

## **Ordinance No. 08-2520**

AN ORDINANCE relating to Drinking Water (Wellhead) Protection; repealing Olympia Municipal Code (OMC) Chapter 14.20, Wellhead Protection; amending OMC Subsections 18.02.180.D, 18.02.180.G, 18.02.180.P, 18.02.180.S and 18.02.180.T, Critical Area Definitions; amending OMC Sections 18.32.000, 18.32.200, 18.32.205, 18.32.210, 18.32.215, 18.32.220, 18.32.225, 18.32.230, 18.32.235, and 18.23.240, Wellhead Protection; and amending OMC Section 18.77.010, Application Contents List.

WHEREAS, the Growth Management Act (GMA) required the City of Olympia to designate critical areas, which include areas of critical recharging effect on aquifers used for potable water, and to develop and adopt development regulations that protect critical areas (RCW 36.70A.060 and .170 and WAC 365-195-410); and

WHEREAS, the City of Olympia adopted OMC Chapter 14.20 and OMC Chapter 18.32 to meet the requirements of the GMA for Drinking Water (Wellhead) Protection on March 17, 1992 and June 20, 2005 consecutively; and

WHEREAS, the Olympia Planning Commission, as a result of consultation with the Public Works Department and the Community Planning and Development Department, identified the need to update and improve existing codes related to Drinking Water (Wellhead) Protection; and

WHEREAS, the City's Draft 2009-2014 Water System Plan identifies the need to evaluate and update wellhead protection codes and the Growth Management Act (RCW 36.70A.020) guides the adoption of development regulations related to critical areas protection; and

WHEREAS, the Washington State Department of Community, Trade and Economic Development (CTED) and the Washington State Department of Ecology (DOE) have both produced documents which give local jurisdictions guidance on developing critical areas ordinances related to protecting critical aquifer recharge areas; and

WHEREAS, the Public Works and Community Planning and Development Departments consulted the CTED, "Critical Area Assistance Handbook" and the DOE "Critical Aquifer Recharge Areas Guidance Document, January 2005," when preparing and revising the proposed Critical Areas Ordinance Update; and

WHEREAS, the GMA (RCW 36.70A.172) requires all jurisdictions to include Best Available Science in developing policies and development regulations to protect the functions and values of Drinking Water (Wellhead) Protection areas; and

WHEREAS, the Best Available Science Rule requires local governments to utilize best available science in their critical area regulation updates (consistent with RCW 36.70A.172) and provides guidance for acquiring and evaluating scientific information to determine whether it constitutes the Best Available Science; and

WHEREAS, the City prepared a memorandum on April 13, 2009 consistent with the CTED document “Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas, March 2002,” to the Planning Commission for the April 20, 2009 Public Hearing which cites staff expertise, and the reports, studies and plans consulted in the preparation of the 2009 revisions; and

WHEREAS, the Olympia Planning Commission began its review of the drinking water protection amendments to Chapter 18.32 in September 2008, and subsequent reviews as part of their 2009 work plan on March 16, 2009 and deliberation and final action on April 20, 2009; and

WHEREAS, the Utility Advisory Committee and the Planning Commission provided guidance to the Public Works and Community Planning and Development Department’s by reviewing draft code language, conducting a public hearing, and the City Council Committee of the Chairs supported staff’s recommended work plan and public process at its January 6, 2009 meeting through the barriers to development discussion (Recommendation B4 – Critical Areas Ordinance); and

WHEREAS, an environmental checklist was prepared based upon the Olympia Planning Commission Public Hearing Draft, and the City’s SEPA responsible official issued and circulated a copy of said checklist and a Determination of Non-Significance (DNS) on April 22, 2009; and

WHEREAS, the City submitted the draft code amendments (Planning Commission April 20, 2009 Public Hearing version) to CTED for a 60-day review on April 9, 2009 and received no comments from the agency; and

WHEREAS, postcards were mailed to interested parties and to the property owners of approximately 160 parcels which may be affected by the proposed amendments; two information sessions were held; local jurisdictions were consulted; a website developed with code revision updates; and an Olympia Planning Commission Public Hearing Notice was posted in *The Olympian* newspaper on April 6, 2009; and

WHEREAS, the Olympia Planning Commission held a public hearing on the proposed amendments to OMC Chapter 14.20 and OMC 18.32 on April 20, 2009, received no public testimony, deliberated and suggested revisions and voted unanimously to approve adoption of the amendments with their suggestions included and forwarded it to City Council for review and adoption; and

WHEREAS, the Olympia Planning Commission requested that two items be forwarded to the City Council for their final consideration, including prohibited uses of chemical storage facilities in OMC Subsection 18.32.215.B, and language in OMC Subsection 18.32.235.B regarding quantity thresholds for packaged materials available for retail sale and commercial and institutional applications; and

WHEREAS, the Utility Advisory Committee reviewed the Olympia Planning Commission’s suggested revisions on May 7, 2009 and voted to approve the revisions and to recommend to the City Council that both chemical and pesticide storage facilities be prohibited within a designated

Drinking Water (Wellhead) Protection Area and be removed from OMC 18.32.215.B and added to OMC 18.32.215.A; and

WHEREAS, the Olympia City Council reviewed the Olympia Planning Commission recommendation and public hearing testimony from April 20, 2009 and has determined that the proposed OMC update of Chapters 14.20, 18.32, and Sections 18.02.180, and 18.77.010: (1) addresses guidance from the Utility Advisory Committee, the Olympia Planning Commission and the City Council and the need to repeal duplicative regulations, streamline the technical review process, and focus on mitigation that will prevent contamination of municipal drinking water supplies; (2) implements the requirements of the Growth Management Act while remaining consistent with the City of Olympia Comprehensive Plan and the Draft 2009-2014 Water System Plan; and (3) incorporates Best Available Science and measures necessary to public drinking water supplies; and

WHEREAS, this Ordinance is supported by all staff reports and materials related to City Council and Committee discussions associated with this Ordinance, all documents on file with the City, including the Public Works Department, related to this Ordinance, and is adopted pursuant to Article 11, Section 11 of the Washington State Constitution and any other applicable legal authority;

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

**Section 1. Repeal of Chapter 14.20. The Olympia Municipal Code Chapter 14.20, Wellhead Protection is hereby repealed.**

**Chapter 14.20**

**WELLHEAD PROTECTION**

**Sections:**

- ~~14.20.010 Wellhead protection zones designated.~~
- ~~14.20.020 Environmentally sensitive areas.~~
- ~~14.20.030 SEPA exemption threshold.~~
- ~~14.20.040 Pollution prevention plans.~~
- ~~14.20.050 Penalties for violation of plan.~~

**14.20.010 – Wellhead protection zones designated**

~~For purposes of this ordinance, the areas described on the attached Exhibits 1 and 2, which are hereby adopted by reference as though fully set forth herein, shall constitute the Wellhead Protection Zones. All of the capture zones are considered part of the Wellhead Protection Zone. Three copies of Exhibits 1 and 2 shall be kept on file in the office of the City Clerk.~~

**14.20.020 – Environmentally sensitive areas**

Pursuant to Section 14.04.170 of the Olympia Municipal Code, the Wellhead Protection Zones on Exhibits 1 and 2 are hereby designated environmentally sensitive areas for purposes of the State Environmental Policy Act (SEPA). These areas shall be subject to the standards of WAC 197-11-908 and the City shall file maps designating such areas with the Department of Ecology immediately after passage of this ordinance.

**14.20.030 – SEPA exemption threshold**

For all commercial and public land use projects proposed submitted within the Wellhead Protection Zones, the existing exemption threshold of 4,000 square feet set forth in WAC 197-11-800(b)(iii) shall not apply. SEPA shall be applied to all commercial and public proposals regardless of size.

**14.20.040 – Pollution prevention plans**

Any applicant for a development within the Wellhead Protection Zones shall submit for approval a pollution prevention plan if it is determined by the Water Resources Program's Drainage Manual Administrator that the new development or expansion poses a significant environmental hazard to the water sources. In the discretion of city staff, the plans shall include best management practices; hazardous material use, storage, and disposal practices; a description of employee education; a description of on-site monitoring; and other elements required by the Administrator. The plans shall include a procedure for implementation including record keeping and verifying effective implementation. The City shall be granted access to implementation records upon request.

**14.20.050 – Penalties for violation of plan**

Any person who violates or allows others under his or her supervision to violate any provision of an approved pollution prevention plan shall be subject to a penalty under this ordinance. Violations may result in a civil penalty of up to \$100 per day of occurrence, as determined by the Administrator based on the severity of the violation(s). A repeat or intentional violation may be considered a misdemeanor, subjecting the violator to a fine not to exceed \$5,000 and/or jail time not to exceed ninety (90) days.

**Section 2. Amendment of Subsection 18.02.180.D, Subsection 18.02.180.D of the Olympia Municipal Code is hereby amended to read as follows:**

**D. DEFINITIONS - SPECIFIC.**

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

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

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

**Days.** Consecutive calendar days unless otherwise stated.

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

**Dedication.** The deliberate appropriation of land by an owner(s) for any general and public uses, reserving to themselves no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property is to be devoted. The intent to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan which shows the dedication thereon. Acceptance by the public shall be evidenced by written approval issued by the city of such document for filing with the County Auditor.

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

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

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

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

**Design Review Board.** A committee with a balance of design professionals (architecture,

planning, engineering, landscape architecture) and citizens who are appointed by the City Council.

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

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

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

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

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

**Development Coverage.** See Coverage, Development.

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

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

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

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

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

**Drinking Water Protection Area.** See OMC 18.32.205.

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

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

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

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

a. **Dwelling, Conventional.**

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

ii. **Apartment.** A dwelling within a structure designed and used for occupancy by three or more individual persons or families living independently of each other. These structures include triplexes, fourplexes, and other multi-unit configurations.

iii. **Boarding Home.** Any home or institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator, under the provisions of Chapter 18.20 RCW. It shall not include any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. (See also Dwelling, Assisted Living.)

iv. **Co-Housing.** Co-housing developments consist of two or more dwelling units, one or more shared community structures (e.g., containing a meeting hall, dining hall/kitchen, community center, or day care) and perhaps a community garden, recreation area, or similar community oriented use.

v. **Condominium.** A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

vi. **Cottage Housing Development.** Four or more small, detached dwelling units sharing a commonly owned courtyard/common area and parking area.

vii. **Duplex.** One building containing two single-family dwelling units totally separated from each other by a one-hour fire wall or floor.

viii. **Guest House.** Living quarters without kitchen facilities located on the same lot with a principal building and occupied for the sole use of members of the family, temporary guests, or persons permanently employed on the premises. (See also Accessory Dwelling Unit.)

ix. **Manufactured Home.** A single-family residence constructed after June 15, 1976, and installed in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

x. **Manufactured Home, Designated.** A manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, and which meets the requirements of OMC 18.04.060.O.

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

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

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

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

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

xvi. **Townhouse.** A single-family dwelling unit which is part of a group of two or more such units separated by a completely independent structural

wall (including utilities in separate walls), extending from the ground to the roof in accordance with the applicable Building Code and which has no doors, windows or other provisions for human passage or visibility through the wall. In certain zoning districts, such dwelling units are platted with common side and/or rear property lines between the structural walls. See Chapter 18.64.

**b. Dwelling, Transient.**

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

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

iii. **Lodging House.** A dwelling having only one kitchen and used for the purpose of providing lodging, or lodging and meals, for compensation for no more than five persons other than the members of the immediate family of the operator occupying such dwelling. Any such dwelling having over five such guests is considered a hotel. (See also Boarding Home.) [NOTE: A lodging house allows for an unlimited stay, unlike a Bed and Breakfast which is limited to two weeks.]

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

v. **Trailer House.** See Recreational Vehicle.

**c. Dwelling, Assisted Living.**

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

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

by the State of Washington as a "nursing home" in accordance with the provisions of Chapter 18.51 RCW.

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

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

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

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

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

(c) **Homeless Shelter.** A facility offering lodging and/or emergency shelter to homeless individuals for an indefinite period

of time and meeting the standards of Chapter 248-144 WAC.

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

(e) **Group Home for Offenders.** A home or other facility operated for housing and supervision of work/training release residents during their stay in a work/training release program as defined and regulated in Chapter 237-56 and 137-57 WAC.

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

vii. **Nursing Homes.** See Convalescent Home.

viii. **Rest Home.** See Congregate Care.

**Section 3. Amendment of Subsection 18.02.180.G. Subsection 18.02.180.G of the Olympia Municipal Code is hereby amended to read as follows:**

**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.

**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.)

**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.

**Section 4. Amendment of Subsection 18.02.180.P, Subsection 18.02.180.P of the Olympia Municipal Code is hereby amended to read as follows:**

**P. DEFINITIONS - SPECIFIC.**

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

**Park, Neighborhood.** An area suited for passive and/or active family activities and play which may include facilities such as picnic table and shelters, barbecue pits, playground equipment, basketball backboards, small sized playfields, volleyball courts and tennis courts. Neighborhood parks can serve an urban design as well as recreational function and are a core feature of neighborhood centers.

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

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

**Parking Facility or Lot.** A land area, building or structure that is devoted primarily to the temporary parking or storage of vehicles for which a fee may or may not be charged, and where no service or repairs of any kind are furnished.

**Parking Facility, Commercial.** A parking facility available to the general public, for which a fee is charged on an hourly, daily, weekly, monthly, or other similar basis.

**Parking, Shared.** Two or more land uses or a multi-tenant building which merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and provide a superior grouping of building(s).

**Parking Space.** An area which is primarily intended for the temporary storage of vehicles and which meets the design requirements of this code.

**Party of Record.** The applicant and any person who prior to a decision has requested notice of the decision or submitted substantive comments on an application.

**Passive Recreation.** See Recreation, Passive.

**Pedestrian-Oriented Business.** A commercial enterprise whose customers commonly arrive at a business on foot, or whose signage, advertising, window display and entry ways are oriented toward pedestrian traffic. Pedestrian-oriented business may include restaurants, retail shops, personal service businesses, travel services, banks, (except drive-through windows), and similar establishments.

**Pedestrian Plaza.** An area between a building and a public street which promotes visual and pedestrian access onto the site and which provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space for activities such as resting, gathering, reading and picnicking.

**Pedestrian Street.** Street devoted to uses and amenities which stimulate and reinforce pedestrian activities and visually interesting features at the pedestrian level. Uses are typically sidewalk oriented and physically and visually accessed by pedestrians from the sidewalks, are open during established shopping hours, generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity. Such uses include, but are not limited to, retail shops, restaurants, personal services, day care facilities, banks, travel agencies, cinemas, theaters, amusement establishments, galleries, museums, public display spaces, drug stores, shoe repair shops, floral shops, hair shops, department stores, small hardware stores, and apparel shops. Visually interesting features include, but are not limited to, sculptures, display cases, landscaping, vendor stalls and carts, and architectural detailing.

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

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

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

**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, 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 tippers, 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.

**Pollution Prevention Plan.** ~~A site specific plan based on deliberate waste management planning, site design, and operational practices, and that addresses the avoidance of unplanned chemical release into the air, water, or land.~~

**Portable Classroom.** An accessory building/structure used for public, private or parochial education, and located on the same site as the principal building of instruction.

**Principal Use.** The primary or predominant use of any lot, building or structure.

**Printing, Commercial.** This includes shops specializing in printing small jobs for business clients or the general public, such as photocopying, offset printing, or screen printing of documents, announcements, business cards, or the like. This also may include blueprinting, computer plotting, and similar business services. These shops may engage in typesetting, photoengraving, plate-making, and other printing functions incidental to their primary activity; however, if they are primarily engaged in these functions as a service to other printing businesses, they are classified under Industrial Printing. Businesses which print books, magazines, newspapers, or other periodicals for others are classified under Industrial Printing.

**Printing, Industrial.** Businesses which print books, magazines, newspapers, or other periodicals for others. It also includes printers of maps, posters, and the like; makers of business forms, looseleaf binders, and the like; and service industries for the printing trade, such as engraving, typesetting, photoengraving, electrotyping and stereotyping, lithographic platemaking, and related services.

**Private School.** See School, Private.

**Private Utility.** A privately owned enterprise that provides the public with electricity,

gas, heat, steam, communication, transportation, water, sewage and garbage collection or other similar public services.

**Prohibited Use.** A use that is not permitted in a zoning or land use district or other provisions of this Title.

**Project.** A change in occupancy or modification or improvement of real estate, whether done by clearing, grading, or structure creation or modification in any manner requiring approval, licensing, or permitting by the City of Olympia.

**Project Permit.** Any land use or environmental permit or license required from the city for a project action, such as a building permit, preliminary or final plat approval, binding site plan approval, conditional use approval, shoreline substantial development permit, land use approval or a site specific rezone authorized by the Olympia Comprehensive Plan. Adoption or amendment of a comprehensive or other municipal plan, subarea plan, or development regulation or imposition of impact or other fee is not a project permit. [See RCW 36.70B.020(4)].

**Project Permit Application.** A formal written request to the City for a project permit on forms approved by the City Council.

**Property Line.** Any line bounding the ownership of a parcel of land.

a. **Front property line.** Any property line separating any parcel of land from the street rights-of-way. In case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice, in the opinion of the Building Official, will not be detrimental to the existing or future development of adjacent properties. In case of a through lot, both property lines abutting on a street are front property lines. In the case of a lot not abutting a street, the front property line is that line nearest to and roughly parallel with a street, provided that the Building Official may approve an alternative front line if it will not be detrimental to existing and future development.

b. **Rear property line.** Any property line that does not qualify as a front or side property line.

c. **Side property line.** Any property lines that intersect the front property line. These lines may intersect at any angle and be of any length. (See also Yards.)

**Public Access (Shoreline).** The physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water from upland locations. There are a variety of types of public access including picnic areas, pathways and trails (including handicapped accessible), floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking, and others.

**Public Art.** Expressionistic forms, either man-made or natural, which are located for

community view on private or public property.

**Public Building.** Any building, structure, facility, or complex used by the general public, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, public eating places, schools, and theaters; business buildings, such as offices; and factories and industrial buildings.

**Public Facility.** Land, buildings or structures operated by a municipal or other governmental agency to provide local protective, social, recreational, cultural, or mass transportation services directly to the general public. This includes police and fire stations, libraries, recreation facilities, bus transfer stations and park-and-ride lots. It also includes public land or buildings devoted solely to the storage of equipment and materials. It does not include facilities whose primary purpose is to provide administrative or judicial services, except as they may be incidental to the defined use, nor parking lots that are accessory to uses that would otherwise not be allowed in the underlying zone.

**Public Hearing.** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

**Public Meeting.** An informal meeting, hearing, workshop or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision on the permit application. A public meeting may include a design review board meeting, a neighborhood association meeting, or a scoping meeting on a draft environmental impact statement. A public meeting is distinct from and does not include an open record hearing. [See RCW 36.70B.020(5)].

**Public Notice.** The advertisement of a public hearing or meeting in a newspaper of general circulation, or through other media such as site posting and direct mailing, indicating the time, place, and nature of the public hearing.

**Public Project of Significant Importance.** See OMC 18.66.090.

**Public Safety Communications Equipment.** All communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the City and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

**Public Services.** Fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services.

**Public Use Area.** An outdoor portion of a property that is dedicated to public use and which contains one or more of the following elements: benches, tables, lawns, public art, gardens, exercise or play equipment, or similar improvements or features. These elements

are to provide the public with recreational activities in addition to the right to traverse or stand in this area.

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

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

**Section 5. Amendment of Subsection 18.02.180.S. Subsection 18.02.180.S of the Olympia Municipal Code is hereby amended to read as follows:**

**S. DEFINITIONS - SPECIFIC.**

**Salmonid.** A member of the fish family salmonidae, such as chinook, coho, chum, sockeye and pink salmon, rainbow, steelhead, cutthroat salmon, brown trout, bull trout, Brook and Dolly Varden char, kokanee and whitefish.

**Sanitary Landfill.** A site for solid waste (garbage) disposal.

**Satellite Earth Station.** A single or group of parabolic (or dish) antennas that are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

**Scale, Architectural.** The perceived height and bulk of a building relative to that of neighboring buildings. A building's perceived height and bulk may be reduced by modulating facades.

**Scenic Vistas.** Those areas which provide, for significant numbers of people, outstanding views from public rights-of-way of Mt. Rainier, the Olympic Mountains, Budd Inlet, the Black Hills, the Capitol Building, and Capitol Lake or its surrounding hillsides.

**School.** An institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards required by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

**Screening.** A continuous fence or wall supplemented with landscaping, or an evergreen hedge or combination thereof, that effectively provides a sight-obscuring and sound-

absorbing buffer around the property it encloses, and is broken only for access drives and walks.

**Sculptured Building Top.** A building top which has:

- a. Reduced floor area on the upper floors; and
- b. A distinctive roof form such as pitched roof, hip roof, dome, chateau roof, tower, turret, pediment, dormers, or other distinctive forms. Roofline embellishments such as medallions, statuary, cornices, brackets, finials, or similar ornament would not be considered sculptured building tops; and
- c. Upper floors which are set back from the street wall.

**Secretary of the Interior's Standards for the Treatment of Historic Properties, The (as amended).** Guidelines adopted by the Secretary of the Department of the Interior to guide the rehabilitation, restoration or reconstruction of a historic property.

**Section of Land.** Measured 640 acres, one square mile, or 1/36 of a township.

**Secure Community Transition Facility.** A residential facility for persons civilly committed and conditionally released from a total confinement facility operated by the Secretary of Washington Social and Health Services or under contract with the Secretary pursuant to RCW 71.09.020(10) as described in RCW 71.09.250. All secure community transition facilities located within the City of Olympia shall conform with Olympia Municipal Code Subsection 18.08.080(E).

**Seep.** A spot where groundwater oozes to the surface. A small spring.

**Service and Repair Shop.** An establishment providing major repair and/or maintenance of motor vehicles, equipment or major appliances, including, but not limited to: mechanical repair, replacement of parts, body repair, painting, engine overhaul, or other major repair or maintenance, including operations which may require open flame or welding.

**Service Stations.** Businesses which sell gasoline or alternative vehicle fuels, and/or which may perform minor vehicle maintenance or repair, and/or wash cars. "Minor maintenance or repair" is limited to the exchange of parts and maintenance requiring no open flame or welding. Service stations include self-service gas stations, full-service gas stations, diesel fueling stations, oil change and lubrication shops, auto detailing shops, and car washes. Businesses which provide major repair work such as engine overhauls, vehicle painting, or body repair are classified as Service and Repair Shops.

**Servicing of Personal Apparel and Equipment.** A business primarily engaged in the upkeep of personal or small household belongings. Such businesses include, but are not limited to: tailors, locksmiths, piano tuners, or businesses which repair shoes, cameras,

small appliances, or consumer electronics.

**Setback.** The distance between the building and any lot line. See specific zone district for allowed projections into setback areas and point of measurement. (See also Yard.)

**Setback Line.** An imaginary line that establishes the required minimum distance from any lot line and defines the area where the principal structure must be erected. (See also Building Line, Yard, and Lot.)

**Sewer.** Any pipe or conduit used to collect and carry away sewage and sometimes stormwater runoff from the generating source to a treatment plant.

**Sexual conduct.**

- a. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
- b. Any penetration of the vagina or anus, however slight, by an object; or
- c. Any contact between persons involving the sex organs of one person and the mouth or anus of another; or
- d. Masturbation, manual or instrumental, of oneself or of one person by another; or
- e. Direct touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another; or
- f. Flagellation or torture in the context of a sexual relationship; or
- g. Sodomy.

**Shopping Center.** A commercial development with unenclosed pedestrian walks in which there are a number of separate commercial activities, with accessory shared facilities such as parking, and which is designed to provide a single area which the public can obtain varied products and services. Shopping centers are typically characterized by at least one large retail "anchor" store.

**Shopping Mall.** A shopping center with stores on one or both sides of a covered and enclosed pedestrian walkway.

**Sidewalk.** A paved, surfaced, or leveled area, paralleling and usually separated from the street and normally used as a pedestrian walkway.

**Sign.** Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. Such means may include words, letters, figures, design, movement, symbols, fixtures, colors, illumination, or projected images.

**Sign, Abandoned.** Any sign which:

- a. Is located on property which becomes vacant and unoccupied for a period of 12 consecutive months or more (excepting legal off-premise signs), or
- b. Relates to any occupant or business unrelated to the present occupant or their business (excepting legal off-premise signs), or
- c. Pertains to a time, event or purpose which no longer applies.

**Sign, Animated.** A sign with action or motion (including those that flash, oscillate or revolve) or one that involves color changes, illustrations or messages. This does not include wind activated elements such as flags or banners; nor does it include public service signs (such as time and temperature signs).

**Sign Area.** The entire background of a sign upon which advertising could be placed (counting all faces), including the frame but not other supporting structure, except that the area of advertising affixed directly to, or painted on a building without any background, other than the building, shall be the area contained in the smallest geometric figure enclosing all portions of the sign message (i.e., all letters, numbers, graphics, etc.).

**Sign Awning.** A sign which is on an awning. Awning signs are a type of building mounted sign.

**Sign, Billboard.** A rigidly assembled outdoor sign permanently affixed to the ground or permanently attached to a building or other permanent structure, unrelated to any use or activity on the property on which the sign is located, but not including directional signs as defined herein.

**Sign, Building Mounted.** A permanent sign which is attached to, or erected against or painted on, any exterior wall, fascia, or window of a building or structure. For the purpose of this Title, signs which shall be considered building mounted signs, include flush mounted signs, signs on marquees and awnings, projecting signs, and signs erected on the side of a mansard roof provided the sign does not project above the uppermost roof line or flashing.

**Sign, Business Directory.** A type of development identification sign which lists the names of the individual uses in a development.

**Sign, Changeable Copy.** See Sign, Readerboard.

**Signs, Channel Letters.** A flush mounted wall sign that consists of individual letters or characters not bound together in one complete structure. Channel Letter signs are signs in which each letter or character is mounted individually within its own area, with the total area of individual letters or characters comprising the sign.

**Sign, Ground.** A ground supported sign which is no greater than twelve (12) feet in height above grade.

**Sign, Development Identification.** A freestanding or building mounted sign which identifies the name of a development. For the purpose of sign standards, a development consists of multiple building complexes such as shopping malls, industrial and business parks, residential subdivision developments, and multiple occupancy buildings.

**Sign, Directional.** A sign designed solely to guide or direct pedestrian or vehicular traffic to an area, place or convenience.

**Sign, Flashing.** See Sign, Animated.

**Sign, Flush-Mounted.** A type of building mounted sign which and is attached to, or erected against any exterior wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of the wall.

**Sign, Freestanding.** A permanent sign supported by one or more uprights, poles or braces in or upon the ground. For the purposes of this Title, freestanding signs include pole signs and signs otherwise known as ground signs or monument signs.

**Sign Height.** The vertical distance from ground level to the top of the sign.

**Sign, Identification.** A pole or ground sign which identifies the name of a shopping center.

**Sign, Inflatable.** Balloons or other gas-filled figures. For purposes of this section, inflatable signs shall be treated as temporary signs.

**Sign, Marquee.** Any sign which forms part or is integrated into a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.

**Sign, Monument.** See Sign, Freestanding.

**Sign, Non-conforming.** Any sign existing at the time of this Ordinance which does meet the provisions of Title 18.

**Sign, On-Premises.** A sign which carries advertisement related to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, name of business, name of the person, firm or corporation occupying the premises.

**Sign, Out-of-Date.** Signs for which the event, time, or purpose no longer applies.

**Sign, Pole.** A ground supported sign which is no less than twelve (12) and no greater than thirty (30) feet in height above grade.

**Sign, Political.** A sign for the purpose of advertising a candidate or candidates for public elective office, or a political party, or which promotes a position on a public or ballot issue.

**Sign, Portable (Mobile).** A sign made of any material which by its design is readily movable and which is not permanently affixed to the ground, a structure or a building.

**Sign, Projecting.** A sign which projects 12 inches or more from a building and is supported by a wall or structure.

**Sign, Public Service.** A sign which provides a service to the public (such as indicating the current time and temperature or a community bulletin board) but which includes no advertising other than the name of the sponsoring organization.

**Sign, Readerboard.** A sign with characters or letters that can be manually changed without altering the face of the sign. Electronic signs are not readerboards for the purposes of this Title, but are animated signs.

**Sign, Revolving.** See Sign, Animated.

**Sign, Roof.** A sign erected upon or above a roof or parapet of a building or structure. A sign shall be considered a building mounted sign if it is erected on the side of a mansard roof and does not project above the uppermost roof line or flashing.

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

**Sign, Structural Alteration.** Any change or modification in the supporting members of the structure, such as the pole, cabinet, footing/foundation. Exceptions are new paint, rewiring, or face change.

**Sign Structure.** Any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may be an integral part of the building.

**Sign, Temporary.** Any sign, banner, pennant, valance or advertising display intended to be displayed for only a limited period of time.

**Sign, Window.** A sign permanently painted on or mounted to an exterior window (e.g., a neon sign). Window signs are a type of building mounted sign.

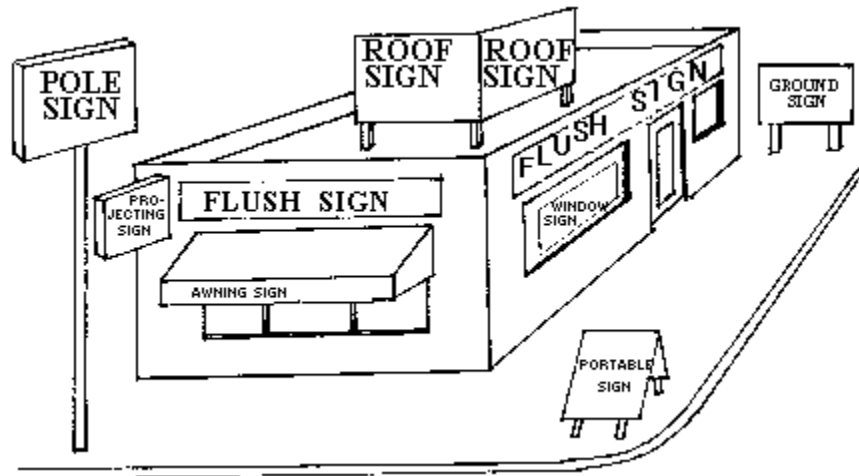


FIGURE 2-7

**Significant.** When used in the context of historic significance: A property which helps in the understanding of the history of the local area, state or nation (whichever is applicable) by illuminating the local, state-wide or nation-wide impact of the events or persons associated with the property, or its architectural type or style or information potential. The local area can include the City of Olympia, Thurston County, the region of Puget Sound or Southwest Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

**Single-Family Dwelling.** See Dwelling, Conventional.

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

**Site Plan.** The development plan which shows the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the reviewing authority.

**Site Plan Review Committee.** A technical development review group comprised of representatives from the Department of Community Planning and Development and the Fire Department. At a minimum this includes the Building Official, Senior Planner, Development Services Engineer, the Fire Chief or their appointed designees.

**Slope.** The deviation of a surface from the horizontal, usually expressed in percent or degrees. (See also Grade.)

[NOTE: Percentage of slope is calculated by dividing the vertical distance by the horizontal distance times one-hundred (100).]

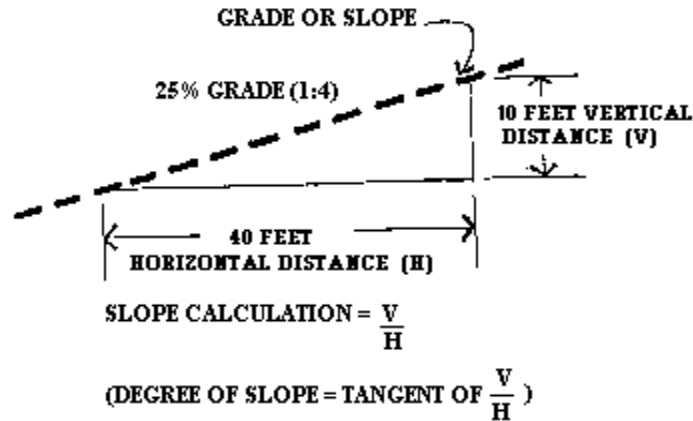


FIGURE 2-8

% GRADE	100	50	40	33.3	30	25	20	15	12	10	8	6
DEGREES	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
RATIO	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

**Slope, Steep.** An area which is equal to or in excess of 40 percent slope, or where the ground surface rises ten feet or more vertically within a horizontal distance of 25 feet. This can also include a slope of 15 to 39.9 percent if otherwise defined as a landslide hazard area.

**Slope, Steep Toe, or Steep Top.** A distinct topographic break in slope which separates slopes inclined less than forty (40%) percent from slopes equal to or greater than forty (40%) percent. Where no distinct break exists, this point shall be the limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet.

**Small Lake.** See OMC 18.32.505.

**Small Lot Review.** A Site Plan Review Committee (SPRC) review of proposed construction on undersized legal lots of record approved prior to June 19, 1995.

**Small Lot Subdivision.** See Subdivision, Short.

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

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

**Special Valuation for Historic Properties, Special Valuation.** The process, pursuant to Chapter 84.26 Revised Code of Washington (RCW) and Chapter 3.60 OMC, under which the tax basis of an eligible, rehabilitated historic property may be reduced by the actual incurred cost of the rehabilitation for a period of up to ten years.

**Specialty Stores.** Stores selling antiques, sporting goods and bicycles, marine supplies, glassware and chinaware, books, videos (including rentals), music, cards and stationery, jewelry, toys, hobby supplies, cameras, gifts and souvenirs, sewing supplies, flowers, tobacco products, newspapers and magazines, art and art supplies, pets and pet supplies, religious supplies, consumer electronics, personal computers, or other miscellaneous goods. It also includes second-hand stores and pawnshops.

**Specific or Management Plan.** A plan consisting of text, maps, and other documents and exhibits regulating development within an area of special interest or which contains unique land use and development problems.

**Spot Zoning.** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan. [NOTE: Spot zoning is usually invalid when all the following factors are present: (1) a small parcel of land is singled out for special and privileged treatment; (2) the singling out is not in the public interest but only for the benefit of the land owner; and (3) the action is not in accord with a comprehensive plan.]

**Stables, Riding.** A structure providing shelter for horses, mules or ponies which are boarded for compensation. This may include arenas, tracks, and other facilities for equestrian activities either for members of a private club or for the general public. This may also include accessory facilities such as a clubhouse.

**Stable, Private.** An accessory structure providing shelter for horses or ponies, for use by occupants of the premises.

**Staff.** Permanent or temporarily employed personnel of the City of Olympia, Washington.

**Stepback.** Additional setbacks of upper building floor levels.

**Storage.** Placement or retention of goods, materials and/or personal property in one location for more than 24 consecutive hours.

**Stormwater Facility.** A constructed stormwater system component, including but not limited to a detention, retention, sediment, or constructed wetland basin or pond,

generally installed at the ground surface.

**Stormwater Retention/Detention Basin.** A facility, either above-ground or underground, that temporarily stores stormwater prior to its release to the ground (retention facility), to a surface water (detention facility), or some combination of the two. [NOTE: Retention basins differ from detention basins in that the latter are temporary storage areas. Retention basins have the potential for water recreation and water-oriented landscaping since the water may remain. Both types of basins provide for controlled release of the stored water and groundwater recharge.]

**Story.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**Story Above Grade.** Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is: more than six feet above grade plane, more than six feet above the finished ground level for more than 50% of the total building perimeter, or more than 12 feet above the finished ground level at any point.

**Story First.** The lowest above grade story in a building, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

**Stream.** See OMC 18.32.405.

**Stream Corridor.** Any river, stream, pond, lake, or wetland, together with adjacent upland areas that support vegetation adjacent to the water's edge.

**Street.** A public or private rights-of-way which affords a primary means of vehicular access to abutting property.

**Street, Arterial.** An arterial street provides an efficient direct route for long-distance travel within the region and between different parts of the city. Streets connecting freeway interchanges to commercial concentrations are classified as arterials. Traffic on arterials is given preference at intersections, and some access control may be considered in order to maintain capacity to carry high volumes of traffic.

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

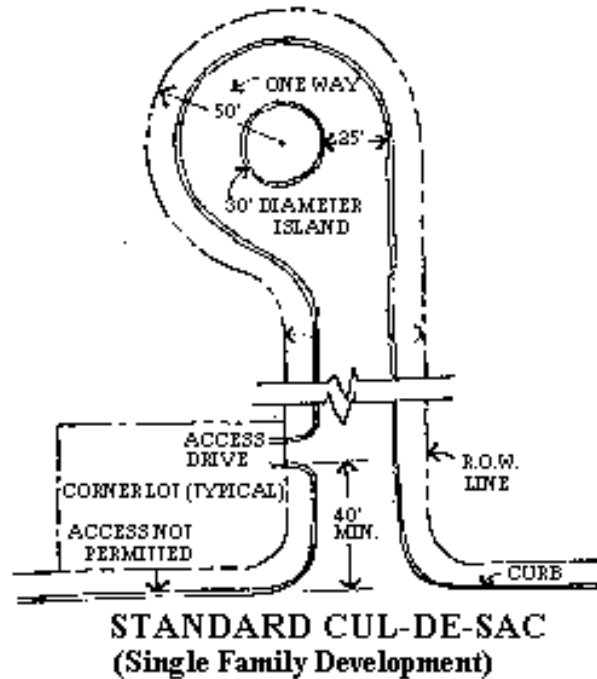


FIGURE 2-9

**Street Frontage.** The area between any lot lines which intersect, or area of a lot which directly abuts, the boundary of a public or private street rights-of-way.

**Street Furniture.** Constructed, above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public.

**Street, Local Access.** A street which provides access to abutting land uses and serves to carry local traffic to a collector.

**Street, Major Collector.** A street that provides connections between the arterial and concentrations of residential and commercial land uses. The amount of through traffic is less than an arterial, and there is more service to abutting land uses. Traffic flow is given preference over lesser streets.

**Street, Neighborhood Collector.** A street which distributes and collects traffic within a neighborhood and provides a connection to an arterial or major collector. Neighborhood collectors serve local traffic, provide access to abutting land uses, and do not carry through traffic. Their design is compatible with residential and commercial neighborhood centers.

**Street, Private.** A street that has not been accepted for maintenance and public ownership by the City of Olympia or other government entity. This does not include private driveways or access easements.

**Street Wall.** A building wall that faces or is parallel to the street frontage.

**Streetscape.** The visual character of a street as determined by various elements such as structures, greenery, open space, and view.

**Structure.** An edifice or building of any kind which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Structured Parking.** A building or a portion of a building used for the parking of motor vehicles.

**Subdivider.** A person who undertakes the subdividing of land.

**Subdivision.** The division or redivision of land into ten or more lots, tracts, parcels, sites or divisions, any of which are less than five acres in area, for the purpose of sale, lease or transfer of ownership. (See also Subdivision, Short.)

**Subdivision Cluster.** See Cluster Subdivision.

**Subdivision, Large Lot.** The division of land into lots or tracts, each of which is 1/128 of a section of land or larger, or five acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this section which borders on a street, the lot size shall be expanded to include that area which would be bounded by the centerline of the street and the side lot lines of the lot running perpendicular to such centerline.

**Subdivision, Short.** The division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of transfer of ownership, sale or lease.

**Subordinate.** A supplementary use to a permitted primary or principal use.

**Substantial Improvement.** Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

**Surface water.** A body of water open to the atmosphere and subject to surface runoff.

**Swap Meet.** Any outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers

markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

**Section 6. Amendment of Subsection 18.02.180.T. Subsection 18.02.180.T of the Olympia Municipal Code is hereby amended to read as follows:**

**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.]

**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.

**Section 7. Amendment of OMC 18.32.000. Section 18.32.000 of the Olympia Municipal Code is hereby amended to read as follows:**

### **18.32.000 - Chapters Contents**

## **Chapter 18.32** **CRITICAL AREAS**

### **Sections:**

- 18.32.100 General Provisions - Purpose and Intent.
- 18.32.105 General Provisions - Critical Area Development Regulations.
- 18.32.110 General Provisions - Application of Critical Area Regulations.
- 18.32.115 General Provisions - Applicant Requirements.
- 18.32.120 General Provisions - Application Form for Critical Areas Review.
- 18.32.125 General Provisions - Department Requirements.
- 18.32.130 General Provisions - Hearing Examiner Role.
- 18.32.135 General Provisions - Mitigation Priorities.
- 18.32.140 General Provisions - Critical Area Tracts.
- 18.32.145 General Provisions - Signs and Fencing.
- 18.32.150 General Provisions - Notice on Title.
- 18.32.155 General Provisions - Authorized Activity Time Period.
- 18.32.160 General Provisions - Application of Multiple Development Regulations.
- 18.32.165 General Provisions - Emergency Actions.
- 18.32.170 General Provisions - Critical Area Maps.
- 18.32.200 Drinking Water (Wellhead) Protection Areas - Purpose and Intent.

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

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

18.32.215 Drinking Water (Wellhead) Protection Areas - Prohibited Uses.

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

18.32.225 Drinking Water (Wellhead) Protection Areas - ~~Special Reports~~Minimum Mitigation Standards.

18.32.230 Drinking Water (Wellhead) Protection Areas - Hydrogeological Report.

18.32.235 Drinking Water (Wellhead) Protection Areas - ~~Pollution Prevention Plan~~Existing Uses.

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

18.32.300 Important Habitats and Species - Purpose and Intent.

18.32.305 Important Habitats and Species - Applicability and Definition.

18.32.310 Important Habitats and Species - Exempt, Prohibited, Administratively Authorized Uses, and Hearing Examiner Authorized Uses and Activities.

18.32.315 Important Habitats and Species - Authority.

18.32.320 Important Habitats and Species - Buffers.

18.32.325 Important Habitats and Species - Special Reports.

18.32.330 Important Habitats and Species - Management Plan.

18.32.400 Streams and Important Riparian Areas - Purpose and Intent.

18.32.405 Streams and Important Riparian Areas - Applicability and Definition.

18.32.410 Streams and Important Riparian Areas - Typing System.

18.32.415 Streams and Important Riparian Areas - Prohibited Alterations.

18.32.420 Streams and Important Riparian Areas - Exempt Uses and Activities.

18.32.425 Streams and Important Riparian Areas - Administratively Authorized Uses and Activities.

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

18.32.435 Streams and Important Riparian Areas - Buffers.

18.32.440 Streams and Important Riparian Areas - Special Reports.

18.32.445 Streams and Important Riparian Areas - Biological Assessment.

18.32.500 Wetlands and Small Lakes - Purpose and Intent.

18.32.505 Wetlands and Small Lakes - Definition.

18.32.510 Wetlands and Small Lakes - Rating System.

18.32.515 Wetlands and Small Lakes - Small Wetlands.

18.32.518 Wetlands and Small Lakes - Prohibited Alterations.

18.32.520 Wetlands and Small Lakes - Exempt Uses and Activities.

18.32.525 Wetlands and Small Lakes - Administratively Authorized Uses and Activities.

18.32.530 Wetlands and Small Lakes - Hearing Examiner Authorized Uses and Activities.

18.32.535 Wetlands and Small Lakes - Wetland Buffers.

18.32.540 Wetlands and Small Lakes - Compensating for Loss or Affected Functions.

18.32.545 Wetlands and Small Lakes - Compensation Projects.

18.32.550 Wetlands and Small Lakes - Replacement Ratios.

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

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

18.32.565 Wetlands and Small Lakes - Mitigation Timing.

- 18.32.570 Wetlands and Small Lakes - Wetland Mitigation Banks.
- 18.32.575 Wetlands and Small Lakes - Special Reports.
- 18.32.580 Wetlands and Small Lakes - Wetland Boundary Delineation.
- 18.32.585 Wetlands and Small Lakes - Wetland Rating Report.
- 18.32.587 Wetlands and Ponds - Wetland Rating Report.
- 18.32.590 Wetlands and Small Lakes - Wetland Mitigation Report.
- 18.32.595 Wetlands and Small Lakes - Wetland Compensation Mitigation Report.
- 18.32.600 Landslide Hazard Areas - Purpose and Intent.
- 18.32.605 Landslide Hazard Areas - Applicability and Definition.
- 18.32.610 Landslide Hazard Areas - Prohibited Alterations.
- 18.32.615 Landslide Hazard Areas - Exempt Uses and Activities.
- 18.32.620 Landslide Hazard Areas - Administratively Authorized Uses and Activities.
- 18.32.625 Landslide Hazard Areas - Hearing Examiner Authorized Uses and Activities.
- 18.32.630 Landslide Hazard Areas - Buffers.
- 18.32.635 Landslide Hazard Areas - Special Reports.
- 18.32.640 Landslide Hazard Areas - Geotechnical Report.
- 18.32.645 Landslide Hazard Areas - Covenant.

**Section 8. Amendment of OMC Section 18.32.200. Section 18.32.200 of the Olympia Municipal Code is hereby amended to read as follows:**

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

In order 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, drinking water (wellhead) protection areas shall be subject to the standards described in OMC 18.32.205 through 18.32.240.

**Section 9. Amendment of OMC Section 18.32.205. Section 18.32.205 of the Olympia Municipal Code is hereby amended to read as follows:**

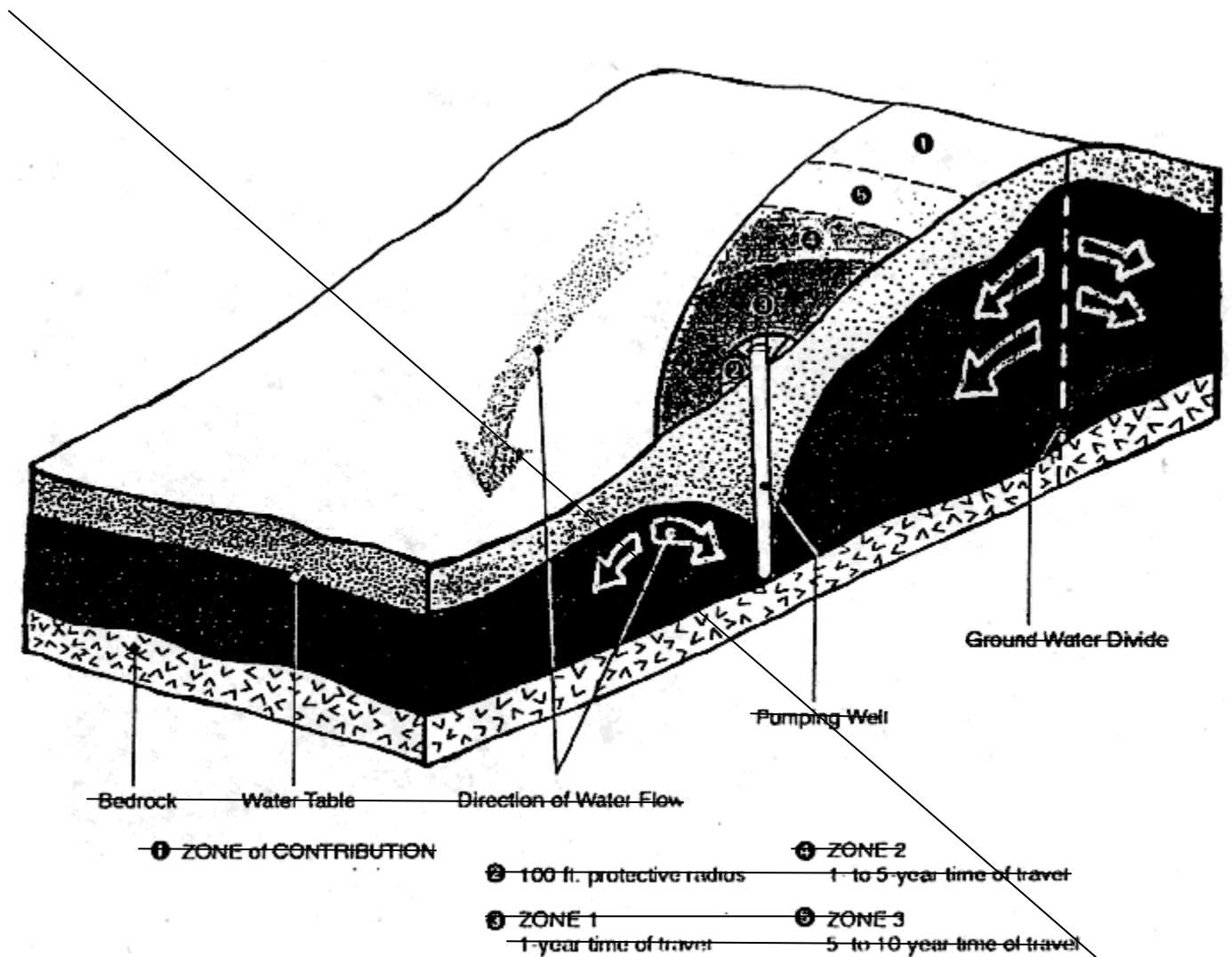
***18.32.205 – Drinking Water (Wellhead) Protection Areas - Applicability and Designation***

- 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.



**FIGURE**

**Section 10. Amendment of OMC Section 18.32.210. Section 18.32.210 of the Olympia Municipal Code is hereby amended to read as follows:**

***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;
- 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.

**Section 11. Amendment of OMC Section 18.32.215. Section 18.32.215 of the Olympia Municipal Code is hereby amended to read as follows:**

**18.32.215 – Drinking Water (Wellhead) Protection Areas - Prohibited Uses**

**A.** ~~Expansion or New development or the expansion~~ 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; ~~and~~
4. Chemical (including pesticides) manufacturing, processing, mixing, remanufacturing, and storage;
5. Gas stations without attendant;
6. Pipelines – liquid petroleum products 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 New development or expansion~~ 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. Land spreading disposal facilities (as defined by WAC 173-304 and WAC 173-308 – disposal above agronomic rates);~~
- 2 1. Agricultural operations- with over two hundred (200) animal units;
- 3 2. Gas stations with attendants; petroleum products refinement, reprocessing, and 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], and liquid petroleum products pipelines~~

- ~~4. Automobile wrecking yards;~~
- ~~5. Wood waste landfill;~~
- ~~6. Dry cleaners, excluding drop-off only facilities; and~~
- ~~7. Nurseries.~~
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 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;
10. Asphalt plants/cement concrete plants;
11. Furniture staining/fabricating with hazardous materials;
12. Machine shops, metal finishing/fabricating. Metal processing with etchers and chemicals;
13. Wastewater reuse facilities/wastewater recycling satellite plant; and
14. All other activities involving the use, handling, or storing of hazardous materials of generating hazardous materials by their activities or action in quantities exceeding the threshold in 18.32.235 (B).

**Section 12. Amendment of OMC Section 18.32.220. Section 18.32.220 of the Olympia Municipal Code is hereby amended to read as follows:**

***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 ~~special~~ hydrogeological reports if required in OMC 18.32.225~~30~~.
- 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.

**Section 13. Amendment of OMC Section 18.32.225. Section 18.32.225 of the Olympia Municipal Code is hereby amended to read as follows:**

**~~18.32.225 – Wellhead Protection Areas – Special Reports~~**

~~A. Every application for a non-exempt development permit within a wellhead protection area shall include a:~~

- ~~1. Drainage and erosion control plan; and~~
- ~~2. Hydrogeological report.~~

~~B. 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 wellhead protection area, which uses, stores, handles or disposes of hazardous materials above the minimum quantity thresholds listed below, or which is identified by a contaminant source inventory prepared by the City, submit a pollution prevention plan that will ensure adequate protection of the aquifer and any domestic water supply.~~

- ~~1. Types of chemical substances regulated in Table 8001.15-a, b, c, d of the Uniform Fire Code, and as subsequently amended. Minimum cumulative quantity: one hundred sixty (160) pounds [or the equivalent of twenty (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 point two tenths (2.2) pounds.~~

~~C. After review of the pollution prevention plan to determine whether the plan can be approved, or approved with conditions to ensure adequate protection of the source water supply, the Department may consult with the Thurston County Health Officer and the water purveyor for the area where the use is located.~~

~~D. 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 wellhead protection area develop and implement a farm conservation plan.~~

**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 proposal indicates the use, storage, handling or disposal of hazardous materials above the minimum quantity thresholds listed in 18.32.235, the applicant shall submit a hazardous materials management (spill) plan as outlined in 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 Stormwater 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 the development at a maximum amount of 4 lbs of nitrate as Nitrogen annually and no more than 1 lb. per application for every 1000 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 and/or polymer coated fertilizers, Isobutylidene diurea (IBDU), Methylene Urea and Ureaform, and organic fertilizers registered with 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 department.
  - 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 rates and uniformity of system. Consultations will be conducted by an Irrigation Association Certified Landscape Irrigation auditor.

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 173-160-381.
4. A grant to the Department for the purposes of:
  - a. Providing pollution prevention outreach to residents, employees, and contractors. Access 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 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 required in situations where infiltration of stormwater is proposed, or where other groundwater contamination risks or monitoring needs are identified. The wells will be installed and equipped by the applicant to city standards.

**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:

1. The project has been evaluated by a Hydrogeological Report as described in OMC 18.32.230; 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.

**Section 14. Amendment of OMC Section 18.32.230. Section 18.32.230 of the Olympia Municipal Code is hereby amended to read as follows:**

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

- A. If the 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 hydrogeological 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.

C. A Hydrogeological Report shall contain:

1. Information sources;
2. Geologic setting, including well logs or borings;
3. Background water quality;
4. Groundwater elevations;
5. Location and depth of perched water tables;
6. Recharge potential of facility site (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~~ any springs within 1/4 mile of the site;
10. Permanent and seasonal ~~s~~Surface water locations and recharge potential;
11. Any proposed monitoring sampling schedules;
12. Analysis of the possible effects on the groundwater resource of 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 97-30-05-10-028, as amended; and
15. Any other information as required by the Department.

**Section 15. Amendment of OMC Section 18.32.235. Section 18.32.235 of the Olympia Municipal Code is hereby amended to read as follows:**

**~~18.32.235 - Wellhead Protection Areas - Pollution Prevention Plan~~**

~~A. If it is determined by the Department, that the new development or expansion may reasonably be expected to pose a significant environmental risk to the water sources, an applicant for a development within a designated wellhead protection area shall submit a pollution prevention plan for review.~~

**B.** ~~At minimum, the proposed Pollution Prevention Plan shall include:~~

- ~~1. A grant to the Department of access to the site and plan implementation records upon request;~~
- ~~2. Best management practices~~
- ~~3. Hazardous material use, storage, and disposal practices;~~
- ~~4. Description of employee education;~~
- ~~5. Description of on-site monitoring; and~~
- ~~6. Procedure for implementation including record keeping and verifying effective implementation.~~

**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, 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;
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 uses, stores, handles or disposes of hazardous materials above these minimum cumulative quantities will meet requirements described in 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.

**Section 16. Amendment of OMC Section 18.32.240. Section 18.32.240 of the Olympia Municipal Code is hereby amended to read as follows:**

***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 farm conservation plan.**

**AB.** Where a farm conservation plan has been requested, such plan shall be prepared in conformance with the Natural Resources Conservation Service - Field Office Technical Guide ~~and obtain approval of the Thurston Conservation District Board of Supervisors.~~ The Department may solicit advice from the Thurston Conservation District with regard to consistency of a farm conservation 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.

**BC.** The Farm Conservation Plan shall include the following:

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

**Section 17. Amendment of OMC 18.77.010. Chapter 18.77.010 of the Olympia Municipal Code and ordinances pertaining thereto are hereby amended to read as follows:**

**A. Application Content Lists.** City of Olympia Project Permit Application Content Lists dated ~~September 4, 2006,~~ July 20, 2009 which include Wireless Communications Facilities Submittal Requirements, are hereby adopted by reference, one (1) copy of which shall be kept on file in the office of the City Clerk and the Olympia Community Planning and Development Department. Such lists shall be considered a part of the Olympia Municipal Code as though fully set forth therein. Such lists specify the content necessary for timely and orderly processing of each project permit application of the city of Olympia and for reaching a determination that such application is complete as provided by Section 18.72.060 of the Olympia Municipal Code.

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

**Section 18. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.**

**Section 19. Severability. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances shall be unaffected.**

**Section 20. Effective Date. This ordinance shall take effect five (5) days after publication, as provided by law.**

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

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DEPUTY CITY ATTORNEY