of decision when no open record predecision hearing was held on the project permit. [See RCW 36.70B.020(3)].

Open Record Predecision Hearing. A form of open record hearing held prior to the City's decision on a project permit. [See RCW 36.70B.020(3)].

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Open Space, Common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and may include such complementary structures and improvements as are necessary and appropriate.

Open Space, Public. Undeveloped public land that is permanently set aside (as opposed to regulated) to protect the special natural character of a particular location. Open space may include, but is not limited to wetlands; wetland buffers; creek, stream or river corridors; forested areas; ravines, bluffs or other geologically hazardous areas; and undeveloped areas within parks.

Ordinary High Water Mark (OHWM). (Also referred to as Ordinary High Water Line OHWL) Per WAC 22-110-020, the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland, provided that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater shall be the line of mean higher high water, and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood. OHWM is used to determine the location of standard buffer widths of streams as required under OMC 18.32.435(C)(1).

Ordinary Repair and Maintenance. Work for which a permit issued by the City is not required by law, and where the purpose and effect of such work is to prevent or correct any deterioration or decay of or damage to the real property or structure appurtenant thereto and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

Outdoor Storage. The keeping of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 consecutive hours.

Over Water. Location above the surface of the water, including placement of buildings on piling or floats.

Overlay Zone. A zoning district or specific plan that encompasses one or more underlying zones or areas and which imposes requirements in addition to those required by the underlying zone. (See also Overlay Districts in Article III.)

Owner of Property. The fee simple owner of real property according to Thurston County Auditor records.

P. DEFINITIONS - SPECIFIC.

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

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

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

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

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

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

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

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

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

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

Passive Recreation. See Recreation, Passive.

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

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

Pedestrian Street. Street devoted to uses and amenities which stimulate and reinforce pedestrian activities and visually interesting features at the pedestrian level. Uses are typically sidewalk oriented and physically and visually accessed by pedestrians from the sidewalks, are open during established shopping hours, generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity. Such uses include, but are not limited to, retail shops, restaurants, personal services, day care facilities, banks, travel agencies, cinemas,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Plat, Short. The map or representation of a short subdivision containing all pertinent information required by Title 17, 18 and other applicable ordinances.

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

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

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

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Printing, Industrial. Businesses which print books, magazines, newspapers, or other periodicals for others. It also includes printers of maps, posters, and the like; makers of business forms, looseleaf binders, and the like; and service industries for the printing trade, such as engraving, typesetting, photoengraving, electrotyping and stereotyping, lithographic platemaking, and related services.

Private School. See School, Private.

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

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

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

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

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

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

- a. Front property line. Any property line separating any parcel of land from the street rights-of-way. In case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice, in the opinion of the Building Official, will not be detrimental to the existing or future development of adjacent properties. In case of a through lot, both property lines abutting on a street are front property lines. In the case of a lot not abutting a street, the front property line is that line nearest to and roughly parallel with a street, provided that the Building Official may approve an alternative front line if it will not be detrimental to existing and future development.
- b. Rear property line. Any property line that does not qualify as a front or side property line.
- c. Side property line. Any property lines that intersect the front property line. These lines may intersect at any angle and be of any length. (See also Yards.)

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

Exhibit B

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

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

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

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

Public Hearing. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

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

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

Public Project of Significant Importance. See OMC 18.66.090.

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

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

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

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

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

Q. DEFINITIONS - SPECIFIC.

Qualified Professional – A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience.

a) A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manuals and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

b) A qualified professional for habitat must have a degree in biology or a related degree and professional experience related to the subject species.

c) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

d) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

Quarry. A place where rock, ore, stone and similar materials are excavated and/or processed for sale or for off-site use.

Queue Lane. Area for temporary waiting of vehicles while obtaining a service or other activity such as drive-up windows.

R. DEFINITIONS - SPECIFIC.

Exhibit B

Radio Frequency Emissions. Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

Radio, Television, or Communication Tower. A vertical structure that is intended to send or receive radio, or other wireless communications and to serve more than one user or an enterprise whose principal business is such communications. See Antenna.

Ravine. A narrow gorge that normally contains steep slopes and is deeper than ten (10) vertical feet as measured from the lowest point of the valley to the top of the slope.

Rear Yard. See Yard, Rear.

Reasonable Alternative. An activity that could feasibly attain or approximate a proposal's objectives, but with less environmental impact or decreased level of environmental degradation.

Recreation, Active. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

Recreation, Commercial. A facility operated as a business which is designed and equipped for leisure-time activities such as theaters, bowling alleys, museums, aquariums, public and private recreational concessions, miniature golf, archery ranges, and amusement activities such as coin or token-operated machines, rides, or booths to conduct games. (See also Health Fitness Centers and Dance Studios, Golf Courses, Country Clubs, and Riding Stables.)

Recreation, Passive. Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, or similar table games and activities which may involve educating the user.

Recreation Facility. A place designed and equipped for the purpose of sports and leisure-time activities.

Recreational Vehicle. A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

Recreational Vehicle Park. Any lot or parcel of land upon which two or more recreational vehicles sites are located, established, or maintained as temporary living quarters for recreation or vacation purposes.

Recycling. The process by which waste products are collected and reduced to raw materials and transformed into new products.

Exhibit B

Recycling Facility. A facility for the collection and/or sorting and storage of recyclable materials generated from domestic or small business sources, such as bottles, cans, paper, cardboard, aluminum, and plastics. This definition does not include facilities for the processing of recyclable materials, which are classified as an industrial use. Recycling facilities are further divided into two categories: Type I Recycling Facilities include bins or other temporary or permanent facilities for the collection of small quantities of recyclable materials to be sorted and/or processed elsewhere. A Type I facility may be accessory to a primary use, such as a recycling bin at a grocery store parking lot. Type II Recycling Facilities include facilities primarily dedicated to the collection, sorting, or purchase and resale of recyclable materials.

Remodel. The alteration, restoration, reconstruction, addition to, structural modification, change of existing building footprint or internal floor plan that requires city approval or the issuance of any City permit.

Rental, Residence. The temporary rental of a single-family home for personal social events such as a wedding reception, private party or similar activity. (See also Temporary Uses.)

Replat. The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law; or the alteration of any streets or the establishment of any new streets within any such subdivision, but not including conveyances, made so as to combine existing lots by deed or other instruction.

Restaurant. A use providing preparation and retail sale of food and beverages, including coffee shops, sandwich shops, ice cream parlors, fast food take-out, espresso stands, and similar uses. A restaurant may include licensed "on-site" provision of alcoholic beverages for consumption on the premises when accessory to such food service. A "drive-in" restaurant is one where all or a significant portion of the consumption takes place or is designed to take place with the patrons remaining in their vehicles while on the premises. A "drive-through" restaurant is one which has one or more drive-through lanes for ordering and dispensing of food and beverages to patrons remaining in their vehicles, for consumption off the premises.

Restoration. Measures taken to restore an altered or damaged natural feature including:

- a. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- b. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Restrictive Covenant. A restriction on the use of land usually set forth in the deed. [NOTE: Restrictive covenants usually run with the land and are binding upon subsequent owners of the property. However, some restrictive covenants run for specific periods of time.]

Exhibit B

Retail Trade. The selling of goods or merchandise to the general public for personal, business, or household consumption. The retail sales establishment is usually a place of business and is engaged in activity to attract the general public to buy goods. The establishment may also buy and receive goods. Retail sales includes services related to the retail goods. The establishment may process, repair, manufacture, and wholesale some of the products, such as jewelry, baked goods, beverages, apparel, pottery, or consumer electronics, but such processing, repair, or manufacturing must be associated with retail activities, be limited to rear or upper floor areas in the same building, and emit no loud noise or noxious odor. See Industry, Light.

Revision of Application, Minor. A change or correction by an applicant of a proposed project, either voluntarily or to conform with applicable standards and requirements, that does not, in the opinion of the Director, constitute a substantial change requiring reinitialization of the review process and period.

Revision of Application, Substantial. A change or correction by an applicant of a proposed project, either initiated voluntarily by the applicant or to conform with applicable standards and requirements, that in the opinion of the Director requires a new review process and period. For example, a change in a proposal which, as a result of changes in the proposed land use, substantially greater floor area or number of residential units, or substantial relocation of uses or structures, or the like, probably would result in significantly different impacts to the environment, upon public services or facilities, or to neighboring properties or land uses.

Review Authority. A person, committee, commission or council responsible for review and final action on a land use or development entitlement or permit.

Revolving Sign. See Sign, Animated.

Rezone. A change in the land use classification of a specific area to another use classification.

Right-of-Way - Improved. All of the right of way where any portion of it is used for motor vehicle travel.

Rights-of-Way. The right of one to use or pass over the property of another.

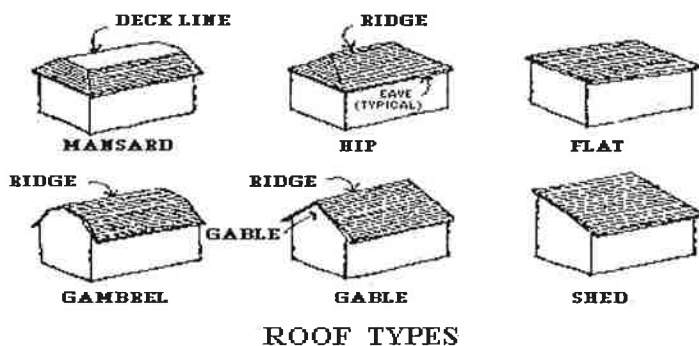


FIGURE 2-6

Exhibit B

Roof. The outside top covering of a building.

Rooming House. See Lodging House.

ROW. Rights-of-ways of public easements, roadways, streets, or other so defined public access locations.

Rummage Sale. An occasional or periodic market held in an open area or structure which is sponsored by schools, places of worship or other nonprofit organizations.

Run With The Land. A covenant, benefit or restriction of the use of land binding on present and future owners of the property.

S. DEFINITIONS – SPECIFIC.

Salmonid. A member of the fish family salmonidae, such as chinook, coho, chum, sockeye and pink salmon, rainbow, steelhead, cutthroat salmon, brown trout, bull trout, Brook and Dolly Varden char, kokanee and whitefish.

Sanitary Landfill. A site for solid waste (garbage) disposal.

Satellite Earth Station. A single or group of parabolic (or dish) antennas that are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Scale, Architectural. The perceived height and bulk of a building relative to that of neighboring buildings. A building's perceived height and bulk may be reduced by modulating facades.

Scenic Vistas. Those areas which provide, for significant numbers of people, outstanding views from public rights-of-way of Mt. Rainier, the Olympic Mountains, Budd Inlet, the Black Hills, the Capitol Building, and Capitol Lake or its surrounding hillsides.

School. An institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards required by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

Screening. A continuous fence or wall supplemented with landscaping, or an evergreen hedge or combination thereof, that effectively provides a sight-obscuring and sound-absorbing buffer around the property it encloses, and is broken only for access drives and walks.

Exhibit B

Sculptured Building Top. A building top which has:

- a. Reduced floor area on the upper floors; and
- b. A distinctive roof form such as pitched roof, hip roof, dome, chateau roof, tower, turret, pediment, dormers, or other distinctive forms. Roofline embellishments such as medallions, statuary, cornices, brackets, finials, or similar ornament would not be considered sculptured building tops; and
- c. Upper floors which are set back from the street wall.

Secretary of the Interior's Standards for the Treatment of Historic Properties, The (as amended). Guidelines adopted by the Secretary of the Department of the Interior to guide the rehabilitation, restoration or reconstruction of a historic property.

Section of Land. Measured 640 acres, one square mile, or 1/36 of a township.

Secure Community Transition Facility. A residential facility for persons civilly committed and conditionally released from a total confinement facility operated by the Secretary of Washington Social and Health Services or under contract with the Secretary pursuant to RCW 71.09.020(10) as described in RCW 71.09.250. All secure community transition facilities located within the City of Olympia shall conform with Olympia Municipal Code Subsection 18.08.080(E).

Seep. A spot where groundwater oozes to the surface. A small spring.

Service and Repair Shop. An establishment providing major repair and/or maintenance of motor vehicles, equipment or major appliances, including, but not limited to: mechanical repair, replacement of parts, body repair, painting, engine overhaul, or other major repair or maintenance, including operations which may require open flame or welding.

Service Stations. Businesses which sell gasoline or alternative vehicle fuels, and/or which may perform minor vehicle maintenance or repair, and/or wash cars. "Minor maintenance or repair" is limited to the exchange of parts and maintenance requiring no open flame or welding. Service stations include self-service gas stations, full-service gas stations, diesel fueling stations, oil change and lubrication shops, auto detailing shops, and car washes. Businesses which provide major repair work such as engine overhauls, vehicle painting, or body repair are classified as Service and Repair Shops.

Servicing of Personal Apparel and Equipment. A business primarily engaged in the upkeep of personal or small household belongings. Such businesses include, but are not limited to: tailors, locksmiths, piano tuners, or businesses which repair shoes, cameras, small appliances, or consumer electronics.

Setback. The distance between the building and any lot line. See specific zone district for allowed projections into setback areas and point of measurement. (See also Yard.)

Exhibit B

Setback Line. An imaginary line that establishes the required minimum distance from any lot line and defines the area where the principal structure must be erected. (See also Building Line, Yard, and Lot.)

Sewer. Any pipe or conduit used to collect and carry away sewage and sometimes stormwater runoff from the generating source to a treatment plant.

Sexual conduct.

- a. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
- b. Any penetration of the vagina or anus, however slight, by an object; or
- c. Any contact between persons involving the sex organs of one person and the mouth or anus of another; or
- d. Masturbation, manual or instrumental, of oneself or of one person by another; or
- e. Direct touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another; or
- f. Flagellation or torture in the context of a sexual relationship; or
- g. Sodomy.

Shopping Center. A commercial development with unenclosed pedestrian walks in which there are a number of separate commercial activities, with accessory shared facilities such as parking, and which is designed to provide a single area which the public can obtain varied products and services. Shopping centers are typically characterized by at least one large retail "anchor" store.

Shopping Mall. A shopping center with stores on one or both sides of a covered and enclosed pedestrian walkway.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street and normally used as a pedestrian walkway.

Sign. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. Such means may include words, letters, figures, design, movement, symbols, fixtures, colors, illumination, or projected images.

Sign, Abandoned. Any sign which:

Exhibit B

- a. Is located on property which becomes vacant and unoccupied for a period of 12 consecutive months or more (excepting legal off-premise signs), or
- b. Relates to any occupant or business unrelated to the present occupant or their business (excepting legal off-premise signs), or
- c. Pertains to a time, event or purpose which no longer applies.

Sign, Animated. A sign with action or motion (including those that flash, oscillate or revolve) or one that involves color changes, illustrations or messages. This does not include wind activated elements such as flags or banners; nor does it include public service signs (such as time and temperature signs).

Sign Area. The entire background of a sign upon which advertising could be placed (counting all faces), including the frame but not other supporting structure, except that the area of advertising affixed directly to, or painted on a building without any background, other than the building, shall be the area contained in the smallest geometric figure enclosing all portions of the sign message (i.e., all letters, numbers, graphics, etc.).

Sign Awning. A sign which is on an awning. Awning signs are a type of building mounted sign.

Sign, Billboard. A rigidly assembled outdoor sign permanently affixed to the ground or permanently attached to a building or other permanent structure, unrelated to any use or activity on the property on which the sign is located, but not including directional signs as defined herein.

Sign, Building Mounted. A permanent sign which is attached to, or erected against or painted on, any exterior wall, fascia, or window of a building or structure. For the purpose of this Title, signs which shall be considered building mounted signs, include flush mounted signs, signs on marquees and awnings, projecting signs, and signs erected on the side of a mansard roof provided the sign does not project above the uppermost roof line or flashing.

Sign, Business Directory. A type of development identification sign which lists the names of the individual uses in a development.

Sign, Changeable Copy. See Sign, Readerboard.

Signs, Channel Letters. A flush mounted wall sign that consists of individual letters or characters not bound together in one complete structure. Channel Letter signs are signs in which each letter or character is mounted individually within its own area, with the total area of individual letters or characters comprising the sign.

Sign, Ground. A ground supported sign which is no greater than twelve (12) feet in height above grade.

Sign, Development Identification. A freestanding or building mounted sign which identifies the name of a development. For the purpose of sign standards, a development consists of multiple building complexes such

Exhibit B

as shopping malls, industrial and business parks, residential subdivision developments, and multiple occupancy buildings.

Sign, Directional. A sign designed solely to guide or direct pedestrian or vehicular traffic to an area, place or convenience.

Sign, Flashing. See Sign, Animated.

Sign, Flush-Mounted. A type of building mounted sign which and is attached to, or erected against any exterior wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of the wall.

Sign, Freestanding. A permanent sign supported by one or more uprights, poles or braces in or upon the ground. For the purposes of this Title, freestanding signs include pole signs and signs otherwise known as ground signs or monument signs.

Sign Height. The vertical distance from ground level to the top of the sign.

Sign, Identification. A pole or ground sign which identifies the name of a shopping center.

Sign, Inflatable. Balloons or other gas-filled figures. For purposes of this section, inflatable signs shall be treated as temporary signs.

Sign, Marquee. Any sign which forms part or is integrated into a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.

Sign, Monument. See Sign, Freestanding.

Sign, Non-conforming. Any sign existing at the time of this Ordinance which does meet the provisions of Title 18.

Sign, On-Premises. A sign which carries advertisement related to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, name of business, name of the person, firm or corporation occupying the premises.

Sign, Out-of-Date. Signs for which the event, time, or purpose no longer applies.

Sign, Pole. A ground supported sign which is no less than twelve (12) and no greater than thirty (30) feet in height above grade.

Sign, Political. A sign for the purpose of advertising a candidate or candidates for public elective office, or a political party, or which promotes a position on a public or ballot issue.

Exhibit B

Sign, Portable (Mobile). A sign made of any material which by its design is readily movable and which is not permanently affixed to the ground, a structure or a building.

Sign, Projecting. A sign which projects 12 inches or more from a building and is supported by a wall or structure.

Sign, Public Service. A sign which provides a service to the public (such as indicating the current time and temperature or a community bulletin board) but which includes no advertising other than the name of the sponsoring organization.

Sign, Readerboard. A sign with characters or letters that can be manually changed without altering the face of the sign. Electronic signs are not readerboards for the purposes of this Title, but are animated signs.

Sign, Revolving. See Sign, Animated.

Sign, Roof. A sign erected upon or above a roof or parapet of a building or structure. A sign shall be considered a building mounted sign if it is erected on the side of a mansard roof and does not project above the uppermost roof line or flashing.

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

Sign, Structural Alteration. Any change or modification in the supporting members of the structure, such as the pole, cabinet, footing/foundation. Exceptions are new paint, rewiring, or face change.

Sign Structure. Any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may be an integral part of the building.

Sign, Temporary. Any sign, banner, pennant, valance or advertising display intended to be displayed for only a limited period of time.

Sign, Window. A sign permanently painted on or mounted to an exterior window (e.g., a neon sign). Window signs are a type of building mounted sign.

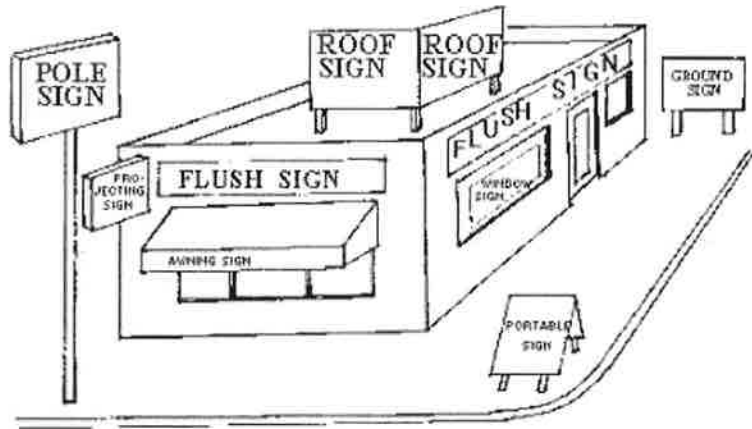


FIGURE 2-7

Significant. When used in the context of historic significance: A property which helps in the understanding of the history of the local area, state or nation (whichever is applicable) by illuminating the local, state-wide or nation-wide impact of the events or persons associated with the property, or its architectural type or style or information potential. The local area can include the City of Olympia, Thurston County, the region of Puget Sound or Southwest Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

Single-Family Dwelling. See Dwelling, Conventional.

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

Site Plan. The development plan which shows the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the reviewing authority.

Site Plan Review Committee. A technical development review group comprised of representatives from the Department of Community Planning and Development, the Fire Department and the Public Works Department, who provide technical assistance to the CP&D Director or his/her designee on land use issues. At a minimum this includes the Building Official, Planner, City Engineer, Fire Chief, and SEPA official, or their appointed designees.

Slope. The deviation of a surface from the horizontal, usually expressed in percent or degrees. (See also Grade.)

Exhibit B

[NOTE: Percentage of slope is calculated by dividing the vertical distance by the horizontal distance times one-hundred (100).]

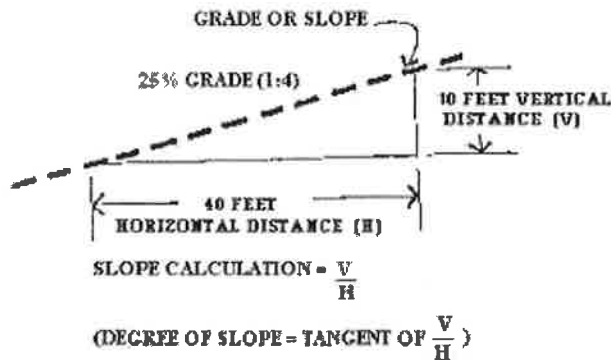


FIGURE 2-8

% 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 18.32.50518.32.305 C.

Small Lot Review. A Director review of proposed construction on undersized legal lots of record approved prior to June 19, 1995.

Small Lot Subdivision. See Subdivision, Short.

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

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

Exhibit B

Special Valuation for Historic Properties, Special Valuation. The process, pursuant to Chapter 84.26 Revised Code of Washington (RCW) and Chapter 3.60 OMC, under which the tax basis of an eligible, rehabilitated historic property may be reduced by the actual incurred cost of the rehabilitation for a period of up to ten years.

Specialty Stores. Stores selling antiques, sporting goods and bicycles, marine supplies, glassware and chinaware, books, videos (including rentals), music, cards and stationery, jewelry, toys, hobby supplies, cameras, gifts and souvenirs, sewing supplies, flowers, tobacco products, newspapers and magazines, art and art supplies, pets and pet supplies, religious supplies, consumer electronics, personal computers, or other miscellaneous goods. It also includes second-hand stores and pawnshops.

Specific or Management Plan. A plan consisting of text, maps, and other documents and exhibits regulating development within an area of special interest or which contains unique land use and development problems.

Spot Zoning. Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan. [NOTE: Spot zoning is usually invalid when all the following factors are present: (1) a small parcel of land is singled out for special and privileged treatment; (2) the singling out is not in the public interest but only for the benefit of the land owner; and (3) the action is not in accord with a comprehensive plan.]

Stables, Riding. A structure providing shelter for horses, mules or ponies which are boarded for compensation. This may include arenas, tracks, and other facilities for equestrian activities either for members of a private club or for the general public. This may also include accessory facilities such as a clubhouse.

Stable, Private. An accessory structure providing shelter for horses or ponies, for use by occupants of the premises.

Staff. Permanent or temporarily employed personnel of the City of Olympia, Washington.

Stepback. Additional setbacks of upper building floor levels.

Storage. Placement or retention of goods, materials and/or personal property in one location for more than 24 consecutive hours.

Stormwater Facility. A constructed stormwater system component, including but not limited to a detention, retention, sediment, or constructed wetland basin or pond, generally installed at the ground surface.

Stormwater Retention/Detention Basin. A facility, either above-ground or underground, that temporarily stores stormwater prior to its release to the ground (retention facility), to a surface water (detention facility), or some combination of the two. [NOTE: Retention basins differ from detention basins in that the latter are temporary storage areas. Retention basins have the potential for water recreation and water-oriented landscaping since

Exhibit B

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

Stormwater Retrofit Facilities. A stormwater treatment or flow-control facility that complies with the City of Olympia Drainage Design and Erosion Control Manual and is constructed by the City of Olympia for the purpose of providing treatment or flow-control in an area where little to none was previously provided.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade. Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is: more than six feet above grade plane, more than six feet above the finished ground level for more than 50% of the total building perimeter, or more than 12 feet above the finished ground level at any point.

Story First. The lowest above grade story in a building, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

Stream. See OMC 18.32.405.

Stream Corridor. Any river, stream, pond, lake, or wetland, together with adjacent upland areas that support vegetation adjacent to the water's edge.

Street. A public or private rights-of-way which affords a primary means of vehicular access to abutting property.

Street, Arterial. An arterial street provides an efficient direct route for long-distance travel within the region and between different parts of the city. Streets connecting freeway interchanges to commercial concentrations are classified as arterials. Traffic on arterials is given preference at intersections, and some access control may be considered in order to maintain capacity to carry high volumes of traffic.

Exhibit B

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

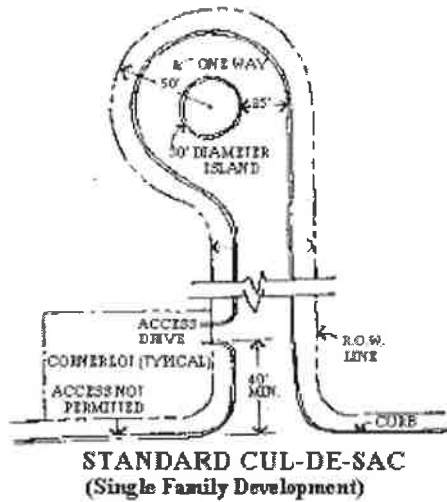


FIGURE 2-9

Street Frontage. The area between any lot lines which intersect, or area of a lot which directly abuts, the boundary of a public or private street rights-of-way.

Street Furniture. Constructed, above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public.

Street, Local Access. A street which provides access to abutting land uses and serves to carry local traffic to a collector.

Street, Major Collector. A street that provides connections between the arterial and concentrations of residential and commercial land uses. The amount of through traffic is less than an arterial, and there is more service to abutting land uses. Traffic flow is given preference over lesser streets.

Street, Neighborhood Collector. A street which distributes and collects traffic within a neighborhood and provides a connection to an arterial or major collector. Neighborhood collectors serve local traffic, provide access to abutting land uses, and do not carry through traffic. Their design is compatible with residential and commercial neighborhood centers.

Street, Private. A street that has not been accepted for maintenance and public ownership by the City of Olympia or other government entity. This does not include private driveways or access easements.

Street Wall. A building wall that faces or is parallel to the street frontage.

Exhibit B

Streetscape. The visual character of a street as determined by various elements such as structures, greenery, open space, and view.

Structure. An edifice or building of any kind which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Structured Parking. A building or a portion of a building used for the parking of motor vehicles.

Subdivider. A person who undertakes the subdividing of land.

Subdivision. The division or redivision of land into ten or more lots, tracts, parcels, sites or divisions, any of which are less than five acres in area, for the purpose of sale, lease or transfer of ownership. (See also Subdivision, Short.)

Subdivision Cluster. See Cluster Subdivision.

Subdivision, Large Lot. The division of land into lots or tracts, each of which is 1/128 of a section of land or larger, or five acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this section which borders on a street, the lot size shall be expanded to include that area which would be bounded by the centerline of the street and the side lot lines of the lot running perpendicular to such centerline.

Subdivision, Short. The division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of transfer of ownership, sale or lease.

Subordinate. A supplementary use to a permitted primary or principal use.

Substantial Improvement. Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

Surface water. A body of water open to the atmosphere and subject to surface runoff.

Swap Meet. Any outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

Exhibit B

T. DEFINITIONS - SPECIFIC.

Temporary Use. A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

Theater. A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Time-of-travel. The time required for ground water to move through the water bearing zone from a specific point to a well.

Townhouse. See Dwelling, Conventional.

Toxic Substance. See Hazardous Materials or Hazardous Waste.

Tract. An area, parcel, site, piece of land or property. (See also Lot and Critical Area Tract.)

Traffic Impact Study. A report analyzing anticipated traffic flow conditions with and without proposed development. [NOTE: The report includes an analysis of mitigation measures and a calculation of fair share financial contributions.]

Trail. A paved or unpaved surface for pedestrian and/or bicycle commuting or recreational use, which may include sidewalks. Trails may be located parallel to an improved street, within a single development; or may inter-connect different areas by an off-street route.

Transfer of Development Right Sending Zone. The area designated by Thurston County from which development rights can be transferred.

Transferable Development Right. An interest in real property which is the difference between the existing use of a parcel and its potential development use expressed in residential units per acre. This right is made severable from the parcel to which the interest is appurtenant and transferable to another parcel of land for development and use in accordance with applicable regulations.

Transient. A continuous period of two weeks or less.

Transportation Demand Management. Strategies aimed at reducing the number of motor vehicle trips, shortening trip lengths, and changing the timing of trips to non-peak hours. [NOTE: These strategies encourage the use of mass transit, car pools, van pools, bicycling, and walking and typically focus on the home-to-work commute. They also include efforts to provide housing close to jobs to shorten trip lengths. These strategies often require the joint cooperation of developers, employers, and local governments.]

Exhibit B

Transportation Demand Management Plan. A system of actions and timetables to alleviate traffic problems through improved management of motor vehicle trip demand. (See also Transportation Demand Management.)

Tree. A self-supporting perennial woody plant characterized by one main stem or trunk of at least six inches diameter at breast height, or a multi-stemmed trunk system with a definite crown, maturing at a height of at least six feet above ground level.

Trip. A single or one-way motor vehicle movement either to or from a subject property within a study area.

Truck, Trailer, and Recreational Vehicle Rental. Businesses primarily engaged in short-term rental or extended-term leasing of trucks, truck-tractors, semi-trailers, moving vans, utility trailers, recreational vehicles, and the like. Finance (equity or full-payout) leasing of trucks, trailers, and recreational vehicles is classified with Motor Vehicle Sales.

U. DEFINITIONS - SPECIFIC.

Unavoidable and necessary impacts. Those impacts to critical areas that may result when a person proposing to alter such an area has demonstrated that no alternative exists for the proposed project.

Unusual Uses. Undefined land uses or activities resulting from advancing technology.

Upland. The area above and landward of the ordinary high water mark.

Use. The purpose, type and extent for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Utility Facility. The physical infrastructure used by private and public utilities to provide service to their customers, e.g., lines, equipment, substations, pump station, and appurtenances. (See also Private Utility and Public Utility.)

Utility Line, Service or Distribution. Any utility line that extends from a main line and terminates at a building or structure.

Utility Line, Stormwater. A constructed stormwater system component, including but not limited to:

1. A ditch, swale, or similar component installed at ground surface, generally in a linear fashion with clearing and grading limited to 15 feet or less of lateral extent from the centerline;
2. A pipe, culvert, or similar component installed underground, generally in a linear fashion with clearing and grading limited to 15 feet or less of lateral extent from the centerline; or
3. A vault, manhole, catch basin/storm drain, or similar component, which:

Exhibit B

- a. Is installed underground,
- b. Is connected to one of the above-listed components, and
- c. Results in clearing and grading no more extensive than described above.

Utility Line, Transmission or Main. Any public or private utility line that provides service to numerous commercial, residential, public and/or industrial land uses.

V. DEFINITIONS - SPECIFIC.

Variance. A modification of the terms of this title that may be granted because of the unusual shape, exceptional topographic conditions or other extraordinary situation or condition in connection with a specific piece of property, where the literal enforcement of this title would involve practical difficulties and cause undue hardship unnecessary to carry out the spirit and intent of this title.

Vegetation - Hydrophytic. Vascular plant life and mosses which grow in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content as described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands,(1989) as amended or revised.

Vegetation - Native. Plants species which have adapted over thousands of years to the weather, soil, and topography of Thurston County, Washington.

Vehicle. A device capable of being moved upon a public highway and in, upon, or by which persons or property are or may be transported or drawn upon a public highway, including automobiles, trucks, buses, motorcycles, trailers, and the like. The term includes bicycles, but does not include other devices moved by human or animal power (e.g., skateboards or horse-drawn wagons), nor devices used exclusively upon stationary rails or tracks.

Veterinary Clinic. See Office, Veterinary/Clinic.

View Corridor. An area at ground level providing views of the waterfront and other landforms of significance, unobstructed by permanent structures between a public street and the preserved. (See also Easement, Scenic.)

Village Center. That portion of an urban village, neighborhood village, or community oriented shopping center which is occupied by commercial, commercial/residential mixed uses, and associated uses such as parking or a village green or park.

W. DEFINITIONS - SPECIFIC.

Waiver of a Certificate of Appropriateness, Waiver. A letter or other document which allows the building or zoning official to issue a permit for demolition.

Exhibit B

Warehouse. A building primarily used for storage and distribution of products, equipment, or materials, which are not available for retail sale on the premises. "Warehousing" is the associated activity. Compare Mini-storage.

Welding and Fabrication. A business engaged in stamping or shaping pieces of metal which are then connected by heat until molten and fused, in order to manufacture, service, or repair sheet metal products.

Wellhead Protection Area. See OMC 18.32.205.

Wet pond. An artificial water body with a permanent water surface dug as a part of a surface water management system.

Wetland, habitat types or wetland types. Descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al 1978). These habitat types can include emergent, scrub-shrub or forested wetlands.

Emergent. A wetland with at least thirty (30) percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative stratum.

Forested. A wetland with at least twenty (20) percent of the surface area covered by woody vegetation greater than twenty (20) feet in height.

Scrub-shrub. A wetland with at least thirty (30) percent of its surface area covered by woody vegetation less than twenty (20) feet in height as the uppermost stratum.

Wetlands. See OMC 18.32.505.

Wetlands, Isolated. Those regulated wetlands which:

- a. Are outside of and not contiguous to any one hundred (100)-year floodplain of a lake, river or stream; and
- b. Have no contiguous hydric soil between the wetland and any surface water.

Wetlands Mitigation Bank. A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Wetland - Mosaic. A wetland where each patch of wetland is less than one (1) acre; and each patch is less than one hundred (100) ft apart, on the average; and the areas delineated as vegetated wetland are more than fifty percent (50%) of the total area of the wetlands and the uplands together, or wetlands, open water, and river bars, all as defined in the Washington State Wetland Rating System for Western Washington (2004/2014) as amended or revised.

Exhibit B

Wholesale Sales or Trade. Establishments or places of business primarily engaged in selling merchandise to retailers.

Wildlife blind. A structure no larger than two hundred (200) square feet used for the observation of wildlife.

Wireless Communication Facility (WCF). Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be deemed a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Excluded from the definition are: non-commercial amateur radio, amateur ham radio and citizen band antennas, satellite earth stations and antenna support structures, and antennas and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities.

Specific types of WCFs include:

Attached WCF. An antenna or antenna array that is secured to an existing building or structure other than an antenna support structure - including light standards, transmission towers, utility poles, or the like - together with a) any accompanying pole or device which attaches it to the building or structure, b) transmission cables, and c) an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site. (See also Freestanding WCF.)

Concealed WCF, sometimes referred to as a stealth or camouflaged facility. A WCF, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed WCFs: 1) attached and 2) freestanding. 1) Examples of concealed attached facilities include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. 2) Concealed freestanding WCFs usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree. (See also Non-concealed WCF.)

Freestanding WCF. Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, and equipment cabinets, and may include an antenna support structure. A freestanding wireless communication facility includes, but is not limited to the following: guyed, lattice, or monopole antenna support structures. (See also Attached WCF.)

Exhibit B

Non-concealed WCF. A wireless communication facility that is readily identifiable as such and can be either freestanding or attached. (See also Concealed WCF.)

ROW Attached Structure. A special case of an attached WCF, this is defined as a pole or other structure primarily used as an electrical transmission support structure for electrical, telephone, cable, or other wired services that can be or has been configured to support the antenna(s) and feedlines of one or more wireless service providers for use as a WCF.

Wireless Communications. Any personal wireless service, which includes but is not limited to: cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (e.g., wireless internet services and paging).

Wireless Telecommunications Master Plan. A plan developed to enforce applicable development standards, state statutes, and federal regulations related to the deployment of wireless telecommunications infrastructure.

Workshops for Disabled People. Sheltered workshops and facilities which provide disabled people with opportunities for training, recreation, and/or employment. This may include assembly of products or any other activity allowed as a permitted use in the district.

X. DEFINITIONS - SPECIFIC.

Xeriscape. A landscape design which conserves water through creative landscaping. Principles of xeriscape design include reduction of turf areas and increased use of groundcover; grouping of plants with similar water needs; soil improvements to increase moisture and decrease evaporation; and use of drought tolerant plant materials.

Y. DEFINITIONS - SPECIFIC.

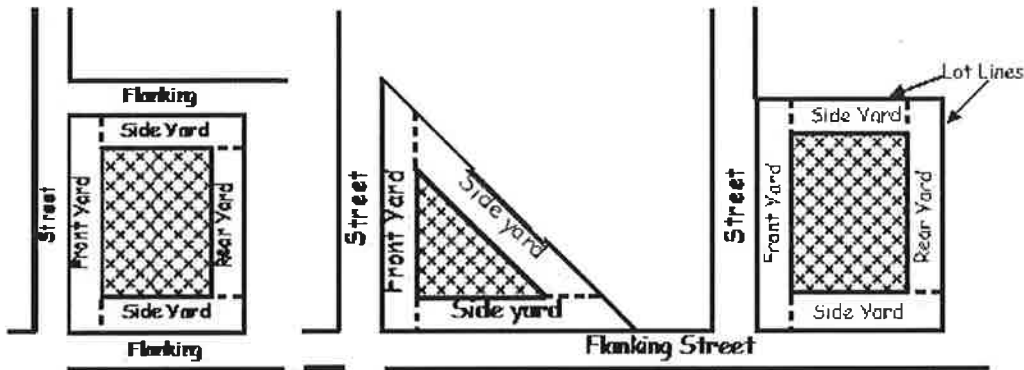
Yard. An open space on a parcel of land, other than a court, unobstructed and unoccupied from the ground upward, except for projections permitted by this code.

- a. Front yard. A yard extending across the full width of the building site, having at no point less than the minimum required distance between the front property line and the building line.
- b. Rear yard. A yard extending from one side property line to the other, except in the case of a corner building site when the rear yard shall extend from the interior side property line to the opposite side yard.
- c. Side yard. A yard extending from the front yard to the rear yard, except in the case of a corner building site when the side yard on the flanking street shall extend to the rear property line. [NOTE: See Figure 2-10 for yard examples.]

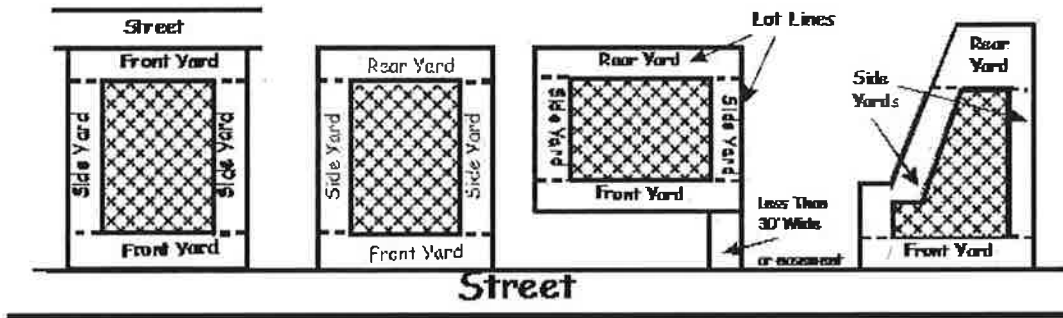
Year. Three hundred and sixty-five days in a normal year, or 366 in a leap year.

Z. DEFINITIONS - SPECIFIC.

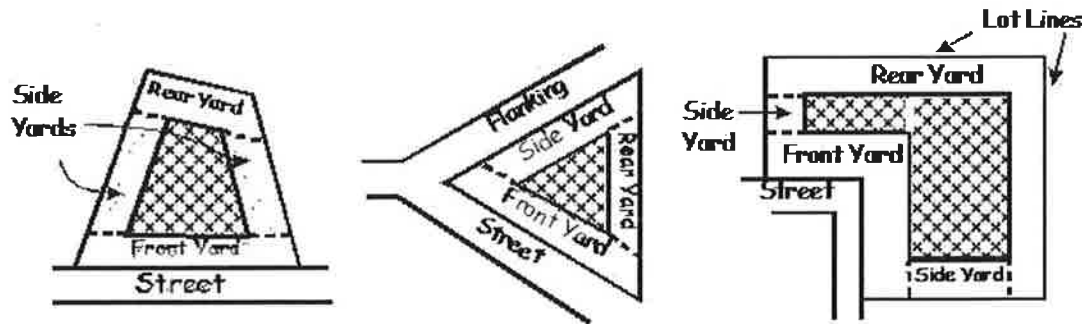
Zero Lot. A lot designed in such a manner that one (1) or more sides of the structure may rest directly on or near a side lot line.



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



**ODD-SHAPED LOT EXAMPLES
REQUIRED YARDS**

 Building (Zoning) Envelope (Two Dimensional)

FIGURE 2-10

18.37.070 Nonconforming Structures and Uses Within Critical Area Buffers

A. Existing structures and uses. Existing structures and uses which are located within a critical area or its buffer prior to the effective date of Chapter 18.32, which is June 20, 2005, may continue pursuant to the provisions of this Chapter.

B. Appurtenant structures and related development. ~~Existing structures located within a critical area or its buffer as provided in OMC 18.37.070(A),~~ If there is no negative impact to critical area buffers, the Department may include as "existing structures and uses," pursuant to OMC 18.37.070(A) appurtenant structures and related development such as but not be limited to: garages, out-buildings, lawns, landscaping, gardens, sports fields, sport courts, picnic areas, play equipment, trails and driveways which also existed prior to the effective date of Chapter 18.32.

C. Critical area review. That portion of a parcel which contains existing structure, appurtenant structures, and related development as defined by OMC 18.37.010(A) and 18.37.070(B), shall be exempt from further review of OMC Chapter 18.32, except as provided in OMC 18.32.215. Expansion or additions of structures and uses listed in OMC 18.37.070(A) and 18.37.070(B) into undisturbed parts of the property which are within a critical area or its buffer will require a critical area review per OMC Chapter 18.32.