



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360-753-8447

Meeting Agenda City Council

Tuesday, December 3, 2013

7:00 PM

Council Chambers

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION - None

3. PUBLIC COMMUNICATION

(Estimated Time: 0-30 Minutes) (Sign Up Sheets are Provided in the Foyer)
During this portion of the meeting, citizens may address the Council regarding only items related to City business, including items on the Agenda, except on agenda items for which the City Council either held a Public Hearing in the last 45 days, or will hold a Public Hearing within 45 days. Individual testimony is limited to three minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the Council will refrain from commenting on individual testimony until all public comment has been taken. The City Council will allow for additional testimony to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

4.A [13-1014](#) Approval of November 26, 2013 City Council Meeting Minutes

Attachments: [Minutes](#)

4.B [13-0982](#) Approval of Ruth Milroy Quiet Title Action Regarding an Unopened Street

Attachments: [Stipulated Judgment](#)

[Complaint to Vacate](#)

[Map](#)

[Article](#)

4.C [13-1007](#) Amendment to Interlocal Agreement between the City of Olympia and Washington State Department of Enterprise Services for Fire Protection Services

Attachments: [DES Interlocal Amendment](#)

SECOND READINGS

- 4.D [13-0978](#) Approval of High Density Corridor Interim Ordinance Extension

Attachments: [Ordinance Extending Duration of Ord 6820](#)
[Ordinance 6820](#)

FIRST READINGS

- 4.E [13-0988](#) Amendment to Ordinance 6864 (Operating Budget)

Attachments: [Amendment to Ordinance 6864](#)

- 4.F [13-0990](#) Amendment to Ordinance 6865 (Special Funds)

Attachments: [Amendment to Ordinance 6865](#)

- 4.G [13-0991](#) Amendment to Ordinance 6866 (Capital Budget)

Attachments: [Amendment to Ordinance 6866](#)

5. **PUBLIC HEARING - None**

6. **OTHER BUSINESS**

- 6.A [13-0961](#) Approval of Ordinance Amending Olympia Municipal Code 10.16, 10.20 and 10.44 Related to Parking

Attachments: [Parking Ordinance](#)
[Parking Ordinances Summary of Changes](#)

- 6.B [13-1013](#) Approval of 2014 Legislative Agenda

Attachments: [Proposed Olympia Priorities \(Draft\)](#)
[AWC Priorities](#)
[Matrix - AWC Legislative Committee](#)
[Regional Priorities](#)

7. **CONTINUED PUBLIC COMMUNICATION**

(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes)

8. **REPORTS AND REFERRALS**

8.A **COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**

8.B **CITY MANAGER'S REPORT AND REFERRALS**

9. EXECUTIVE SESSION

Executive Session Pursuant to RCW 42.30.110.1.g - Personnel Issue (Performance Evaluation of the City Manager)

10. ADJOURNMENT

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's Secretary at 360.753-8244 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Meeting Minutes - Draft City Council

Information: 360-753-8447

Tuesday, November 26, 2013

7:00 PM

Council Chambers

1. ROLL CALL

Present: 7 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins, Councilmember Steve Langer, Councilmember Jeannine Roe and Councilmember Karen Rogers

1.A SWEARING IN CEREMONY FOR COUNCILMEMBER HANKINS

Mayor Buxbaum noted Councilmember Hankins was appointed to the Council January 10, 2012 and this year's election was certified today. Superior Court Justice Carol Murphy administered the oath of office to Ms. Hankins for City Council Position No. 5. Councilmember Hankins thanked all who supported her and shared her hopes for the future Council.

Mayor Buxbaum recessed the meeting for a short reception.

1.B ANNOUNCEMENTS

Mayor Buxbaum noted the passing of former Councilmember Joan Barnes-Kelly who served on the first Council from 1982-87.

1.C APPROVAL OF AGENDA

Councilmember Hankins moved, seconded by Mayor Pro Tem Jones, to approve the agenda. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Rogers

2. SPECIAL RECOGNITION - None

3. PUBLIC COMMUNICATION

Mr. H. Weinberg thanked the Mayor and City Manager for their help with the Boys and Girls Club. He discussed the Transportation Benefit District (TBD) \$20 fee on vehicle tabs and asked the Council not to raise this fee to \$40.

Mr. Jim Reeves spoke of events that he said suggest the coming end of the world.

Stonewall Youths Program member and crime victim advocate Sammy Harvell, Community Youth Services Outreach Coordinator Cole Ketcherside, and SPSCC student Kayla Perez read a proclamation in support of transgender individuals.

Mr. Jeffrey Trinin thanked the Council on its progress on the downtown project and asked Council to approve the Section 108 Loan Program.

Thurston County Homeless Coordinator Theresa Slusher introduced Homeless Event Manager Krosbie Carter for the upcoming Homeless Connect Event which is a one-day resource fair. Ms. Slusher and Ms. Carter provided information about the event.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

Mayor Pro Tem Jones said there is no action to double the TBD fee and noted this would require a vote of the people. He thanked the people who brought the resolution for transgender individuals to the Council. He also thanked the individuals for working the Homeless Connect event which will be held December 7 from 8:00 a.m. to 6:00 p.m. at the Olympia Center.

Mr. Cooper asked staff to review the resolution. Councilmembers concurred with the request.

4. CONSENT CALENDAR

It was noted item 4B was pulled by staff.

4.A 13-0992 Approval of November 19, 2013 City Council Meeting Minutes

The minutes were adopted.

4.B PULLED BY STAFF - Approval of Ruth Milroy Quiet Title Action Regarding an Unopened Street

4.C 13-0981 Approval of Interlocal Agreement with Thurston County to Coordinate the Annual Homeless Connect Event

The contract was adopted.

4.D 13-0987 Approval of Interlocal Agreement with Thurston County to Produce the County's "2014 Thurston County Point-in-Time (PIT) Count of Homeless Persons"

The contract was adopted.

SECOND READINGS

4.E 13-0941 Approval of Ad Valorem Tax Ordinance

The ordinance was adopted on second reading. Councilmember Rogers registered a Nay vote.

Approval of the Consent Agenda

Councilmember Langer moved, seconded by Councilmember Hankins, to adopt the Consent Calendar. The motion carried by the following vote with Councilmember Rogers voting no on item 4B:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Rogers

FIRST READINGS - None**5. PUBLIC HEARING****5.A 13-0978 Approval of High Density Corridor Interim Ordinance Extension**

Principal Planner Todd Stamm introduced the proposal and gave a brief background regarding building heights. He said this public hearing is to provide a six-month extension to allow staff to review the Planning Commission's findings.

The public hearing was opened.

Ms. Carolyn Roos, 2109 Bush Ave NW, thanked the Council for passing the interim zoning ordinance last December and supported extending it. She suggested a couple changes including under Maximum Building Height, change the wording from "any lot with a built single family home" to "any lot with an established single family home." She also referred to existing single family homes between State and 4th in the center of the HDC and suggested modifying the ordinance so that it refers only to properties at the fringes which is consisted with the 2012 draft.

Mr. Dan LaFreniere, 5837 Etude Loop SE, said he owns property off Stoll Road, next to a manufactured home park and expressed concern changes could affect his property value.

Ms. Mandy Paradise spoke in support of the the extension.

The public hearing was closed.

Councilmember Cooper asked if a manufactured home is considered a single family home. Mr. Stamm said he will provide that information when the findings and recommendation are presented.

Councilmember Hankins moved, seconded by Councilmember Langer, to approve the ordinance extending the duration of ordinance 6820 for a total of 540 days on first reading and forward to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Rogers

6. OTHER BUSINESS

6.A 13-0985 PUBLIC HEARING - Approval of Section 108 Loan Public Comment and Hearing Process

Community Planning and Development Deputy Director Leonard Bauer said the Community Renewal Area (CRA) Ad Hoc Committee asked staff to investigate whether the Section 108 Loan Program could be used on the downtown alley lighting and pedestrian improvements. He reviewed the alleys where lighting would be installed and placement of an ADA curb ramp north of State near the Transit Transfer Center.

The Council directed staff to schedule the required public comment period and public hearing on December 17.

6.B 13-0983 Continued Discussion on the 2014 Operating Budget and 2014-2019 Capital Facilities Plan (CFP), to Conclude with Balancing of the Operating Budget

City Manager Steve Hall reviewed the two unresolved items from last week's budget discussion - Adding a .25 FTE for Urban Forestry (\$30,000), and a recommendation from the Bicycle and Pedestrian Advisory Committee for a Bicycle Corridors Pilot Project (\$100,000). He reviewed possible funding sources, including \$28,000 from the 2014 General Fund Operating Budget, \$73,667 from the 2013 Council Goal funds, and \$204,000 from the Capital Facilities Plan (CFP) Bicycle Project Grant Match.

Council agreed to fund the .25 FTE for Urban Forestry from the 2014 General Fund Operating Budget and 2013 Council Goal Funds. The Bicycle Corridors Pilot project would be funded from the balance of the Council Goal money and the CFP Bicycle Project Grant Match.

Mr. Hall noted the Utilities Advisory Committee has provided a recommendation for the General Facilities Charges, which is outlined in the staff report.

Also, he acknowledged work of the Finance Committee and Council in bringing this budget to the public and the Budget 365 program.

The recommendation was discussed and approved.

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmember Hankins reported on highlights of the Bicycle and Pedestrian Meeting.

Councilmember Roe reported on highlights of the Washington Center Board meeting. **She asked for a referral to the General Government Committee to discuss naming rights of rooms at The Washington Center. Council agreed to the referral.**

Councilmember Cooper asked the Council to refer the letter from the Bicycle and Pedestrian Advisory Committee regarding the use of helmets to the General Government Committee. Council agreed to the referral.

Councilmember Rogers reported on highlights of the Transportation Policy Board meeting, and the Economic Development Council meeting.

Councilmember Langer reported on highlights of the Land Use and Environment Committee.

Mayor Buxbaum reported on the November 20 Ad Hoc Community Renewal Area Citizen Advisory Committee meeting. He noted the upcoming Thanksgiving holiday and said a free meal will be served by Interfaith Works at the Urban Onion on Thursday.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall noted there is a letter addressed to the Washington State Liquor Control Board which needs the signature of all Councilmembers. Mayor Buxbaum read the letter which requests establishment of an Alcohol Impact Area in the downtown.

Councilmember Cooper moved, seconded by Councilmember Hankins, to approve the letter. Motion passed unanimously. Each Councilmember signed the letter.

Mr. Hall reported on holiday events this coming weekend.

9. ADJOURNMENT

The meeting adjourned at 9:17 p.m.

City of Olympia

City Council

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

Approval of Ruth Milroy Quiet Title Action Regarding an Unopened Street

Agenda Date:

Agenda Number: 4.B

File Number: 13-0982

File Type: decision

Version: 1

Status: Consent Calendar

..Title

Approval of Ruth Milroy Quiet Title Action Regarding an Unopened Street

..Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to authorize the City Attorney and/or his designee to enter into a stipulated judgment with regard to *Ruth Milroy v. City of Olympia*, Thurston County Superior Court Cause No. 13-2-01755-2.

..Report

Issue:

The City of Olympia was named as a defendant in a quiet title action in *Ruth Milroy v. City of Olympia*, Thurston County Superior Court cause number 13-2-01755-2.

Staff Contact:

Darren Nienaber, Deputy City Attorney, Legal Department, 360.753.8044

Presenter(s):

None - Consent calendar item

Background and Analysis:

The City of Olympia was named as a defendant in a quiet title action in *Ruth Milroy v. City of Olympia*, Thurston County Superior Court case number 13-2-01755-2. The complaint alleges that certain City right-of-way was vacated by operation of state law and that the City has no claim to it. Based on a reasonably diligent review of the pertinent records, the City's Legal and Public Works Departments agree with the allegations in the complaint. The City has no legal claim to the "right-of-way" because the right-of-way does not exist. City Council action is considered necessary because, under OMC 3.16.020(B), the Council retains most decision making authority over real estate.

Two laws enacted by the legislature vacated certain County rights-of-way that were dedicated prior to 1904 and unopened for a five-year period. The purpose of the law is unclear. Some theorize that the legislature was trying to clear up the numerous paper plats that were being filed all around the state at that time. Although the right-of-way does not exist, a judicial determination is considered necessary to clean

Agenda Date:
Agenda Number: 4.B
File Number: 13-0982

up the title and the official maps and records.

The land in question is graphically depicted on Exhibit A of the stipulated judgment. The vicinity map was prepared by the plaintiff's surveyor and is intended to be submitted for illustrative purposes rather than for legal purposes.

The City's Legal Department forwarded the complaint and stipulated judgment to the City's Surveyor, Ladd Cluff. The right-of-way was platted in 1889 and 1890. It was in the county at the time of the plat. Public Works is of the opinion that the street was never opened for public use. Furthermore, there is no known current or future use of the property.

Based on the analysis of the City's Surveyor, the Legal Department is of the opinion that it is appropriate for the City to sign the stipulated judgment, a copy of which is attached. This stipulation acknowledges that the City has no legal interest in the platted rights-of-way.

Neighborhood/Community Interests:

No known concerns.

Options:

1. Authorize the City Attorney and/or his designee to sign the stipulated judgment that recognizes the City of Olympia does not have title to the road.
2. Do not authorize signing the stipulated order.

Financial Impact:

No known financial impact.

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| <input type="checkbox"/> EXPEDITE <input type="checkbox"/> Hearing is set Date: _____ Time: _____ Judge/Calendar: _____ <input checked="" type="checkbox"/> No hearing is set. |
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THE HONORABLE ERIK D. PRICE

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THURSTON COUNTY

| |
|---|
| RUTH MILROY, an individual Plaintiff, v. CITY OF OLYMPIA, a municipal corporation, Defendant. |
|---|

| |
|---|
| NO. 13-2-01755-2 STIPULATED JUDGMENT VACATING STREET AND ALLEYWAY AND QUIETING TITLE |
|---|

THIS MATTER comes before this Court on Plaintiff Ruth Milroy’s Complaint to Vacate Street and to Quite Title, and this Stipulated Judgment.

The parties, Plaintiff Ruth Milroy, an individual, and the City of Olympia, a municipal corporation in the State of Washington, by and through their respective undersigned counsel, hereby stipulate and agree that that the portion of the street and alleys described below adjoining Plaintiff’s property and part of the Plat of Wilson’s Addition to Olympia, as represented and described on the attached Exhibit A are and have been vacated by operation of law, and further stipulate to entry of the following order and judgment.

1 **ORDER AND JUDGMENT**

2 The Court, having considered the above stipulation, and being otherwise fully advised in
3 the premises, HEREBY FINDS, ORDERS, ADJUDGES, AND DECREES as follows:

4 1. The unopened road and alley consisting of the adjoining portion of McClellan
5 Street on the north and the north one-half of the platted alley on the south are and have been
6 vacated by operation of law pursuant to the LAWS OF 1889-1890, Section 32, chapter 19, which
7 provides that “[a]ny county road, or part thereof, which has heretofore been, or may hereafter be
8 authorized, which remains unopened for public use for the space of five years after the order is
9 made or authority granted for opening the same, shall be, and the same is hereby vacated, and the
10 authority of building the same barred by lapse of time.”

11 2. Plaintiff Ruth Milroy is the owner of Lot 4 in Block 1 of Wilson’s Addition to
12 Olympia, according to the plat thereof recorded in Volume 3 of Plats, Page 37, situated in the
13 City of Olympia, County of Thurston, State of Washington, and identified by Thurston County
14 Tax Parcel Number 84100100400, which property abuts the following described vacated street
15 and alleyway. The unopened and vacated McClellan Street represents the north perimeter of
16 Wilson’s Addition to Olympia, located entirely within the plat thereof.

17 3. The following described property is hereby DECLARED VACATED:

18 Those portions of McClellan Street and of the north half of the
19 alley abutting Lot 4 in Block 1 of Wilson’s Addition to the City of
20 Olympia according to the plat thereof recorded in Volume 3 of
Plats, Page 37, records of Thurston County, Washington.

21 The City of Olympia has no title claim to previously platted property vacated by the Order and
22 Judgment. Title to the above referenced vacated street and alleyway is hereby vested by
23 operation of law, in accordance with the laws of the state of Washington.

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26 ///

27 ///

EXHIBIT A

WILSON'S ADDITION RIGHT-OF-WAY VACATION

LEGAL DESCRIPTION

Those portions of McClellan Street and of the north half of the alley abutting Lot 4 in Block 1 of Wilson's Addition to the City of Olympia according to the plat thereof recorded in Volume 3 of Plats, Page 37, records of Thurston County Washington.



10/30/2013

EXPEDITE
 Hearing is set
 Date: _____
 Time: _____
 Judge/Calendar: _____
 No hearing is set.

FILED
 AUG 16 2013
 SUPERIOR COURT
 BETTY J. GOULD
 THURSTON COUNTY CLERK



SUPERIOR COURT OF THE STATE OF WASHINGTON
 FOR THURSTON COUNTY

RUTH MILROY, an individual
 Plaintiff,
 v.
 CITY OF OLYMPIA, a municipal corporation,
 Defendant.

NO. **13-2-01755-2**
 COMPLAINT TO VACATE STREET
 AND TO QUIET TITLE

COMES NOW Plaintiff Ruth Milroy, and for causes of action, hereby asserts, complains,
 and alleges as follows:

I. PARTIES

1.1 Plaintiff Ruth Milroy ("Plaintiff") is an individual and a resident of Thurston
 County and the State of Washington. Plaintiff is the owner of real property commonly described
 as at 1506 Wilson Street SE, Olympia, in Thurston County, Washington, and legally described as
 follows:

Lot 4 in Block 1 of Wilson's Addition to Olympia, as per plat
 recorded in Volume 3 of Plats, Page 37, records of Thurston
 County Auditor

Situate in the City of Olympia, County of Thurston County, State
 of Washington.

Tax Parcel Number 84100100400.

COPY

1 Examination of the records discloses that McClellan Street adjoining said Lot 4 on the
2 north, and the north half of the alley adjoining said Lot 4 of said Block 1 on the south have never
3 been vacated of record and have never been opened to the public.

4 1.2 Defendant City of Olympia is a municipal corporation located in Thurston County,
5 Washington.

6 II. JURISDICTION

7 2.1 Plaintiff incorporates by reference all preceding paragraphs as if fully set forth
8 herein.

9 2.2 This is an action for declaration of vacation of a street in the City of Olympia,
10 Thurston County, Washington. The court has jurisdiction over the parties and the subject matter
11 of this action as this matter involves issues of Washington law and the action concerns real
12 property situated in the State of Washington.

13 2.3 Venue is proper in Thurston County Superior Court as Defendant City of Olympia
14 is a municipal corporation within Thurston County and this action concerns real property situated
15 in Thurston County.

16 III. FACTS AND BACKGROUND

17 3.1 Plaintiff incorporates by reference all preceding paragraphs as if fully set forth
18 herein.

19 3.2 Plat. Wilson's Addition to Olympia was platted and filed February 15, 1889, in
20 Thurston County, as shown in Volume 3 of Plats, page 37, records of the Thurston County
21 Auditor. Plaintiff's property, consisting of Lot 4 of Block 1, as described above, is a part of the
22 Wilson's Addition plat. On information and belief, at the time of filing the plat, the area was
23 outside of any city or town and was situated in unincorporated Thurston County. Lot 4 is a lot on
24 the northern perimeter of the Wilson's Addition plat.

25 3.3 Streets. At the time Wilson's Addition to Olympia was platted, certain areas were
26 dedicated as right-of-ways for public areas. Included in the dedicated area were the right-of-ways
27 on McClellan Street adjoining said Lots 1 through 4 on the north and the alley between Lots 1

1 through 4 and Lots 5 through 8 in Block 6. The area where McClellan Street adjoins Lots 1
2 through 4 on the north represents the northern perimeter of the Wilson's Addition to Olympia plat
3 and lies entirely within the plat. This street and alley, as they adjoin Plaintiff's property, have
4 never been developed, opened as a public street, or used as a public right-of-way by any person
5 since the time of the dedication of the plat.

6 3.4 Plaintiff's Property. Plaintiff's property, described as Lot 4 in Block 1 of Wilson's
7 Addition to Olympia, is abutted on the north by the unopened McClellan Street and on the south
8 by the unopened alley, each as described in the plat.

9 **IV. CAUSE OF ACTION (CONFIRM STREET VACATION AND QUIET TITLE)**

10 4.1 Plaintiff incorporates by reference all preceding paragraphs as if fully set forth
11 herein.

12 4.2 Plaintiff is a person interested under a deed to her property and whose rights are
13 affected by a statute, and chapter 7.24 RCW entitles her to a determination of any question of
14 construction or validity arising under the instrument, statute, ordinance, contract or franchise and
15 obtain a declaration of rights, status, or other legal relations thereunder.

16 4.3 LAWS OF 1889-1890, Section 32, Chapter 19 provides:

17 Any county road, or part thereof, which has heretofore been, or
18 may hereafter be authorized, which remains unopened for public
19 use for the space of five years after the order is made or authority
20 granted for opening the same, shall be, and the same is hereby
vacated, and the authority of building the same barred by lapse of
time.

21 *See also* LAWS OF 1909, page 188-189 (amending the above). This law applies to this case.

22 4.4 The right-of-ways known as the street and alley as described above in the Wilson's
23 Addition to Olympia were county roads or right-of-ways that remained unopened for five years
24 within the meaning of the above-cited statute and accordingly were vacated by operation of law
25 five years after the right-of-ways had been dedicated, but remained unopened.

26 4.5 Plaintiff is entitled to an order declaring and confirming the vacation of the
27 entirety of McClellan Street adjoining Plaintiff's property on the north (consisting of the abutting

1 60 feet in width) and the north one-half of the alley between Lot 4 and Lot 5 of Block 6 adjoining
2 Plaintiff's property on the south (consisting of the abutting 10 feet).

3 **IV. RELIEF REQUESTED**

4 WHEREFORE, having stated the above causes of action, Plaintiff Ruth Milroy prays for
5 judgment in her favor as follows:

6 A. For entry of an order and declaratory judgment declaring the rights of way known
7 as McClellan Street adjoining Lot 4 of Block 1 on the north, and the north one-half of the alley
8 adjoining said Lot 4 of said Block 1 on the south, all in the Wilson's Addition to Olympia as
9 recorded in Volume 3 of Plats, Page 37, records of Thurston County as alleged above be declared
10 vacated;

11 B. For entry of an order and declaratory judgment declaring that title to the vacated
12 right-of-way or street and north one-half of the vacated alley as described be vested according to
13 law, and be quieted in favor of Plaintiff Ruth Milroy and confirmed as part of her property; and

14 C. For such other and further relief as the Court deems just and equitable.

15

16 DATED this 14th day of August 2013.


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CASCADIA LAW GROUP PLLC

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Attorneys for Plaintiff Ruth Milroy

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**WILSON'S ADDITION
VICINITY MAP**

SCALE: 1" = 400'

| | |
|--------------------|-----------|
| JOB NO. 07497 | PAGE 1 |
| DATE 10/28/2013 | OF 2 |

STREET VACATIONS AND ANCIENT RIGHTS OF WAY

by

Linda M. Youngs
Hanson, Baker, Ludlow and Drumheller, P.S.
Bellevue, WA

and

Gail Gorud
Thomas, Gorud & Graves
Kirkland, WA

I. STREET VACATIONS

The first portion of this paper is designed to give the practitioner an overview of the law of street vacations and to highlight areas of special interest.

1. BASIC STATUTORY AUTHORITY

All cities are governed by ch. 35.79 RCW when they vacate a street. (RCW 35A.47.020 directs code cities to follow ch. 35.79 RCW). The procedures are set forth clearly by statute which has not changed significantly since it was enacted in 1901.

2. PROCEDURE

2.1 Commencement of Street Vacation

A vacation may be commenced by a petition to the council signed by the owners of more than two thirds of the property abutting the street or alley sought to be vacated. RCW 35.79.010. No guidance is given in the statute as to how to measure two thirds of the property. Is it based on lineal front footage, square footage or assessed valuation?

A vacation may also be commenced by a resolution of the legislative body. RCW 35.79.010.

2.2 Hearing

Once a petition or resolution has been filed with the clerk, the legislative authority shall fix a time within not less than 20 days nor more than 60 days when the proposed vacation will be heard by the legislative authority or a committee thereof.

2.3 Posting the Hearing

RCW 35.79.020 requires the clerk to post a notice of the vacation hearing in three of the 'most public places in the city' and 'in a conspicuous place on the street or alley sought to be vacated.'

If the vacation is initiated by resolution of the legislative authority, the clerk shall also, 15 days before the hearing, give notice by to all abutting property owners or reputed owners as shown on the rolls of the county treasurer of the pending street vacation. If 50% of the owners protest the vacation in writing, the city shall be prohibited from proceeding. RCW 35.79.020

(Practice Tip: The notice to abutting owners should advise them of their rights under RCW 35.79.020 to protest the street vacation and of the form of protest which must be made.)

2.4 Standing to challenge street vacation.

Street vacation is a legislative act; only two classes of people can challenge a proposed vacation: a) abutting property owners; and b) non-abutting owners who can show special injury.

Property owners having property which abuts on a portion of the street being vacated are considered abutters. London v. Seattle, 93 Wn.2d 657, 660, 611 P.2d 781 (1980). One is an abutter if there is no intervening land between the property and the street. London v. Seattle, 93 Wn.2d at 661.

Non-abutters claiming special injury must show injury "different, in kind and not merely in degree, from that sustained by the general public." Hoskins v. Seattle, 7 Wn. App. 957, 962, 503 P. 1117 (1972). Less convenient access does not constitute special damage. Capitol Hill Methodist Church v. Seattle, 52 Wn.2d 359, 324 P.2d 1113 (1958); Hoskins v. Kirkland, supra. A non-abutting landowner must be landlocked or have its access "substantially impaired" to show special injury. (Note: Direct vehicular access has never been stated as the test for special damage. Is a property landlocked if it has pedestrian access?) If there is an "overriding public benefit," special injury may not be found even if the property owner is landlocked. Hoskins v. Kirkland, supra.

2.5 Grounds for Challenges to Street Vacation.

2.5.1 Effect on Vested Rights. Because street vacations are legislative, courts will not review the decision unless there is a showing of "collusion, fraud, or interference with a vested right. . . ." Fry v. O'Leary, 141 Wash. 465, 469, 252 Pac. 111 (1927).

Vested rights belong to abutting property owners on any portion of a street which is being vacated who have "a special right and a vested interest in the right to use the whole of the street for ingress and egress, light, view, and air, and if any damages are suffered by such an owner, compensation is recoverable therefor.

If a city vacates a portion of a street, e.g. the east 12 feet, that vacation may materially diminish the right of the abutter across the street to use the whole of the street for not only ingress and egress, but also light, air and view. The city may proceed with a vacation over the protest of the abutter, but will face the potential of paying compensation under Section 16, Article 1, Washington State Constitution. The value of light, air and view is often overlooked when evaluating a street vacation.

2.5.2 Presumption of Validity

Street vacation ordinances are presumed validly enacted for public use or purpose. The city may rely on that presumption in defending the case and the challenger must rebut that presumption. Hoskins v. Kirkland, supra.

"Only when there is no possible benefit to the public will the court review the legislative determination." Banchero v. City Council of Seattle, 2 Wn. App. 519, 523, 468 P.2d 724 (1970).

2.5.3 Private purposes

Street vacations are often necessitated to accommodate private development to create larger tracts of land for commercial purposes. Banchero v. City Council of Seattle, supra, established that with proper findings it will be difficult to find that a private purpose does not have a sufficient public component to meet the public purpose test. In Banchero the city vacated a street to facilitate a processing plant. The court held that a public

purpose was stated by establishing the city's need for dairy products, the increase in property taxes and the contribution of an increased payroll to the city's overall economy.

(Practice Tip: Be sure to have the council adopt findings which support the public purpose behind the street vacation.)

2.6 City Options

2.6.1 Retained Easements

A city may retain easements for construction, repair, and maintenance of public utilities.

2.6.2 Payment to City

A 1967 amendment to RCW 35.79.030 ensured that a city or town could require abutters to pay one-half of the appraised value of the area to be vacated. (Except see RCW 35.79.040 for streets abutting fresh or salt water). Full value may be required if the street was acquired at public expense instead of by dedication. Applicants should be required to submit an appraisal. Note that appraisers vary widely in their treatment of any easements to be retained.

(Practice Tip: If the appraisal seems too low, consider obtaining another at public expense. Where information conflicts, have the council make a finding as to fair market value).

Interesting appraisal issues exist where the zoning on opposite sides of the street is different and the per square foot value varies dependent upon the zoning. One side can end up paying more than the other side of the street for the vacated property.

3. TITLE TO VACATED PROPERTY

The general rule is that abutting property owners take to the center of the street on street vacation. RCW 35.79.040 provides:

If any street or alley in any city or town is vacated by the city or town council, the property within the limits so vacated shall belong to the abutting owners, one-half to each.

Note that conveyance of land abutting a private road is also presumed to carry title to the center of the private

road. McConiga v. Riches, 40 Wn. App. 532, 700 P. 2d 331 (1985).

3.1 Easements not vacated.

Care must be taken in a street vacation decision to address any private or public easements within the right of way being vacated. A street vacation does not vacate utility easements. These must be relocated or preserved to provide basic utility services. Also private easements for ingress and egress, which might be superimposed on the street right of way are not extinguished by the street vacation and they must be analyzed.

3.2 Special circumstances when the vacated right of way does not revert to the abutting owners.

3.2.1 Ownership of the underlying fee of a vacated street is said to depend upon "particular circumstances of each case." Rowe v. James, 71 Wash. 267, 128 P. 539 (1912).

Allocation of the vacated land must be done as equally and fairly as possible.

3.2.2. 100% of the vacated street can go to the owners on one side.

In Michelson Brothers, Inc. v. Baderman, 4 Wn. App. 625, 483 P.2d 859 (1971), the street being vacated fronted on second class tidelands and there was no owner on the waterward side. Under these circumstances, the street reverted to the abutting owners. However, they did not receive the street based on an extension of their property lines to the water. That would have left a no-man's land. Instead the court approved a division of the property on a basis which was fair, but not according to the property lines.

In London v. Seattle, 93 Wn. 2d 657, 617 P.2d 781 (1980) where the street being vacated had been dedicated entirely by the property owners on one side of the street, on vacation, 100% of the street reverted to the grantor.

The above rule was modified in Christian v. Purdy, 60 Wn. App. 798, 808 P.2d 164 (1991). The owner of property had dedicated a street along the perimeter of a plat. One hundred percent of the street was within the boundary of the plat although it served property on both sides of it. When the street was

vacated, it did not revert to the side of the street which had granted the street. It was divided in the middle. The rationale of the court was that because the original dedicator had also owned the additional property served by the road on the opposite side of the street, the property would revert to the owners on both sides pursuant to statute. A special exclusion in the deed would have been necessary for the street to revert to the owners within the plat only.

4. Vacation of Subdivisions

R.C.W. 58.17.212 provides for vacation of subdivisions. If streets or roads only within the subdivision are proposed for vacation, the procedures of ch. 35.79 or ch. 36.87 R.C.W. must be followed. If the entire subdivision including the streets is proposed for vacation, then RCW 58.17.212 applies. A city may retain land within the subdivision which have been dedicated for public purposes.

5. Streets Abutting Bodies of Water.

RCW 35.79.035, enacted in 1987, prohibits the vacation of public streets which abut bodies of fresh or salt water unless the vacation will improve shoreline access and use. The City must make a finding that the street is not suitable for port, beach or water access, boat moorage, launching sites, park, public view, recreation or education before it can be vacated. A survey must be made of all such facilities in the City before vacation. It will be very difficult to vacate a street end unless it is integrated into a larger public access plan which enhances public access.

6. ADDITIONAL RESOURCES

McQuillan, THE LAW OF MUNICIPAL CORPORATIONS (3d Ed,) 30.185 et seq.

Ch. 36.87 RCW Vacation of county roads

II. Ancient Right Of Ways (Vacation By Operation Of Law)

This portion of the paper is about the "Non-User" Statute and how it relates to unopened streets which were dedicated in plats. In 1890, the legislature passed the following statute:

Any county road, or part thereof, which has heretofore been or may hereafter be authorized, which remains unopen for public use for a space of five years after the order is made or authority granted for opening the same, shall be, and the same is hereby vacated, and the authority for building the same barred by lapse of time. Laws of 1889-90, Chapter 19, Section 32.

The following significant proviso was added to the above statute effective March 12, 1909:

Provided, however, That the provisions of this section shall not apply to any highway, street, alley or other public place dedicated as such in any plat, whether the land included in said plat be within or without the limits of any incorporated city or town, nor to any land conveyed by deed to the state or to any town, city or county for roads, streets, alleys or other public places.¹

PRESENT EFFECT

The substantially similar codified version is at RCW 36.87.090. An example of the effect of these provisions follows. Streets were dedicated in a plat which was recorded in 1890. At the time, the affected property was in an unincorporated part of the county. This area became a part of your city upon incorporation in 1905. No public use of the platted street had occurred prior to 1905. The platted street would have been vacated by operation of law prior to 1896.

Keep in mind that the Non-User Statute would not apply

¹ The proviso was added by laws of 1909, Chapter 90, Section 1 which contained an emergency clause and therefore became effective on March 12, 1909, the date on which it was approved by the governor. The operation of the non-user statute has been referred to as a Ballinger Code Vacation.

in any instance where:

1. The plat was recorded after March 11, 1904²; or
2. The platted street was annexed or incorporated into a city or town within five (5) years after the date of dedication.

The significance of the year 1904 is due to the case of Gillis v. King County, 42 Wn.2d 373 (1953). The Court in Gillis would not give the 1909 proviso retroactive effect due to vested rights. However, the Court held that no right was created unless the street remained unopened for the full five year period before the effectiveness of the 1909 proviso. The Gillis case does not shed much light on the overall purpose behind the non-user statute³.

The effect of the non-user statute upon streets platted on tidelands should be carefully analyzed. Streets platted on first-class tidelands (i.e. tidelands within two (2) miles of the corporate limits of any city), are not "county roads" within the meaning of this 1889-90 statute, and are not vacated if they are not developed within five (5) years. The legislative intent expressed in Laws of 1895, Chapter 178, Sections 52 and 54 and Chapter 179, Section 1, is that the public ways platted on tidelands of the first-class should be subject to the control of the city to which they are adjacent, whether or not they lie within the corporate

2 If dates become critical to you, note that the statutory language is "... dedicated as such in any plat...". You could focus on the date of the dedicator's signature, rather than the date of recording.

3 In Miller v. King County, 59 Wn.2d 601 (1962), the court explained that the 1889-90 Act provided an incentive to land owners to grant areas for public roads, with the assurance that, if the purpose of the grant was not accomplished within five years, a reversion of the authority to construct a road would result. This interpretation was considered consistent with the Code of 1881, Chapter 173, Section 2329 (RCW 58.08.015). Through the 1881 statute, the legislature had provided that a grant to the public made by plat would function as a quit claim deed. In Miller, the Court describes this grant as requiring the performance of a condition before the grant becomes operative, that is, the opening of the street as a condition to acceptance of its dedication. In 1962, the Court does not discuss the meaning of the 1909 proviso or mention its 1953 analysis. As far as plats are concerned, the stated legislative intent could have been served by vacating the entire plat rather than just the streets within.

limits of the city.⁴

HOW IT FUNCTIONS

The non-user statute is said to vacate streets by operation of law and to be self-executing. However, a judicial determination is necessary to free the land from the apparent record easement. Lewis v. Seattle, 174 Wash. 219, 224 (1933). King County advises that it does not begin taxing the private owner for the former right-of-way until the year after it receives a court order or other formal evidence of vesting. Still, the failure to obtain an adjudication is not viewed as restoring to the public any interest which it lost through non-user. Van Sant v. City of Seattle, 47 Wn.2d 196 (1955).

Title to streets vacated pursuant to the non-user statute continues to be subject to private easements. In other words, if the non-user statute operated to terminate all public interest in platted streets as of 1906, for example, it did not affect private easements over such land by those who had obtained their easement with reference to a plat and in reliance thereon. Brown v. Olmstead, 49 Wn.2d 210 (1956).

In a non-user statute situation, cities will want to consider a claim of prescriptive easement. See RCW 4.16.020. Even if the non-user statute vacated the street long ago, public use may have subsequently established a street easement by prescription based on a more recent claim of use.

A public road can be established by prescription when the use has been such as to clearly convey to the owner that a claim is made in hostility to his title. Watson v. County Comm'rs, 38 Wash. 662, 665 (1905).⁵ Even if the only evidence is of a foot path, that is sufficient to establish a public road. Hamp v. Pend Oreille County, 102 Wash. 184 (1918). The claim of prescription can be for the width of a roadway based on reasonable necessity under present circumstances. Primark v. Burien Gardens Assoc., 63 Wash.App. 900 (1992).

4 This paragraph is taken, nearly verbatim, from the MRSC Report, "Surveys, Subdivision and Platting, and Boundaries" (May, 1987 Edition). Unfortunately, this marvelous resource is out of print. Actually, most of the background information provided about the non-user statute comes from that 1987 report or its 1958 predecessor or from Ralph Thomas.

5 This useful point and the two that follow are from a Pam James Summary Judgment memorandum, shared by her.

Where a dedicated street has been vacated by operation of law but there is nothing in the records to show the vacation, a conveyance by lot or block carries with it the fee to the center of the street unless the street is expressly excluded. Turner v. Davisson, 47 Wn.2d 375 (1955). It appears that a city may, but is not obliged to, recognize that the abutting property owner also owns the platted street falling within the operation of the non-user statute when there is no formal instrument recognizing the vacation. Cities will want to address this when considering lot line adjustments or plats.

WHAT IS UNOPENED

A party asserting vacation of a dedicated roadway under the non-user statute has the burden of showing that the street was unopened for the required five-year period. Adams v. Skagit, 18 Wash.App. 146 (1977). If no public money was ever spent on improving the relevant street, focus on the absence of anything to prevent public use and the lack of possession by someone else. Argue that the test is whether the street was actually physically open for public use, unobstructed and unenclosed. Brokaw v. Stanwood, 79 Wash. 322 (1914).⁶

Some court cases have, instead, looked at what is not "opening". The non-user statute was held to have operated where no public use was ever made of an alley and only a portion thereof had ever been opened for use as a private driveway. Burkhard v. Bowen, 32 Wn.2d 613 (1949). Intermittent use by the public which was not systematic during the relevant five years was also not "opening". Turner v. Davisson, supra.

Presumably, evidence of an early period of public use, even if by foot, is best. A street "used only by pedestrians is nevertheless a public . . . street within the legal meaning of that term." Albee v. Town of Yarrow Point, 74 Wash.2d 453, 458 (1968). There should be no need for use to have been exclusive or for it to have continued after opening had occurred. It would appear that "opening" is also satisfied by the filing of a resolution or other record establishing the road in the office of the county engineer. Ellingsen v. Franklin County, 55 Wn.App. 532 (1989). In such event, no physical entry would be needed. However, in King County at least, such information is seldom discovered and most likely would require a search through unindexed minutes.

⁶ The foregoing analysis is again from the Pam James memorandum.

WHY NOW?

In the last several years, the non-user statute has been raised much more often in the City of Kirkland than in the preceding years. There may be widespread interest in it as in-filling becomes a hot topic. It may be useful to hear what developers are being told about the non-user statute. The following rather misleading information was provided as part of a 1993 seminar about survey issues:

"The developers of land which was platted before 1909 are cautioned to examine what is often referred to as Barringer's Rule [sic], which provides that platted streets which remained unopened for five years after the order granting authority to open them are thereafter vacated. A revision to the law in 1909 excepted streets or other public places dedicated as such from vacation."

PRACTICAL CONSIDERATIONS

Now that we have covered the background issues, we will look at how to respond to a non-user statute claim, rather than a legal analysis of the claim. Immediately after receipt by your city of a non-user statute claim, if not sooner, your city should decide whether it will consider voluntary recognition of the operation of the non-user statute, or whether a claimant would have to file a quiet title action in every instance.

In several instances, Kirkland has passed a resolution, after review, acknowledging the operation of the non-user statute. In such instances, it is not advisable to agree to the city signing a deed. This is because the city does not want to take a stand as to in whom title to the vacated street would vest. However, there may be situations where there is sufficient reason for the city to sign a quit claim deed. Note that a city resolution is not equivalent to an adjudication of title. However, the resolution is likely to cause a title company to state that title to the former platted street is vested in the abutter. For many owners, this would be enough external recognition.

REAL LIFE EXAMPLES

1. One non-user experience for the City of Kirkland concerned a project development application. Initially, the developer was seeking both a discretionary zoning permit and a street vacation. Public Works agreed that the proposed new street plan was satisfactory. Next, the developer requested that the City deed over the old platted rights-of-way due to the non-user statute. The request was for both the interior old platted streets and a portion of old platted right-of-way which extended into a present arterial.

The City's concerns included setting a precedent of giving up rights-of-way and possible need for sewer line easement in the future. The developer presented excellent background information including a consultant's historical analysis, a title company's history of deeds, copies of historical maps, a copy of a 1936 aerial photograph and written recollections from early residents. Research for the City turned up a file at the county engineers office on the establishment of a road which became the present arterial, including references to survey work back to 1906.

It was reasonable to conclude that there had been no public use of the interior platted streets. As to the portion next to the present arterial, there appeared to be a legal issue. Would the opening of a street in one portion of the plat constitute opening of the same street as to other blocks in the plat? The aerial photograph also suggested early presence of a road or a wagon path which may have served more than one resident and which ran near to a relevant block.

An agreement was reached under which the City passed a resolution relinquishing any interest in specified portions of platted rights-of-way, the owner granted the City a sewer easement, the developer revised a landscaping plan as preferred by the City, and the developer made a contribution to the City park and open space fund. Somewhat reluctantly, the City included in the resolution an acknowledgment that title to the said portions of rights-of-way "should be quieted in the abutting property owner, the owner of blocks 3 and 6 of said plat."

2. A second non-user statute circumstance for Kirkland was raised by opponents of a development. These opponents did not have an interest in land adjacent to the subject property or the platted right-of-way in question. Their stated objection was that the proposed access to the development utilized a portion of an old, unopened, platted right-of-way. If the non-user statute had operated as to that right-of-way, ownership of it would have vested in an absentee owner.

The opponents argued that the proposed plat could not be approved since the absentee owner had an ownership interest in the subject property and had not signed on the plat. The planning department took the position that the opponents did not have standing to raise this issue. The opponents' other argument for disapproval of the plat was based on the general public's interest in the adequacy of access to the plat. They argued that if the plat was approved, the absentee owner might disrupt that access after trees on the site had been cut down. The planning department took the position that there was no more reason

to speculate about the possibility of an affirmative action by the absentee owner than that other circumstances might lead to abandonment of the development after site work had started.

3. The third non-user statute instance to be discussed is of the greatest concern to the City of Kirkland. The old unopened rights-of-way at issue are ones which the City would like to have available for possible future street connections. The present abutting owner had heard that the City would probably recommend against vacation in the context of a street vacation petition. The non-user statute was first referenced in a summons and complaint. There is no pending nor anticipated interest by the owner in any discretionary approvals.

The City's review included a title company property history report, a site visit, and a check of the county engineer's records. There is no indication of any opening of the portions of the platted right-of-way which abut the subject property.

One theory of interest to the City is that an owner, in effect, re-dedicating right-of-way by treating the old platted right-of-way as right-of-way in a new building permit application. The presentation of this theory is hampered by the City's non-retention of single family residence building permit files. The City may explore a possible defense based on the history of the non-user statute. This would be to argue that a new claim would be subject to the exclusion for streets dedicated in plats.⁷

Another possibility is to explore the "practical location doctrines" for a theoretical approach. For example, perhaps boundaries which would preserve a right-of-way should be re-established through the doctrine of location by a common grantor. See Winans v. Ross, 35 Wn.App. 238, 241 (1983). The act of platting should constitute establishment of an agreed boundary. In this case, the pattern of development of the plat did treat the old platted right-of-way as a functional boundary. There is a correlation between the circumstance that development followed the pattern of the plat and the City's concern that the old platted street remain available for opening.

⁷ The basis of this argument is that the laws of 1937, Chapter 187, Section 70 repealed the Laws of 1909, Chapter 90. The non-user statute was reenacted by the Laws of 1937, Chapter 187, Section 52, substantially as it had been after 1909 (only a couple of insignificant word changes). The argument would be that, by now, a new claimant could not rely on the original non-user statute without the proviso being effective.

The City of Kirkland would appreciate your suggestions.

CONCLUSION

Cities where land was platted before 1905 should be concerned about the non-user statute. Development proposals which involve replatting or discretionary approvals present opportunities for avoiding non-user statute litigation. However, there may be no easy defense to a pure non-user statute claim. Unless other solutions are found, it may be advisable to develop procedures whereby abutting owners must re-dedicate old unopened rights-of-way as part of obtaining building permits or other approvals.

KNOW ANY GOOD TRICKS?

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City of Olympia

City Council

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

Amendment to Interlocal Agreement between the City of Olympia and Washington State Department of Enterprise Services for Fire Protection Services

Agenda Date: 12/3/2013

Agenda Number: 4.C

File Number: 13-1007

File Type: contract

Version: 1

Status: Consent Calendar

..Title

Amendment to Interlocal Agreement between the City of Olympia and Washington State Department of Enterprise Services for Fire Protection Services

..Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to accept the Amendment, and authorize the Mayor to sign the Amendment.

..Report

Issue:

The Interlocal Agreement signed in August of 2013 for Fire Protection Services on the Capitol Campus needs a modification in the Annual Billing Schedule. The Department of Enterprise Services, DES, will make payments to the City for the Jefferson Building and Consolidated Technology Services. The original version listed the Jefferson Building and Consolidated Technology Services separate from DES. The total amount of payments to the City does not change. The change was requested by the State.

Staff Contact:

Greg Wright, Deputy Fire Chief, 360.753.8466

Presenter(s):

Greg Wright, Deputy Fire Chief

Background and Analysis:

Since 1993 the City of Olympia has billed the State for Fire Protection services. This billing is allowed per RCW 35.21.779 that stipulates, when the estimated value of state facilities sited in a municipality equals ten percent or more of that municipality's total assessed valuation, state agencies owning those facilities shall enter into a compulsory fire protection contract with the municipality to provide an equitable share of the fire protection costs.

This amendment clarifies the Interlocal Agreement signed in August 2013. The Amendment details a change in the Annual Billing Schedule requested by the State. The Jefferson Building and Consolidated Technology Services will not make payment directly to the City as listed in the original Agreement. The Department of Enterprise

Agenda Date: 12/3/2013

Agenda Number: 4.C

File Number: 13-1007

Services will make one combined payment for DES, the Jefferson Building and Consolidated Technology Services. The Annual Billing Schedule has been adjusted to reflect this change. The total amount to the City does not change.

Neighborhood/Community Interests (if known):

N/A

Options:

Accept the Amendment to the Interlocal Agreement.

Financial Impact:

This is a housekeeping clarification only. The amount that certain State Departments/Agencies pay may change but the overall amount from the State to the City is unchanged.

**AMENDMENT TO INTERLOCAL AGREEMENT
 BETWEEN THE CITY OF OLYMPIA AND
 WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES
 FOR FIRE PROTECTION SERVICES**

This Amendment No.1 documents the parties' mutual agreement to modify that certain Interlocal Agreement No. K1798, dated July 9, 2013, (the Agreement) between the City of Olympia (City) and the state of Washington Department of Enterprise Services (DES). The Agreement is hereby amended pursuant to Section VII, Agreement Alterations and Amendments, as follows:

1. Section V *Billing/Payment Procedures* is hereby modified to show that DES shall be making quarterly payments to the City for Consolidated Technology Services for the Jefferson Building and is hereby amended in its entirety to read as follows:

V. Billing/Payment Procedures

The CITY will invoice state agencies quarterly in July, October, January and April, per Billing Schedule below, on or before the 10th of the quarter month (July, October, January and April). The state agencies will pay the CITY within 30 days of receipt of properly executed invoice.

| Annual Billing Schedule | | | | | |
|--------------------------|---------------|------------------|------------------|----------------|----------------------|
| State Agency | Qtr 1 July | Qtr 2 October | Qtr 3 January | Qtr 4 April | Fiscal Year Total |
| Enterprise Services * | \$221,179.95 | \$221,179.95 | \$221,179.95 | \$221,179.95 | \$884,719.80 |
| SPSCC | 23,666.58 | 23,666.58 | 23,666.58 | 23,666.58 | 94,666.32 |
| Fish & Wildlife | 2,251.58 | 2,251.58 | 2,251.58 | 2,251.57 | 9,006.31 |
| State Historical Society | 750.53 | 750.53 | 750.53 | 750.51 | 3,002.10 |
| Military Department | 2,326.63 | 2,326.63 | 2,326.63 | 2,326.64 | 9,306.53 |
| Fiscal Year Total | \$250,175.27 | \$250,175.27 | \$250,175.27 | \$250,175.24 | \$1,000,701.06 |

** Department of Enterprise Services quarterly invoices include the fees for Consolidated Technology Services, Jefferson Building, \$18,387.88 per quarter.*

DES's invoices shall be forwarded to:
 Department of Enterprise Services
 Finance Office
 PO Box 41460
 Olympia, WA 98504-1460

2. All other terms, conditions, and exhibits of the Agreement shall remain in full force and effect and are not altered or affected in any way unless specifically modified herein. The requirements of RCW 39.34.030 are satisfied by the underlying Agreement and are incorporated by reference herein.
3. Prior to its entry into force, this Amendment shall be filed with the Thurston County Auditor or posted upon a party's website or other electronically retrievable public source as provided by RCW 39.34.040.
4. Each party signatory hereto, having first had the opportunity to read this Amendment and discuss the same with independent legal counsel, in execution of this document hereby mutually agree to all terms and conditions contained herein, and as incorporated by reference in the original Agreement.
5. This Agreement shall take effect as of the date of filing or posting as required by RCW 39.34.040.
6. The undersigned acknowledge that they are authorized to execute this Amendment and bind their respective agencies to the obligations set forth herein.

City of Olympia

Department of Enterprise Services

SIGNATURE

STEPHAN H. BUXBAUM

NAME

MAYOR

TITLE

DATE



SIGNATURE

THOMAS HENDERSON

NAME

ASSISTANT DIRECTOR

TITLE

DATE

11-14-13

APPROVED AS TO FORM:


CITY ATTORNEY

City of Olympia

City Council

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

Approval of High Density Corridor Interim Ordinance Extension

Agenda Date: 12/3/2013

Agenda Number: 4.D

File Number: 13-0978

File Type: ordinance

Version: 2

Status: Second Reading

..Title

Approval of High Density Corridor Interim Ordinance Extension

..Recommended Action

City Manager Recommendation:

Move to adopt on second reading an ordinance extending the duration of Ordinance 6820 to a total of 540 days.

..Report

Issue:

Whether to extend effective period of interim development code limiting height of new high density corridor buildings, particularly adjacent to single-family housing.

Staff Contact:

Todd Stamm, Principal Planner, 360.753.8597

Presenter:

Todd Stamm, Principal Planner

Background and Analysis:

The background is the same as was presented November 26 for the public hearing and first reading of the ordinance.

On December 11, 2012, the Olympia City Council adopted an emergency ordinance (attached) changing building height regulations in all of the City's High Density Corridor zones (HDC-1; HDC-2; HDC-3; and HDC-4). The Council's action responded to public concerns about a development known as the Bing Street Apartments proposed near single-family housing northwest of the intersection of Harrison Avenue and Division Street. Effective for one year, Ordinance 6820 requires that, in any of the four High Density Corridor zones, any new buildings within 100 feet of a single-family lot shall not exceed a height of 35 feet. It also states any buildings on property adjacent to single-family housing or a residential zone or along a public street shall have eight-foot step-backs at every third floor, i.e., upper floors must be setback further than the first two floors.

The Council adopted this ordinance following a public hearing on February 5, 2013. The Council referred this matter to the Planning Commission for a recommendation on the appropriate long-term means of addressing this issue, including whether or not to amend the development code. As a result of the Commission's workload, the

Agenda Date: 12/3/2013

Agenda Number: 4.D

File Number: 13-0978

Commission was not briefed on this matter until August 19, 2013. The Commission opened a public hearing on October 21, 2013, regarding the regulations adopted by the Council and alternatives. About a dozen parties commented on the proposal. The Commission concluded its deliberation on November 18, 2013, and recommended an alternative code amendment.

Unless extended by the City Council, the interim regulation will expire on December 11, 2013. To provide sufficient time for the Council to evaluate the implications of the Planning Commission's recommendation or an alternative measure as a permanent regulation, staff proposes that the effective period of Ordinance 6820 be extended for approximately six months. Note that Council may repeal this interim ordinance concurrent with adopting a permanent regulation earlier in 2014.

Neighborhood/Community Interests (if known):

About a dozen parties have commented to the Planning Commission. Notice of this Ordinance-extension hearing was provided to those parties.

Options:

The Council may:

1. Extend Ordinance 6820.
2. Not extend Ordinance 6820.
3. Adopt and extend a revised version of the interim ordinance.

Financial Impact:

Cost of process included in base budget.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, EXTENDING THE DURATION OF ORDINANCE NO. 6820.

WHEREAS, the City of Olympia established High Density Corridor Commercial zoning districts (the HDC zones); and

WHEREAS, certain properties within the HDC zones adjoin single family zoning districts and properties developed for single family uses; and

WHEREAS, the Olympia Comprehensive Plan promotes higher densities and intensities within the HDC zones subject to higher levels of development regulations and design review; and

WHEREAS, the development regulations in place do not require additional setback from single family dwellings located in the Residential Multiple Family 18 and 24 Zoning Districts; and

WHEREAS, the development regulations in place only require a single step back for buildings greater than 35 feet in height; and

WHEREAS, the City, through its development review process, has analyzed the impacts of the existing regulations and have found that they do not fully protect adjoining single family development; and

WHEREAS, the City Council has heard testimony and public comments from numerous City residents about the impacts that tall buildings with small setbacks and limited step backs can have on adjoining properties and neighborhoods; and

WHEREAS, the City Council has determined that there is a need for interim regulations until the Council has the opportunity to determine appropriate permanent regulations to ensure appropriate future development; and

WHEREAS, a final decision on new development regulations cannot be reached by the Council in a time frame that would ensure that no new development applications are submitted under the present zoning regulations; and

WHEREAS, interim regulations providing for enhanced setbacks and building step backs within the HDC zones would ensure sufficient regulation during the period of time required to conduct adequate review and analysis and to ensure public and Planning Commission participation in review of potential long-term plans and regulations; and

WHEREAS, this Ordinance is supported by the staff report, attachments, documents and prior public comment and testimony on file with the City of Olympia; and

WHEREAS, this interim zoning control is authorized by RCW 35A.63.220, RCW 36.70A.390 and Article 11, Section 11 of the Washington State Constitution; and

WHEREAS, as required by RCW 35A.63.220 and RCW 36.70A.390, the Olympia City Council held a public hearing on November 26, 2013; and

WHEREAS, based on the foregoing, the City Council has determined that it is in the City's interest to extend the interim zoning regulations for an additional six months;

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

Section 1. Recitals. The recitals above are adopted as findings of fact in support of this Ordinance.

Section 2. Interim Zoning Regulations Extended. Section 3 of the interim zoning regulations set forth in Ordinance No. 6820 is hereby amended to read as follows:

Section 3. Duration. The interim zoning regulations set forth in this Ordinance shall be in effect for ~~one (1) year~~ 540 days following the effective date of this Ordinance, unless extended by the City Council pursuant to state law.

Section 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

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

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

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

ORDINANCE NO. 6820

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTION 18.06.080, TABLE 6.02, BUILDING HEIGHT AND ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS FOR THE HIGH DENSITY CORRIDOR ZONING DISTRICTS AND DIRECTING THE SETTING OF A PUBLIC HEARING.

WHEREAS, the City of Olympia established High Density Corridor Commercial zoning districts (the HDC zones); and

WHEREAS, certain properties within the HDC zones adjoin single family zoning districts and properties developed for single family uses; and

WHEREAS, the Olympia Comprehensive Plan promotes higher densities and intensities within the HDC zones subject to higher levels of development regulations and design review; and

WHEREAS, the development regulations in place do not require additional setback from single family dwellings located in the Residential Multiple Family 18 and 24 Zoning Districts; and

WHEREAS, the development regulations in place only require a single step back for buildings greater than 35 feet in height; and

WHEREAS, the City, through its development review process, has analyzed the impacts of the existing regulations and have found that they do not fully protect adjoining single family development; and

WHEREAS, the City Council has heard testimony and public comments from numerous City residents about the impacts that tall buildings with small setbacks and limited step backs can have on adjoining properties and neighborhoods; and

WHEREAS, the City Council has determined that there is a need for interim regulations until the Council has the opportunity to determine appropriate permanent regulations to ensure appropriate future development; and

WHEREAS, a final decision on new development regulations cannot be reached by the Council in a time frame that would ensure that no new development applications are submitted under the present zoning regulations; and

WHEREAS, interim regulations providing for enhanced setbacks and building step backs within the HDC zones would ensure sufficient regulation during the period of time required to conduct adequate review and analysis and to ensure public and Planning Commission participation in review of potential long-term plans and regulations; and

WHEREAS, it is therefore necessary that OMC Section 18.06.080, Table 6.02, which currently provides for a 100-foot setback in the HDC zones for buildings greater than 35 feet in height where the project adjoins the R4, R4-8, R6-12 Zoning Districts, be amended to also require the 100-foot set back where a project adjoins property with a single family home and to provide for an 8-foot building step back between the second and third stories and for each additional two stories thereafter for properties in the HDC zones; and

WHEREAS, this Ordinance is supported by the staff report, attachments, documents and prior public comment and testimony on file with the City of Olympia; and

WHEREAS, this interim zoning control is authorized by RCW 35A.63.220, RCW 36.70A.390 and Article 11, Section 11 of the Washington State Constitution; and

WHEREAS, as required by RCW 35A.63.220 and RCW 36.70A.390, the Olympia City Council will hold a public hearing within sixty (60) days of the passage of this Ordinance;

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

Section 1. Recitals. The recitals above are adopted as findings of fact in support of this Ordinance.

Section 2. Amendment of the OMC 18.06. Olympia Municipal Code Section 18.06.080, Table 6.02, is hereby amended to read as follows:

**TABLE 6.02
COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS**

| STANDARD | NR | PO/RM | GC | HDC-1 | HDC-2 | HDC-3 | HDC-4 and HDC-4 Capital Mall | ADDITIONAL REGULATIONS |
|-----------------------|---|---|---|---|---|--|---|--|
| MINIMUM LOT SIZE | 7,200 Sq. Ft. | No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = multifamily 4,000 = other | No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse | No minimum, except 1,600 = cottage 3,000=zero lot 1,600 sq.ft. minimum 2,400 sq.ft average = townhouse 6,000 sq.ft. = duplex 7,200 sq.ft. = multifamily 4,000=other | No minimum, except 1,600=cottage 3,000=zero lot 1,600 sq.ft. minimum 2,400 sq.ft average = townhouse 6,000 sq.ft. = duplex 7,200 sq.ft. = multifamily 4,000 = other | No minimum, except 1,600 sq.ft. minimum 2,400 sq. ft. average = townhouse | No minimum, except 1,600 sq.ft minimum 2,400 sq.ft. average = townhouse. | See also 18.06.100(D) for regulations on existing undersized lots of record. |
| FRONT YARD SETBACK | See City- Wide Design Guideline: "Building Design - Orientation & Form of Commercial & Public Buildings," 18.20.090. | 10' maximum, if located in a High Density Corridor; 10' minimum otherwise. | 5' minimum for residential otherwise none. | 0-10' See 18.06A.180 | 0-10' See 18.06A.180 | 0-10' See 18.06A.180 | 0-10' See 18.06A.180 | 1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. Must comply with site design standards, Chapter 18.06A.180. |
| REAR YARD SETBACK | 15' minimum. | 10' minimum; Except: 1. Next to an | 10' minimum; Except: 1. Next to | 10' minimum; Except: 1. Next to an R4, R4-8, | 10' minimum; Except: 1. Next to An | 10' minimum; Except: 1. Next to | 10' minimum; Except: 1. Next to | 1. 50' minimum from property line for agriculture buildings (or |

**TABLE 6.02
COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS**

| STANDARD | NR | PO/RM | GC | HDC-1 | HDC-2 | HDC-3 | HDC-4 and HDC-4 Capital Mall | ADDITIONAL REGULATIONS |
|-------------------|--------------|--|---|---|--|---|---|--|
| | | R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. | single-family use or an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories. | or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-1 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. | R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-2 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24, or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. | single-family use or an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories. | single-family use or an R4, R4-8, or R6-12 district - 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-13, Mr10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories. | structures) which house animals other than pets. 2. Must comply with site design standards, Chapter 18.06A.180. |
| SIDE YARD SETBACK | 15' minimum. | No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R 4, R 4-8, or R 6-12 district | No Minimum; Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories. | No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' | No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' | No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 | No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. | 1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section |

**TABLE 6.02
COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS**

| STANDARD | NR | PO/RM | GC | HDC-1 | HDC-2 | HDC-3 | HDC-4 and HDC-4 Capital Mall | ADDITIONAL REGULATIONS |
|-------------------------|-------------------------------|---|--|--|---|--|--|---|
| | | <p>= 15' minimum + 5' for each building floor above 2 stories.</p> <p>2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.</p> <p>3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.</p> | <p>2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.</p> <p>3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.</p> | <p>for each building floor above 2 stories.</p> <p>2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.</p> <p>3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.</p> | <p>for each building floor above 2 stories.</p> <p>2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each building floor above 2 stories.</p> <p>3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.</p> | <p>stories.</p> <p>2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.</p> <p>3. Residential excluding mixed use structures; 5' except 6' on one side of zero lot.</p> | <p>2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.</p> <p>3. Residential excluding mixed use structures; 5' except 6' on one side of zero lot.</p> | <p>18.40.060(C).</p> <p>3. Residential sideyards can be reduced consistent with 18.04.080(H)(5).</p> <p>4. Must comply with site design standards, Chapter 18.06A.180.</p> |
| MAXIMUM BUILDING HEIGHT | Up to 35', whichever is less. | Up to 35', if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' | Up to 35', if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise; or up | Up to 35', if any portion of the building is within 100' of R4, R4-8, or R6-12 district or <u>any lot with a built single</u> | Up to 35' if any portion of the building is within 100' of R4, R4-8, or R6-12 district or <u>any lot with a built single</u> | Up to 35', if any portion of the building is within 100' of R4, R4-8, or R6-12 district or <u>any lot with a built single</u> | Up to 35', if any portion of the building is within 100' of R4, R4-8, or R6-12 district or <u>any lot with a built single</u> | <p>1. Not to exceed height limit set by State Capitol Group Height District, 18.10.060, for properties near the State Capitol Campus.</p> <p>2. Must comply with site design standards,</p> |

**TABLE 6.02
COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS**

| STANDARD | NR | PO/RM | GC | HDC-1 | HDC-2 | HDC-3 | HDC-4 and HDC-4 Capital Mall | ADDITIONAL REGULATIONS |
|----------|----|------------|--|---|---|--|---|---|
| | | otherwise. | to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential. | <u>family home</u> ; Up to 60' otherwise. Provided that one additional story may be built for residential development only. | <u>family home</u> ; Up to 60' otherwise. Provided that one additional story may be built for residential development only. | <u>family home</u> ; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential. | <u>family home</u> ; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential. See 18.06A.251(4) Significant Building Entry tower exemption (allows an additional 30' for a tower element at Capital Mall). Up to 75' for HDC-4 zoned properties where the proposed project provides for the development of replacement dwelling units in | Chapter 18.06A.180. 3. HDC-1 and HDC-2 additional story must comply with OMC 18.06.100.A.6. |

**TABLE 6.02
COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS**

| STANDARD | NR | PO/RM | GC | HDC-1 | HDC-2 | HDC-3 | HDC-4 and HDC-4 Capital Mall | ADDITIONAL REGULATIONS |
|---------------------------|-----|---|--|------------------------|------------------------|--|---|---|
| | | | | | | | a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009. | |
| MAXIMUM BUILDING COVERAGE | 45% | 70%, except 55% for residential only structures | 70%; or 85% if at least 50% of the required parking is under the building. | 70% for all structures | 70% for all structures | 70% for all structures, 85% if at least 50% of the required parking is under the building. | 70% for all structures. 85% of the site if at least 50% of the required parking is under the building. On redeveloped sites, 85% if at least 50% of new required parking is under the building or in a structured parking form. 85% for HDC-4 zoned properties where the proposed | Must comply with site design standards, Chapter 18.06A.180. |

**TABLE 6.02
COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS**

| STANDARD | NR | PO/RM | GC | HDC-1 | HDC-2 | HDC-3 | HDC-4 and HDC-4 Capital Mall | ADDITIONAL REGULATIONS |
|--|---|--|--|--|--|--|---|--|
| | | | | | | | project provides for the development of replacement dwelling units in a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009. | |
| MAXIMUM DEVELOPMENT COVERAGE | 60% | 85%, except 75% for residential only structures | 85% | 85% for all structures | 85% for all structures | 85% for all structures | 85% for all structures | Must comply with site design standards, Chapter 18.06A.180. |
| ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS | Maximum building size (gross sq. ft.): 3,000 for single use; 6,000 for mixed use. | Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)). | Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)). | Buildings floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)). | Buildings floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)). | Buildings Floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)). | Buildings floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)). | For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area, see Section 18.06.100(G) |

**TABLE 6.02
COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS**

| STANDARD | NR | PO/RM | GC | HDC-1 | HDC-2 | HDC-3 | HDC-4 and HDC-4 Capital Mall | ADDITIONAL REGULATIONS |
|----------|----|--------------------------------------|----|---|---|---|---|---|
| | | 18.06.100(D) and Figure 6- 3). | | that abut a street or residential district or a lot that has a built single family home shall provide an 8 foot building step back between the second and third stories and for each additional 2 stories thereafter. | that abut a street or residential district or a lot that has a built single family home shall provide an 8 foot building step back between the second and third stories and for each additional 2 stories thereafter. | 18.06.100(D)) that abut a street or residential district or a lot that has a built single family home shall provide an 8 foot building step back between the second and third stories and for each additional 2 stories thereafter. | that abut a street or residential district or a lot that has a built single family home shall provide an 8 foot building step back between the second and third stories and for each additional 2 stories thereafter. | Large Scale Retail Uses. EXCEPTION: Section 18.06.100 18.06.100(G) shall not apply to motor vehicle sales. |

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

| STANDARD | MS | UW | UW-H | DB | CS-H | AS | ADDITIONAL REGULATIONS |
|---------------------|---------------|-------------|-------------|-------------|--|-------------|---------------------------|
| MINIMUM LOT AREA | 7,200 Sq. Ft. | No minimum. | No minimum. | No minimum. | 7,200 Sq. Ft. if bldg. height is 35' or less. 12,500 Sq. Ft. if bldg. height is over 35'. | No minimum. | |

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

| STANDARD | MS | UW | UW-H | DB | CS-H | AS | ADDITIONAL REGULATIONS |
|--------------------|---|---|-------------|-------------|--|---|---|
| FRONT YARD SETBACK | 10' maximum. | No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors. | No minimum. | No minimum. | No minimum. | 30' minimum for buildings; 15' for other structures except signs | 1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. See Design Guidelines, Chapter 18.100. |
| REAR YARD SETBACK | 15' minimum; If next to a residential zone, 15' minimum plus 5' for every story over 3 stories. | No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors. | No minimum. | No minimum. | 5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories. | 15' minimum. | 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. |
| SIDE YARD SETBACK | 10' minimum; 15' minimum plus 5' for every story over 3 stories if next to a residential zone. | No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors. | No minimum. | No minimum. | 5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories; AND the sum of the 2 side yards shall be no less than 1/2 | 5' minimum 30' minimum for buildings and 15' minimum for other structures from flanking streets. | 1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight |

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

| STANDARD | MS | UW | UW-H | DB | CS-H | AS | ADDITIONAL REGULATIONS |
|---------------------------|--|---|---|--|--|--|---|
| | | | | | the building height. | | triangle requirements, Section 18.40.060(C). 3. See Design Guidelines, Chapter 18.100. |
| MAXIMUM BUILDING HEIGHT | 75'; except hospitals, which may exceed that height. | See Figure 6-2, Urban Waterfront District Height Limits Exceptions: 1) In the portion of the area Downtown with a height limit of 65', two additional residential stories may be built. See 18.06.100(A)(2)(b). 2) In the portion of the area on West Bay Drive with a height limit of 42' to 65', the taller height limit is conditioned upon the provision of certain waterfront amenities. See 18.06.100(A)(2)(c). | Refer to Figure 6-2 and 6-2B for specific height and building configurations required on specific blocks. | 75'; PROVIDED, however, that two additional stories may be built, if they are residential. There are also restrictions around Sylvester Park. For details, see 18.06.100(C)(6) Height, Downtown Business District. | 75' Exception: Up to 100' may be allowed with conditional approval by the City Council, upon recommendation of the Hearing Examiner. For details, see 18.06.100(C)(5), Height, Commercial Services-High Density. | 40' accessory building limited to 20'. | Not to exceed height limit set by State Capitol Group Height District, 18.10.060, for properties near the State Capitol Campus. |
| MAXIMUM BUILDING COVERAGE | 50% | 60% for properties between the shoreline and the nearest upland street. 100% for properties not between the shoreline and the nearest upland | 100% | No requirement. | No requirement. | 85% | |

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

| STANDARD | MS | UW | UW-H | DB | CS-H | AS | ADDITIONAL REGULATIONS |
|---|--|--|---|-----------|--|--|---|
| | | street. See also Chapter 18.100 for design guidelines for pedestrian access and view corridors. | | | | | |
| MAXIMUM DEVELOPMENT COVERAGE | 65% | 100% development coverage. | 100% | 100% | 100% | 85% | |
| ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS | Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(F). Residential uses (Section 5 of Table 6.01) may not be constructed within 600 feet of Lilly Road except in upper stories of mixed use building; all other development standards are the same as for | Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to Section 12.16.050(D) OMC. See also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(c) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors. See | Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to OMC Section 12.16.050(D). | | Residential uses must comply with High Rise Multi-family (RM-H) development standards. | 6' of sight-screening buffer shall be provided along north, east, and west district boundaries. See Olympia Park Replat covenants for access, and other standards applicable to replat lots. | For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area, see Section 18.06.100 (G) Large Scale Retail Uses. EXCEPTION: Section 18.06.100 (G) shall not apply to motor vehicle sales. |

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

| STANDARD | MS | UW | UW-H | DB | CS-H | AS | ADDITIONAL REGULATIONS |
|----------|------------------|--|------|----|------|----|------------------------|
| | commercial uses. | also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(c) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors. | | | | | |

LEGEND

MS = Medical Services CS-H = Commercial Services - UW = Urban Waterfront
 DB = Downtown Business High Density UW-H = Urban Waterfront-Housing
 AS=Auto Services

Section 3. Duration. The interim zoning regulations set forth in this Ordinance shall be in effect for one (1) year, unless extended by the City Council pursuant to state law.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and 36.70A.390, a public hearing will be held by February 8, 2013.

Section 5. Work Plan. The City Council adopts the following Work Plan. City staff shall identify and study various options to address the issues that led to this ordinance. Staff shall then forward this Ordinance along with the staff's analysis to the Olympia Planning Commission for their consideration and recommendation. The Planning Commission currently has an unusually busy work load in conducting a comprehensive review and update to the City's Comprehensive Plan. The Planning Commission shall examine and further study whether the approach taken in this Ordinance appropriately addresses the concerns raised or whether the Planning Commission would recommend a different approach to address the issues. The Planning Commission shall then forward its recommendation for a permanent ordinance to the City Council.

Section 6. Codification. This Ordinance shall not be codified. *Interim Ordinance - no Codification required*

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed. *Dh 12/31/12*

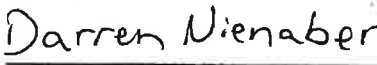
Section 8. Effective Date. This Ordinance is designated as a public emergency ordinance necessary for the protection of public health, safety, property and peace and therefore shall take effect immediately upon adoption by the City Council.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


DEPUTY CITY ATTORNEY

PASSED: *December 11, 2012*

APPROVED: *December 11, 2012*

PUBLISHED: *December 14, 2012*

SUMMARY OF ORDINANCE NO. 6820

On December 11, 2012, the Olympia City Council passed ordinance 6820 –

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTION 18.06.080, TABLE 6.02, BUILDING HEIGHT AND ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS FOR THE HIGH DENSITY CORRIDOR ZONING DISTRICTS AND DIRECTING THE SETTING OF A PUBLIC HEARING.

The full text of Ordinance No. 6820 may be obtained for a fee at Olympia City Hall, 601 E 4th Avenue or will be mailed upon request for a fee. Call (360) 753-8325 or write to City of Olympia, P.O. Box 1967, Olympia, WA 98507-1967.

Do not publish below this line

PUBLISH: Friday, December 14, 2012

City of Olympia

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

City Council

Amendment to Ordinance 6864 (Operating Budget)

Agenda Date: 12/3/2013

Agenda Number: 4.E

File Number: 13-0988

File Type: ordinance

Version: 1

Status: First Reading

..Title

Amendment to Ordinance 6864 (Operating Budget)

..Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve amending ordinance on first reading and forward to second reading.

..Report

Issue:

Amendment to Ordinance 6864.

Staff Contact:

Dean Walz, Fiscal Services Director, Administrative Services Department,
360.753.8465

Presenter(s):

Dean Walz, Fiscal Services Director

Background and Analysis:

To change the budget the Council must approve a new ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change needs to be made between the quarterly updates and a separate ordinance will come before the council. These ordinances do not officially amend the budget ordinance, but does provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

One ordinance passed since the last amendment to the operating budget. Ordinance (6871) was adopted on October 22, 2013. This ordinance appropriated \$39,298 to the Building Demolition and Nuisance special account, it was funded from reimbursements received from property owners where the City did abatement, a transfer from the General Fund, and other resources in the account which had not previously been appropriated.

Budget Items not previously presented to the Council:

Agenda Date: 12/3/2013

Agenda Number: 4.E

File Number: 13-0988

- 1) Appropriation of \$60,000 for overtime related providing Medic 1 services. This is funded by revenues received or to be received from Medic 1 which is in excess of original estimates of reimbursements for providing Medic 1 services.
- 2) Appropriation of \$34,000 for supplies related to providing equipment maintenance services to Fire District 3, Fire District 7 and the City of Tumwater Fire Department in excess of previous estimated cost of providing the service. This is funded by revenue received or to be received from these Fire Districts and the City of Tumwater.
- 3) Appropriation of \$154,000 to be transferred to the Equipment and Facilities Fund for improvements and maintenance to the Olympia Municipal Court Room. This is funded by \$50,000 from the City Hall Fund and \$104,000 from the Municipal Court and Probation programs of the General Fund.
- 4) Appropriation of \$2,000 to the Recreation Scholarship special account. This is funded by donations received or to be received.
- 5) Appropriation of \$15,534 to the police grant special account for crime analysis software. This is funded by a grant from the Department of Justice (\$13,559) and existing funds in the account which have not previously been appropriated.
- 6) Appropriation of \$12,800 to the Information Systems special account for asset management software for the Waste ReSources Utility. This is funded by a transfer of existing budget within the General Fund to the special account.
- 7) Appropriation of \$2,912,179 for cost of refunding the 2001 Waterworks Bonds and 2013 debt service related to the 2013 Waterworks Bonds. This is funded from the proceeds of the 2013 bonds.
- 8) Appropriation of \$20,000 for additional supplies related to providing vehicle maintenance services to the State Department of Enterprise Services. This is funded from revenue to be received for providing the maintenance services.

Neighborhood/Community Interests (if known):

None noted.

Options:

- 1) Approve amending ordinance. Officially amends the budget for ordinances relating to the 2013 budget, and authorizes budget items which have not previously been presented to the Council.
- 2) Do not approve the amending ordinance. The budget items would not be authorized.

Financial Impact:

Total increase appropriations by \$3,249,811. The sources of funding for these appropriations are noted above.

Agenda Date: 12/3/2013
Agenda Number: 4.E
File Number: 13-0988

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING ORDINANCE NO. 6864 RELATING TO BUDGETS, FINANCE, AND SALARIES.

WHEREAS, the City Council of the City of Olympia held a public hearing, considered public testimony, and passed Ordinance No. 6835 on December 18, 2012; and

WHEREAS, throughout the year, updates are required to recognize changes relating to budgets, finance, and salaries; and

WHEREAS, the City Council of the City of Olympia passed Ordinance No. 6848 on April 9, 2013, amending Ordinance 6835; and

WHEREAS, the City Council of the City of Olympia passed Ordinance No. 6855 on June 25, 2013, amending Ordinance 6848; and

WHEREAS, the City Council of the City of Olympia passed Ordinance No. 6864 on September 17, 2013, amending Ordinance 6855;

WHEREAS, additional changes require a new amendment;

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

Section 1. 2013 Budget. The budget for the calendar year 2013 is hereby adopted in the amounts and for the purposes as shown below; and the following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the City Treasury hereinafter named.

| FUND | APPROP. FUND BALANCE | ESTIMATED REVENUE | APPROP. | ADDITIONS TO FUND BALANCE |
|--|--------------------------------------|--|--|--|
| General, Regular Operations | \$750,556 | \$60,172,118 \$60,266,118 | \$60,922,674 \$61,016,674 | |
| General, Special Sub-Funds | | | | |
| Special Accounts | 950,638 952,613 | 1,183,812 1,251,469 | 2,134,450 2,204,082 | |
| Washington Center | 5,000 | 254,173 | 259,173 | |
| Equip & Facilities Reserve | 811,274 | 4,912,200 5,066,200 | 5,723,474 5,877,474 | |
| Total General Fund | 2,517,468 2,519,443 | 66,522,303 66,837,960 | 69,039,771 69,357,403 | |
| 4 th /5 th Avenue Corridor Bridge Loan | | 570,392 | 570,391 | \$1 |
| LTGO Bond Fund - 2006 Parks | | 1,218,000 | 1,218,000 | |
| UTGO Bond Fund – 2009 Fire | | 1,214,505 | 1,193,981 | 20,524 |
| City Hall Debt Fund – 2009 | 1,416 | 2,417,852 | 2,419,268 | |
| 2010 LTGO Bond – Street Projects | 1 | 435,112 | 435,113 | |

| | | | | |
|-----------------------------|--|--|--|-----------------|
| L.O.C.A.L. Debt Fund – 2010 | 59 | 178,222 | 178,281 | |
| 2010B LTGO Bonds - HOCM | | 395,987 | 395,987 | |
| LTGO Bond Fund, 2013 | | 332,085 | 332,085 | |
| Water Utility O&M | | 10,326,650 | 10,319,270 | 7,380 |
| Sewer Utility O&M | 413,618 | 16,254,100 | 16,667,718 | |
| Solid Waste Utility | 427,455 | 9,256,371 | 9,683,826 | |
| Storm Water Utility | 105,481 | 4,865,082 | 4,970,563 | |
| Water/Sewer Bonds | <u>55,878</u> | <u>1,641,646</u> <u>4,497,947</u> | <u>1,635,559</u> <u>4,547,738</u> | 6,087 |
| Equipment Rental | 103,248 | <u>1,594,964</u> <u>1,614,964</u> | <u>1,698,212</u> <u>1,718,212</u> | |
| | | | | |
| TOTALS | \$3,568,746 \$3,626,599 | \$117,223,271 \$120,415,229 | \$120,758,025 \$124,007,836 | \$33,992 |

Section 2. Administration. The City Manager shall administer the budget, and in doing so may authorize adjustments within the funds set forth in Section 1 above, to the extent that such adjustments are consistent with the budget approved in Section 1.

Section 3. Salaries and Compensation. The salaries and compensation for the City of Olympia employees for the calendar year 2013 shall be as set forth in the "Supplementary Information" section of the 2013 Adopted Operating Budget document, or as the same may be amended by the City Manager as part of his administration of the budget pursuant to Section 2 above.

Section 4. Benefit Cost Sharing. The City Manager is authorized to modify and establish benefit cost sharing for City employees; and such programs may be based, in part, on an employee's start date with the City.

Section 5. Severability. The provisions of this ordinance are declared separate and severable. 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 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7. Effective Date. This ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

City of Olympia

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

City Council

Amendment to Ordinance 6865 (Special Funds)

Agenda Date: 12/3/2013

Agenda Number: 4.F

File Number: 13-0990

File Type: ordinance

Version: 1

Status: First Reading

..Title

Amendment to Ordinance 6865 (Special Funds)

..Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve amending ordinance on first reading and forward to second reading.

..Report

Issue:

Amendment to Ordinance 6865

Staff Contact:

Dean Walz, Fiscal Services Director, Administrative Services Department,
360.753.8465

Presenter(s):

Dean Walz, Fiscal Services Director

Background and Analysis:

To change the budget the Council must approve a new ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change needs to be made between the quarterly updates and a separate ordinance will come before the council. These ordinances do not officially amend the budget ordinance, but does provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

Two ordinances were passed since the last amendment to the special funds budget. Ordinance (6867) was adopted on October 1, 2013. This ordinance appropriated \$59,518 for soils clean-up related to the Hands on Children's Museum project. It was funded by contributions from the Hands on Children's Museum. Ordinance 6868 was adopted on October 1, 2013. This ordinance appropriated \$200,000 of fund balance of the Washington Center for the Performing Arts Endowment Fund to be used for support of the Center.

Agenda Date: 12/3/2013

Agenda Number: 4.F

File Number: 13-0990

Budget Items not previously presented to the Council:

- 1) Appropriation of \$114,725 for payment to the LOTT Clean Water Alliance for soils clean-up related to the Hands on Children's Museum project. Funding was from funds previously received from the Capital Area Regional Public Facilities District.

Neighborhood/Community Interests (if known):

None noted.

Options:

- 1) Approve amending ordinance. Officially amends the budget for ordinances relating to the 2013 budget, and authorizes budget items which have not previously been presented to the Council.
- 2) Do not approve the amending ordinance. The budget items would not be authorized.

Financial Impact:

Total increase in appropriations is \$374,243. The sources of funding for these appropriations are noted above.

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING ORDINANCE NO. 6865, APPROPRIATING FUNDS WITHIN VARIOUS SPECIAL FUNDS.

WHEREAS, the Olympia City Council appropriated funds within various Special Funds for the year 2013 by passing Ordinance No. 6833 on December 18, 2012; and

WHEREAS, Ordinance No. 6849 was passed on April 9, 2013, amending such appropriations; and

WHEREAS, Ordinance No. 6856 was passed on June 25, 2013, amending Ordinance 6849; and

WHEREAS, Ordinance No. 6865 was passed on September 17, 2013, amending Ordinance 6856; and

WHEREAS, additional changes require a new amendment;

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

Section 1. The following appropriations are hereby made:

| FUND | APPROP. FUND BALANCE | ESTIMATED REVENUE | APPROP. | ADDITIONS TO FUND BALANCE |
|--|--|--|--|----------------------------------|
| CDBG Loan Repayment Fund | | \$170,000 | \$170,000 | |
| Housing & Urban Development | | 325,612 | 325,612 | |
| Lodging Tax Fund | | 500,000 | 492,500 | \$7,500 |
| Parks & Recreational Sidewalk Utility Tax Fund | | 2,592,140 | 2,592,140 | |
| Parking Business Improvement Area Fund | | 110,000 | 110,000 | |
| Farmers Market Repair & Replacement Fund | \$330 | 9,670 | 10,000 | |
| Hands On Children's Museum | 31,487 146,212 | 401,500 461,018 | 432,987 607,230 | |
| Equipment Rental Replacement Reserve Fund | 549,645 | 1,413,274 | 1,962,919 | |
| Unemployment Compensation Fund | | 197,000 | 197,000 | |
| Insurance Trust Fund | | 1,560,000 | 1,560,000 | |
| Workers Compensation Fund | 189,000 | 1,241,000 | 1,430,000 | |
| Washington Center Endowment Fund | <u>200,000</u> | 19,956 | 19,956 219,956 | |
| TOTALS | <u>\$770,462</u> <u>\$1,085,187</u> | <u>\$8,540,152</u> <u>\$8,599,670</u> | <u>\$9,303,114</u> <u>\$9,677,357</u> | \$7,500 |

Section 2. Severability. The provisions of this ordinance are declared separate and severable. 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 3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4. Effective Date. This ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

City of Olympia

City Council

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

Amendment to Ordinance 6866 (Capital Budget)

Agenda Date: 12/3/2013

Agenda Number: 4.G

File Number: 13-0991

File Type: ordinance

Version: 1

Status: First Reading

..Title

Amendment to Ordinance 6866 (Capital Budget)

..Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve amending ordinance on first reading and forward to second reading.

..Report

Issue:

Amendment to Ordinance 6866

Staff Contact:

Dean Walz, Fiscal Services Director, Administrative Services Department,
360.753.8465

Presenter(s):

Dean Walz, Fiscal Services Director

Background and Analysis:

To change the budget the Council must approve a new ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change needs to be made between the quarterly updates and a separate ordinance will come before the Council. These ordinances do not officially amend the budget ordinance, but does provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

One ordinance passed since the last amendment to the capital budget. Ordinance 6875 was adopted on November 19, 2013. The ordinance appropriated \$1,076,000 for the 22nd Avenue sidewalk project. Funding is from a Safe Routes to School grant (Federal indirect grant through the State of Washington).

Budget Items not previously presented to the Council:

- 1) Appropriation of \$624,793 for issuance costs of the 2013 Waterworks Bonds and funding of the Bond Reserve Fund related to those bonds. Funding is from

Agenda Date: 12/3/2013

Agenda Number: 4.G

File Number: 13-0991

- bond proceeds and existing funds in the Drinking Water Capital Fund.
- 2) Appropriation of \$839,624 from the Transportation Impact Fee account to be transferred to the Capital Improvements Fund for the Boulevard/Morse-Merryman roundabout design project. Funding is from Transportation Impact Fees. The ordinance approved in August authorizing the project omitted the appropriation to the Impact Fee Fund. This approves the transfer from the Impact Fee Fund.
 - 3) Appropriation of \$59,108 to the Drinking Water Capital program for source of supply improvements. This is an appropriation of funds received from the sale of property the Drinking Water Utility received from the sale of property at 2607 50th Court SE in Olympia. This property is along the Yelm Highway between Henderson Boulevard and Boulevard Road.

Neighborhood/Community Interests (if known):

None noted.

Options:

- 1) Approve amending ordinance. Officially amends the budget for ordinances relating to the 2013 budget, and authorizes budget items which have not previously been presented to the Council.
- 2) Do not approve the amending ordinance. The budget items would not be authorized.

Financial Impact:

Total increase in appropriations \$2,599,525. The sources of funding of these appropriations are noted above.

Ordinance No.

AN ORDINANCE AMENDING ORDINANCE NO. 6866, RELATING TO THE CITY OF OLYMPIA'S CAPITAL FACILITIES PLAN FOR THE YEARS 2013-2018.

WHEREAS, the Olympia City Council adopted the "Capital Facilities Plan," herein referred to as "CFP," for the fiscal years 2013 through 2018 by passing Ordinance No. 6827 on December 18, 2012; and

WHEREAS, the CFP is periodically amended to recognize additional revenue and/or appropriations, as provided for in RCW 36.70A.130(2)(a)(iv); and

WHEREAS, Ordinance No. 6850 was passed on April 9, 2013, amending appropriations in the CFP; and

WHEREAS, Ordinance No. 6857 was passed on June 25, 2013, amending Ordinance 6850; and

WHEREAS, Ordinance No. 6866 was passed on September 17, 2013, amending Ordinance 6857;

WHEREAS, additional changes require a new amendment;

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

Section 1. That certain document entitled the "Capital Facilities Plan," covering the years 2013 through 2018, a copy of which will be on file with the Office of the Director of Administrative Services and available on the City's web site, is hereby adopted as the Capital Facilities Plan for the City of Olympia and is incorporated herein as though fully set forth.

Section 2. Upon appropriation by the City Council of funds therefore, the City Manager shall be authorized to prepare plans and specifications, to take bids and make expenditures for the projects set forth in the CFP during the year for which said projects are scheduled; provided, that such expenditures shall be limited to those services and projects indicated in the CFP; and provided further, that any award of bids and execution of contracts for construction shall be approved as provided in OMC Chapter 3.16.

Section 3. It is anticipated that the funding source and the construction schedule for projects identified in the CFP may be changed over the next year. Such changes shall not constitute an amendment to the Comprehensive Plan for purposes of RCW 36.70A.130.

Section 4. The Director of Administrative Services is hereby authorized to bring forward into fiscal year 2013 all appropriations and allocations not otherwise closed, completed, or deleted from prior fiscal years' capital budgets.

Section 5. The following appropriations are hereby made:

| FUND | APPROP. FUND BALANCE | ESTIMATED REVENUE | APPROP. | ADDITIONS TO FUND BALANCE |
|--------------------------------|--|----------------------|--|---------------------------------|
| Impact Fee Fund | \$2,739,633 <u>\$3,579,257</u> | \$273,295 | \$3,012,928 <u>\$3,852,552</u> | |
| SEPA Mitigation Fee Fund | 3,060 | | 3,060 | |
| Parks & Recreational Sidewalk, | | | | |
| Utility Tax Fund | 186,640 | 2,568,860 | 2,755,500 | |

| FUND | APPROP. FUND BALANCE | ESTIMATED REVENUE | APPROP. | ADDITIONS TO FUND BALANCE |
|----------------------------------|----------------------------|-------------------------------------|-------------------------------------|---------------------------------|
| Real Estate Excise Tax Fund | | 1,000,000 | 1,000,000 | |
| Capital Improvement Fund | 290,350 | 13,836,645 14,912,645 | 14,126,995 15,202,995 | |
| Fire Station 4 Construction Fund | 2,300 | | 2,300 | |
| 2013 Bond Project Fund | | 5,212,313 | 5,212,313 | |
| Water CIP Fund | 463,457 | 6,703,543 | 7,167,000 | |
| | <u>577,419</u> | <u>7,273,482</u> | <u>7,850,901</u> | |
| Sewer CIP Fund | 284,099 | 741,301 | 1,025,400 | |
| Storm Water CIP Fund | 530,010 | 1,165,253 | 1,695,263 | |
| | | | | |
| TOTALS | \$4,499,549 | \$31,501,210 | \$36,000,759 | \$0 |
| | \$5,453,135 | \$33,147,149 | 38,600,284 | |

Section 6. Severability. The provisions of this ordinance are declared separate and severable. 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 7. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

City of Olympia

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

City Council

Approval of Ordinance Amending Olympia Municipal Code 10.16, 10.20 and 10.44 Related to Parking

Agenda Date: 12/3/2013

Agenda Number: 6.A

File Number: 13-0961

File Type: ordinance

Version: 2

Status: Other Business

..Title

Approval of Ordinance Amending Olympia Municipal Code 10.16, 10.20 and 10.44
Related to Parking

..Recommended Action

Committee Recommendation:

The General Government Committee recommends the Council move to approve the ordinance amendments.

City Manager Recommendation:

Move to approve on first reading and forward to second reading an ordinance amending Olympia Municipal Code (OMC) 10.16, 10.20 and 10.44 related to parking.

..Report

Issue:

Whether to approve an ordinance amending OMC 10.16, 10.20 and 10.44.

Staff Contact:

Karen Kenneson, Business Manager, Community Planning and Development,
360.753.8277

Presenters:

Karen Kenneson, Business Manager, Community Planning and Development

Background and Analysis:

Administrative changes in the parking ordinance are needed as a result of the City changing the parking system in the downtown core from pay stations to credit/debit card meters in 2013. Another administrative change that has taken place since the last update is a City-wide reorganization in 2010 that resulted in Parking Services being moved from the Public Works Department to the Community Planning and Development Department.

Since these administrative changes are needed, we are taking this opportunity to recommend other changes that will address feedback from customers and enable Parking Services to more effectively manage downtown parking. Proposed changes are detailed in Attachment 1, and summarized in brief below.

- Residential program (10.16):

Agenda Date: 12/3/2013

Agenda Number: 6.A

File Number: 13-0961

- Annual registration fee of \$10, including the first vehicle (currently the fee applies only to the second and subsequent vehicles registered to an address which causes confusion among households with multiple residents and is administratively difficult to manage).
- Specify requirements for renters vs. homeowners.
- Add a penalty for existing requirement that vehicle must be moved once every five days which will allow Parking Services to address vehicles registered in the residential program that are inoperable or being stored long-term on City streets.

- City-owned parking lots (10.16):
 - Clarify existing penalty is for non-permit holders.
 - Add requirement for permit holders to move every 48 hours which will allow Parking Services to address permit holder vehicles abandoned or inoperable in City lots.
 - Add that City-owned lots may only be used for parking unless an activity is authorized by a City-issued permit.
 - Add no overnight camping in City lots.

- Authority to enforce state laws (10.20):
 - Grant Parking Services authority to enforce RCW 46.55.085, abandoned vehicles in the right of way; work that was previously handled by City of Olympia Code Enforcement.
 - Grant Parking Services authority to enforce RCW 46.08.185, electric vehicle charging stations as the City proposes piloting a public electric vehicle charging station next year.

- Vehicle service permits (10.44):
 - Remove references to paper permits and replacement paper permits as the system is managed electronically now by license plate.

Neighborhood/Community Interests:

The amendments have been reviewed and are supported by the Olympia Municipal Court, Executive Office/Customer Care, and the Parking Committee (PBIA and ODA represented). If these amendments are approved staff will launch a communication effort to notify affected Residential Program permit and leased lot permit holders.

Options:

1. Move to approve on first reading and forward to second reading the proposed amendments to OMC Section 10.16, 10.20 and 10.44.
2. Do not approve the revised ordinance.

Financial Impact:

Any impact to parking revenues as a result of approval of these proposed

Agenda Date: 12/3/2013
Agenda Number: 6.A
File Number: 13-0961

amendments is minimal.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE CHAPTERS 10.16, 10.20, AND 10.44 RELATING TO PARKING.

WHEREAS, a City-wide reorganization in 2010 resulted in Parking Services being moved from the Public Works Department to the Community Planning and Development Department; and

WHEREAS, the City changed the parking system in the downtown core from pay stations to credit/debit card meters in 2013; and

WHEREAS, changes to the parking code would enable Parking Services to more effectively manage downtown parking; and

WHEREAS, this Ordinance is supported by the staff report and accompanying materials concerning the Ordinance, along with documents on file with the City, and the professional judgment of City staff;

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

Section 1. Amendment of OMC 10.16. Olympia Municipal Code Chapter 10.16 is hereby amended to read as follows:

Chapter 10.16
STOPPING, STANDING AND PARKING

10.16.000 Chapter Contents

Sections:

- 10.16.010 Applicability.
- 10.16.020 Parking prohibited at all times on certain streets -- Penalty for violation.
- 10.16.030 Recreational vehicle parking on city streets over 24 hours or between the hours of 3:00 a.m. and 6:00 a.m. prohibited without permit -- Penalty for violation.
- 10.16.050 Parking time limitations -- When applicable.
- 10.16.055 Residential Parking Program Established – Penalty for Violation.
- 10.16.060 Parking adjacent to schools.
- 10.16.070 Free parking areas.
- 10.16.080 Free parking limits -- Penalty for Violation.
- 10.16.090 Free parking zones -- Sign posting.
- 10.16.095 ~~Pay station parking areas.~~
- 10.16.100 Overtime parking prohibited in ~~pay station and~~ metered areas -- Penalty for Violation.
- 10.16.110 Parking of motorcycles, motor-driven cycles and mopeds within ~~pay station and~~ metered parking spaces.
- 10.16.120 Tampering with parking enforcement process is a violation.
- 10.16.130 Parking meters -- Methods of fee payment: coins, prepaid cards, credit/debit cards, and permits.
- 10.16.140 City parking lots -- Regulations.
- 10.16.150 City parking lots; ~~pay stations~~ and meters -- Fee schedules.
- 10.16.160 City Parking Lots -- Violations--Penalties.

- 10.16.210 Prohibited parking.
- 10.16.220 General parking prohibitions.
- ~~10.16.230 Use of funeral parking zones — Penalties.~~
- 10.16.240 Vanpools -- Definition.
- 10.16.250 Vanpool -- Parking limitation exemptions.
- 10.16.260 Vanpools -- Permits.
- 10.16.270 Penalties increased for late payments, collection agencies.
- 10.16.280 Parking Services section's scofflaw list.
- 10.16.290 Immobilization.
- 10.16.300 Impoundment.
- 10.16.310 Downtown Carpool Parking Program.

10.16.010 Applicability

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or those times specified in this chapter or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

10.16.020 Parking prohibited at all times on certain streets -- Penalty for violation

A. When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle at any time upon streets so posted. Such areas shall be so designated after an engineering analysis is conducted by the City of Olympia and deemed necessary.

B. Penalty for Violation. Vehicles found in violation of this section shall incur an infraction of ~~S~~seventy-five and no/100 dollars (\$75.00).

10.16.030 Recreational vehicle parking on city streets over 24 hours or between the hours of 3:00 a.m. and 6:00 a.m. prohibited without permit -- Penalty for violation-

A. No parking of ~~R~~recreational ~~V~~vehicles on city streets over 24 hours or ~~B~~between the ~~H~~hours of 3:00 a.m. and 6:00 a.m. Notwithstanding any other provision of the Olympia Municipal Code (OMC), no recreational vehicle may park on any city street longer than 24 hours or between the hours of 3:00 a.m. and 6:00 a.m. including holidays and weekends, without a City of Olympia Parking Services issued permit affixed to the front window of the recreational vehicle in a place clearly visible from the outside of the vehicle. Parking the vehicle in another location within the city within the 24 hour period on a city street is a violation of this section.

B. Definitions.

1. Recreational Vehicle: For purposes of this chapter, "Recreational Vehicle" (RV) means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

2. Adjacent: For purposes of this chapter, "Adjacent" means in the right-of-way typically used for vehicular parking, on the same side of the street as the residence for which the permit has been issued, in front of or to the side of that residence but within the lot lines of the residence as if the lot lines of the residence extended into the right-of-way.

C. Permit Application and Criteria. To obtain a temporary permit allowing an RV to park in a designated location for up to 7 business days within a quarter, the registered owner or operator of the RV must apply to the Parking Services Department of the City of Olympia and meet one of the following criteria for approval:

1. The registered owner or operator of the RV must be a resident with a current physical address within the city of Olympia and the RV must park adjacent to that residence; or
2. The registered owner or operator of the RV must be the visitor of a resident with a current physical address within the city of Olympia and the RV must park adjacent to that residence; or
3. The registered owner or operator of the recreational vehicle is participating as a vendor or sponsor of a Special Event for which a special event permit has been obtained from the City.

D. Validity of Permits. Permits are valid for up to 7 business days per vehicle per quarter. Permits are valid only for the dates authorized on the permit and only for the location indicated on the permit. Those who meet the qualifying criteria under (C)(1) or (C)(2) are required to park adjacent to the lot of the sponsoring city of Olympia resident or the permit is invalid. If there is limited or no parking adjacent to the sponsoring resident, Parking Services shall designate an appropriate location nearby and indicate such location on the permit.

E. Penalty for Violation. Penalty for violation is an infraction of ~~S~~seventy-F~~f~~ive and no/100 dollars (\$75.00). After three citations for violation of this section, the vehicle may be impounded as provided for in OMC 10.16.300.

10.16.050 Parking time limitations -- When applicable-

Except as provided in OMC 10.16.030, parking time limitations on city streets and zones shall apply during the hours of eight (8:00) a.m. to five (5:00) p.m. but shall not apply on Saturdays or Sundays or those public holidays enumerated in RCW 1.16.050.

10.16.055 Residential Parking Program Established – Penalty for violation

A. There are established residential parking zones within the city, which zones shall be described as follows:

1. Zone 1 - South Capitol Neighborhood: Area bounded by Interstate 5 on the south and the east, by and including Sylvester Street on the west, and by and including 14th Avenue on the north except the areas described in Subsection 2 and 3 below, described as the Capitol Campus Area.
2. Zone 2 - Capitol Campus Area: Area bounded by 14th Avenue on the north, Capitol Way on the east to mid-block between 17th Avenue and 18th Avenue, between the southern end of Sylvester Street and Capitol Way to the south.
3. Zone 3 - Capitol Campus Area: Area bounded by mid-block between 17th Avenue and 18th Avenue, south of the partial alley on the east, to and including 20th Avenue on the south, Capitol Way on the east, and Capitol Lake on the west.

4. Zone 4 - East Jefferson Neighborhood: Area bounded by, but not including, Jefferson Street on the west, the Burlington Northern Railroad on the east, by, but not including, Union Avenue on the north, and bounded on the south by the access road to Interstate 5.
5. Zone 5 - Union Avenue Neighborhood: Area bounded by and including 8th Avenue on the north, by and including, 11th Avenue between Capitol Lake and Jefferson Street on the west and on Union Avenue between Jefferson Street and Plum Street on the south, and by Plum Street on the east.
6. Zone 6 - East Plum Street Area: Area bounded by and including Plum Street on the west and by, but not including, Eastside Street on the east, and by and including State Avenue on the north and by and including 8th Avenue on the south.
7. Zone 7 - Downtown Neighborhood: Area bounded by Capitol Lake/Budd Inlet on the west, by and including Market Street on the north, by, but not including, Plum Street on the east, and by, but not including, 8th Avenue on the south.
8. Zone 8 - Marina Residents: Area bounded by and including Market Street on the north, Budd Inlet on the west, by and including "B" Avenue on the south, and by and including Washington Street on the east.

B. There are established criteria to participate in the Residential Parking Program as set forth below:

1. A resident shall be described as any person(s) who establishes that he/she resides in the applicable residential parking zone and that his/her residence is adjacent to a timed or meter parking area.
2. Exemption for vehicles shall be valid only for so long as the person named therein remains the registered owner of the vehicle and so long as that person remains a resident of or visitor to the applicable resident parking zone.
3. No vehicle will be registered until such time as all Olympia parking citations issued to the individual applying for residency are paid in full.
4. There will be a fee of Ten dollars (\$10.00) per year, ~~per, per residence (address) that registers more than one vehicle~~ vehicle registered in the program.
5. Vehicle limits are set for each zone as follows:
 - a. Zones 1, 2, 3 and 4 may register up to a maximum of four vehicles per residence household (address) regardless of the number of licensed drivers (residents).
 - b. Zones 5, 6 and 7 and 8 may register one vehicle per licensed driver (resident), up to a maximum of four per residence household (address).
 - c. The Parking Services Supervisor is authorized to make allowances for special circumstances or hardship cases in regards to vehicle limits for all zones.

6. Any and all citations issued to the applicant must be paid in full before residential program registration may be issued.

C. There are established certain requirements and registration documentation to participate in the Residential Parking Program as set forth below:

A resident of one of the zones established herein may apply to the ~~Department of Public Works~~ Community Planning and Development Department, Parking Services ~~Section~~, for exemption of up to four qualified vehicles. The following must be met and the required documentation must be provided to qualify for an exemption. If a Homeowner, Resident or Agent does not comply with any of the conditions set forth in the required sworn statements in either subsection C(34)(a) or C(45)(a) below, all residents residing at the applicable address will be removed from the residential parking program until such time that the Parking Services Supervisor determines that the conditions and requirements stated herein have been met.

1. Proof of Residency for Renters: Residency shall be proven for the applicable address by showing ~~one of~~ the following documents:

- a. Current official mail (such as a utility bill for the applicable address or bank statement); ~~or~~ and
- b. Either a current residential lease (valid rental agreement); or e. A notarized statement from the applicable homeowner or landlord verifying that the applicant is residing at the applied for address.

2. Proof of Residency for Homeowners: Residency shall be proven for the applicable address by showing current official mail and vehicle registration with matching applicable address.

23. Vehicle Registration Requirements: Residents shall provide all of the documents listed below:

- a. Current vehicle registration that is registered to the same address or to the same last name;
- b. Proof of vehicle insurance; and
- c. A valid ~~drivers~~ driver's license.;

34. Home-based Business Affidavit: All residents in ~~Zones 1, 2, and all zones 3~~ must sign a sworn statement that the following is true and correct:

- a. All home occupation permits and licenses have been obtained and are current for home business occupations occurring at the address for which the parking permit is requested.
- b. The resident applying for the parking permit resides either full or part-time at the address for which they are applying.

45. Off-street Parking Affidavit: All homeowners or agents of residences in Zones 1, 2 and 3 must sign a sworn statement that the following is true and correct:

a. That any existing on-site parking, at the address for which the parking permit is being requested, is not leased or reserved for any person(s) not residing at said address.

6. The Director of the Community Planning and Development Department has the authority to establish an annual residential permit renewal system.

D. There are established residential program guideline requirements within the City, as follows:

1. No boats, trailers, campers, recreational vehicles, or buses will be permitted in the Residential Parking Program.

2. No vehicles which exceed the size of a parking stall will be permitted in the Residential Parking Program.

3. The registered vehicle must be moved at least once every five days.

a. Penalty for Violation. A showing that a vehicle with valid Residential Parking Program registration was found parked in that vehicle's registered residential parking zone without moving for five days shall constitute a prima facie presumption that the vehicle has been parked in violation of this section.

b. A first infraction shall constitute overtime parking and shall result in a penalty of fifteen and no/100 dollars (\$15.00). If a vehicle is found, pursuant to Section 10.16.055 D3, parked in the same location 24 hours later, this shall constitute a chain parking violation and result in a penalty of thirty and no/100 dollars (\$30.00). After three citations for violation of this section, the vehicle may be impounded as provided for in Section 10.16.300.

4. Vehicles must be currently registered and operable throughout the course of their residency.

5. Residents may thereafter park any vehicle that is registered in the Residential Parking Program in any legal on-street parking space within their zones as described below:

a. Zone 1 - South Capitol Neighborhood: 1- and 2-hour parking spaces.

b. Zone 2 - Capitol Campus Area: 1-hour parking spaces.

c. Zone 3 - Capitol Campus Area: 1- and 2-hour parking spaces.

d. Zone 4 - East Jefferson Neighborhood: 2-hour parking spaces and 9-hour meters.

e. Zone 5 - Union Avenue Neighborhood: 2-hour parking spaces and 9-hour meters.

f. Zone 6 - East Plum Street Area: 90-minute parking spaces and 9-hour meters.

g. Zone 7 - Downtown Neighborhood: 9-hour meters.

h. Zone 8 - Marina Residents: 9-hour meters.

6. Failure to comply with these requirements may result in removal from the Residential Parking Program.

E. There are established guidelines for visitor(s) of residents as follows:

1. All residents in Zone 1 who participate in the Residential Parking Program may apply for an exemption for their visitor's² vehicle.

a. Visitor exemptions will only be issued for guests of ~~these people~~ residing at the ~~residence~~ household (address). Exemptions shall be valid only for so long as the visitor remains a visitor to the applicable resident parking zone, not to exceed 10 business days.

b. Visitor exemptions are unlimited.

c. Parking Services must be notified of the resident's name and the visitor's vehicle information (including license plate, vehicle make, model, color, and location) for each visitor exemption.

2. All residents in Zones 2 and 3 who participate in the Residential Parking Program may apply for an exemption for their visitor's² vehicle.

a. Visitor exemptions will only be issued for guests of ~~these people~~ residing at the ~~residence~~ household (address). Exemptions shall be valid only for so long as the visitor remains a visitor to the applicable resident parking zone, not to exceed 10 business days.

b. Visitor exemptions will be limited to two vehicles per month January 1 through April 30.

c. Visitor exemptions May 1 through December 31 are unlimited.

d. Parking Services must be notified of the resident's name and the visitor's vehicle information (including license plate, vehicle make, model, color, and location) for each visitor exemption.

3. All residents in Zones 4, 5, 6, 7 and 8 who participate in the Residential Parking Program may apply for an exemption for their visitor's² vehicle.

a. Visitor exemptions shall only be issued for guests of ~~these people~~ residing at the ~~residence~~ household (address). Exemptions shall be valid only for so long as the visitor remains a visitor to the applicable resident parking zone, not to exceed 10 business days.

b. Visitors parking at 9-hour meters after 8:00 a.m. Monday through Friday, must pay the meter for that day. Visitors are not eligible for a visitor's exemption until the next business day.

c. Parking Services must be notified of the resident's name and the visitor's vehicle information (including license plate, vehicle make, model, color, and location) for each visitor exemption.

4. The Parking Services Supervisor can authorize an extension on the exemption period on visitor permits for licensed caregivers of disabled residents.

F. There are established enforcement procedures which shall be described as follows:

1. The City Manager or designee shall establish methods and procedures to implement the provisions of this section. The methods and procedures shall be designed to provide parking time limit exemptions to residents of the streets named above in an efficient and equitable manner in accordance with all applicable laws.

2. No person shall stop, stand, or park any vehicle on the streets within any of the residential parking zones created by this chapter for a consecutive period of more than one hour, or as indicated for a particular street in Section 10.16.050, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except recognized holidays, and except as may be provided for resident and visitor parking set forth by this chapter.

10.16.060 Parking adjacent to schools

A. The City of Olympia is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon the side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

10.16.070 Free parking areas

A. The City Manager is authorized to designate within Olympia two (2) hour and 90-minute free parking areas. Signs shall be erected to designate these areas.

B. During a single business day, a vehicle may be parked in the free parking areas for up to maximum time posted in any one stall.

C. Fifteen-minute meters may be installed where deemed necessary in the downtown area, to accommodate short-term parking needs of customers. No more than two fifteen-minute meters will be installed on any block face.

10.16.080 Free parking limits -- Penalty for Violation

A. No person shall park any vehicle on streets or within zones designated as timed parking for a consecutive period of more than the indicated limits set forth pursuant to Section 10.16.050, or otherwise in this chapter.

B. A showing that a vehicle was found parked in any on-street parking spaces within any one residential parking zone for more than the allotted time, shall constitute a prima facie presumption that the vehicle has been parked in violation of this section. It shall be no defense that the vehicle has been moved from

one parking space to another within the parking zone if the vehicle remains in the zone at the end of the applicable time limit.

~~C. Notwithstanding the provisions set forth in Subsection B above, for the 90-minute free downtown parking area, only a showing that a vehicle was found parked in the same on-street parking space for more than 90 minutes shall constitute a prima facie presumption that the vehicle has been parked in violation of this section.~~

~~DC. A first infraction shall constitute overtime parking and shall result in a penalty of Fifteen and No/100 dollars (\$15.00). If a vehicle is found, pursuant to Sections 10.16.055 through 10.16.110, parked within the areas designated herein for a second or subsequent consecutive timed period, same shall constitute chain parking and result in a penalty of Thirty and No/100 dollars (\$30.00).~~

~~ED. When a vehicle is found parked within Residential Zone 2 designated pursuant to OMC 10.16.055.A.2 for a second, third or fourth subsequent consecutive timed period, each occurrence shall constitute an additional chain parking violation and shall result in an additional penalty of Thirty and No/100 dollars (\$30.00) for each of the second, third or fourth subsequent chain parking violations.~~

10.16.090 Free parking zones -- Sign posting

Appropriate signs shall be erected in established timed parking zones to reasonably inform the public of parking regulations enacted herein. Neither failure of a person to observe any sign nor the nonexistence of a sign in a particular location shall be a defense to any violation of Sections 10.16.020 through 10.16.110.

~~10.16.095 Pay station parking areas~~

~~A. The City Manager is authorized to designate within Olympia pay station parking areas. Signs shall be erected to designate these areas.~~

~~B. No person shall park a vehicle in any parking pay station space for which a parking pay station has been installed during the applicable restricted and regulated time unless payment is made as indicated on the pay station and proper proof of payment is displayed.~~

~~C. Proper display of proof of payment means clearly displaying the pay station printed receipt on the vehicle's curbside dash in such a manner that the expiration time and date are easily visible from the exterior. For motorcycles or other vehicles, receipts shall be affixed where clearly visible from the curbside.~~

~~D. During a single business day, a vehicle may be parked in the pay station parking area for up to a maximum of two (2) consecutive hours in any one stall. A vehicle may move to any other pay station or metered stall for as long as the printed permit is valid.~~

10.16.100 Overtime parking prohibited in ~~pay station and metered~~ areas -- Penalty for Violation

A. No person shall park a vehicle in any ~~parking pay station or metered~~ space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the ~~parking pay station or metered~~ zone in which such parking meter is located, irrespective of the number or amounts of the coins deposited or time purchased in such ~~pay station or meter~~.

B. A first infraction of this section shall constitute an expired ~~pay station or meter~~ violation if the meter is ~~unpaid, or an overtime violation if the meter is paid,~~ and result in a penalty of ~~Fifteen and no/100 dollars~~ (\$15.00). ~~If the first infraction is an expired meter violation, A~~ second infraction, without the vehicle being moved, shall constitute an overtime parking fine of ~~Fifteen and no/100 dollars~~ dollars (\$15.00), ~~and; a~~ a third infraction shall constitute chain parking and result in a penalty of ~~Thirty and no/100 dollars~~ (\$30.00). ~~If the first infraction is an overtime violation, a second infraction, without the vehicle being moved, shall constitute chain parking and result in a penalty of thirty and no/100 dollars (\$30.00).~~

10.16.110 Parking of motorcycles, motor-driven cycles and mopeds within ~~pay station and-metered~~ parking spaces

A. Notwithstanding any provisions of the Model Traffic Ordinance as Adopted in this title or any other provisions of this chapter, more than one motorcycle, as defined in RCW 46.04.332 and/or moped, as defined in RCW 46.04.304, may be parked within a single metered parking space within the city so long as the ~~parking pay station permit or meter~~ is not allowed to expire and subject to the following additional provisions:

1. That no more than three motorcycles, motor driven cycles and/or mopeds be allowed within a single ~~pay station or-metered~~ parking space and that same are parked so as not to unreasonably interfere with other such vehicles; and
2. That the vehicles be parked at an angle with the rear tire touching the curb and in a manner so as not to interfere with traffic; and
3. That any violation would result in a citation being given to all the vehicles then parked; and
4. That each vehicle must comply with the relevant time limit established for that parking ~~pay station or-metered~~ space.

B. In all other regards, the vehicles must comply with all other appropriate traffic and/or parking regulations.

10.16.120 Tampering with parking enforcement process is a violation

A. It shall be a violation of this chapter for a person to erase chalk marks placed on tires of vehicles by enforcement officers of the city to enforce the provisions of this chapter or to tamper with any other enforcement process implemented by the officials, with the intent of circumventing that enforcement process or the provisions of this chapter.

B. The penalty for violation of this section shall be thirty and no/100 dollars (\$30.00).

C. No person other than the ~~e~~City ~~m~~Manager or the ~~m~~Manager's agent shall remove the boot described in OMC Section 10.16.290, Immobilization, from any vehicle on which it has been installed.

D. No person shall move any vehicle after it has been booted but before the boot has been removed by the ~~e~~City ~~m~~Manager or the ~~M~~anager's agent.

E. In any prosecution for violation of this section, upon proof that the defendant owned the vehicle at the time the boot was installed and that the boot was removed or the vehicle moved before the vehicle was

removed from the scofflaw list, it shall be a rebuttable presumption that the accused removed the boot or moved the vehicle or aided, abetted, or advised the person who did so.

F. Making unauthorized photocopies or replicas of parking permits is a violation of this section.

10.16.130 Parking meters -- Methods of fee payment: coins, prepaid cards, credit or debit cards, and permits

A. No person shall park a vehicle in any parking meter space alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a United States coin or coins of the appropriate denomination as indicated on the parking meter shall have been deposited therein, or shall have been previously deposited or credited therein for an unexpired interval of time, and the meter has been placed in operation. A person may place any parking meter in operation through the use of a valid prepaid fee card or, in the case of credit card-capable parking meters a valid credit or debit card, or in the case of nine-hour parking meters, by the purchase of a valid nine-hour parking meter permit issued by the ~~parking services section of the public works department~~Community Planning and Development Department, Parking Services.

B. No person shall permit a vehicle within his/her control to be parked in any parking metered space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter ~~a coin or coins~~acceptable form of payment in such meter.

C. ~~The sSupervisor of the parking services section of the public works department~~Community Planning and Development Department, Parking Services or his or her designee is hereby authorized to sell nine-hour parking meter permits for use only at spaces regulated by nine-hour parking meters. The permit fee and its duration shall be set by the City Manager and filed with the City Council. ~~The permit shall be nontransferable, valid on a single designated vehicle, and checked by vehicle license number.~~

D. Any violation of this section relating to parking meters shall constitute an infraction pursuant to Section 10.24.040 and shall result in a penalty of ~~F~~fifteen and no/100 dollars (\$15.00).

10.16.140 City parking lots -- Regulations

When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle within any city-maintained parking lots for a period of time longer than indicated, contrary to any restrictions or without paying the applicable parking fee established pursuant to Sections 10.16.140 through 10.16.160.

City parking lots may only be used for parking, unless an activity is expressly authorized by a City-issued permit, lease, or unless the activity is conducted by the City. A city-issued permit includes but is not limited to a right of way obstruction permit under OMC 12.24.100, a temporary use permit under 18.06.060(Z) or a festival event permit under OMC 12.72.030.

The penalties for violation of this section shall be the penalties as set forth in OMC 12.24.160.

10.16.150 City parking lots, ~~pay stations~~ and meters -- Fee schedules

A. The City Manager is authorized to establish and post a fee schedule, where applicable, for city owned and/or managed parking lots and to implement the above parking regulations by the installation of

appropriate signs and/or collection devices. The City Manager shall file the fee schedule, and any changes with the City Council.

B. The City Manager is authorized to establish and post fee schedules for parking lots, ~~pay stations~~ and meters. The City Manager shall file the fee schedules and any changes with the City Council.

10.16.160 City Parking Lots -- Violations -- Penalties

A. Failure to pay fees in hourly/daily municipal lots pursuant to Sections 10.16.140 and 10.16.150 shall constitute a parking infraction and shall result in an overtime penalty of ~~F~~fifteen and no/100 dollars (\$15.00). Stopping, standing, or parking a vehicle for a second or subsequent time period shall result in a chain parking violation and an infraction penalty of ~~F~~thirty and no/100 dollars (\$30.00) will be issued.

B. It shall be no defense that a vehicle has been moved from one parking space to another within the parking lot if the vehicle remains in the lot at the end of the applicable time limit.

C. Leased Lots. Stopping, standing, or parking a vehicle without a valid permit shall result in an infraction penalty of ~~F~~thirty and no/100 dollars (\$30.00).

D. Towing of Vehicles from Municipal Lots – Non-Permit Holders. Vehicles without valid applicable leased lot permit abandoned in city-owned lots for a period of forty-eight (48) hours shall be towed upon direction of the ~~transportation line of business director~~Community Planning and Development Director.

E. Overnight Camping. Overnight camping in city-owned or city-maintained lots is not permitted.

F. Moving Requirement for Permit Holders. Vehicles with valid applicable leased lot permit must move the vehicle every forty-eight (48) hours within the lot or be subject to an infraction penalty of thirty and no/100 dollars (\$30.00). Not moving a vehicle for a second or subsequent forty-eight (48) hour time period shall result in a chain parking violation and an infraction of thirty and no/100 dollars (\$30.00). After three citations for violation of this section, the vehicle may be impounded as provided for in Section 10.16.300.

10.16.210 Prohibited parking

A. Vehicles must park within pavement markings which indicate parking stalls.

B. In areas that are posted, "BACK IN PARKING ONLY," vehicles must back into the parking stall.

C. Vehicles found in violation of this section shall incur an infraction of ~~F~~fifteen and no/100 dollars (\$15.00).

10.16.220 General parking prohibitions

A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. On a sidewalk or ~~parking-planting~~ strip;

2. In front of a public or private driveway or within five feet of the curb radius leading thereto, except in the parking meter zone or elsewhere where official parking meters, signs or pavement markings designate a parking space nearer a driveway;
3. Within an intersection;
4. Within six hundred feet of any place in the city where a fire is in progress;
5. On a crosswalk;
6. Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway, except in the parking meter zone or elsewhere where official parking meters, signs or pavement markings designate a parking space nearer such beacon, sign or signal;
7. Within thirty feet of the nearest rail of a railroad crossing;
8. Within fifty feet of the driveway entrance to any fire or police station or on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when proper sign posted;
9. Within twenty feet of a crosswalk at an intersection except in the parking meter zone or elsewhere where official parking meters, signs or pavement markings designate a parking space nearer a crosswalk;
10. Along-side or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking);
12. Upon any bridge or other elevated structure upon a highway, or within a highway tunnel or underpass;
13. At any place where official signs prohibit stopping;
14. Within fifteen feet of any fire hydrant;
15. On any street in such manner as to block or interfere with the free use of the street, or any alley or driveway;
16. Within thirty feet of a posted bus stop sign;
17. In any marked or designated bus zone; and
18. Along one side of a street or highway in a direction opposite to the traffic flow (facing the wrong direction).

19. Along-side yellow curb or yellow stripe.

20. Within or blocking any alley.

B. Penalties for Violation. Vehicles found in violation of this section, except subsection A14, of this section, shall incur an infraction of ~~Seventy-Five and No~~/100 dollars (\$75.00). A second infraction, without the vehicle being moved, shall constitute a second restricted parking fine of seventy-five and no/100 dollars (\$75.00), and a third infraction, without the vehicle being moved, shall constitute a third restricted parking fine of seventy-five and no/100 dollars (\$75.00).

~~10.16.230 Use of funeral parking zones — Penalties~~

~~A. Funeral zones shall be reserved primarily for the use by vehicles being used in connection with a funeral, including vehicles owned or operated by members of the immediate family of the deceased. Signs, approved by the traffic division manager and furnished by the management of the funeral parlor or church adjacent to any such zone, shall be placed on the parking strip immediately adjacent to such zone not more than two hours before a scheduled funeral and shall remain there during the funeral and for not more than one hour after determination of such funeral. In funeral zone and parking meter zones the meters shall be covered during the time the signs are in the parking strip. During all times when such signs are posted no person shall stop, stand or park any vehicle, other than those mentioned above, in any such funeral zone except for the purpose of loading or unloading persons or commodities used in connection with the funeral. At all other times, such zones shall be for general use under the parking regulations applicable to the district in which they are located.~~

~~B. Penalties for Violation. Any violation of this section shall constitute an infraction and shall result in a penalty of Thirty and no/100 dollars (\$30.00).~~

10.16.240 Vanpools -- Definition

For purposes of Sections 10.16.240 through 10.16.260, the term "vanpool" shall mean a ride-sharing vehicle as defined in RCW 46.74.010, to wit: A passenger motor vehicle with a seating capacity not exceeding fifteen persons including the driver while being used for commuter ride sharing or for ride-sharing for the elderly and the handicapped. Definitions of other terms set forth in RCW Chapter 46.74 are also incorporated in this section by reference as though fully set forth.

10.16.250 Vanpool -- Parking limitation exemptions

With a proper permit issued pursuant to this chapter, vanpools, while being used in the manner described in RCW 46.74, shall be exempt from the following:

A. Payment at any nine hour parking meter located in the downtown area;

B. Compliance with parking time limitations established in residential areas.

10.16.260 Vanpools -- Permits

The eCity mManager is instructed to establish rules and regulations for the issuance of parking exemption permits for vanpools operating in accord with RCW 46.74 and this chapter. Said rules may include time limitations for said permits and a fee therefore.

10.16.270 Penalties

Any penalty imposed for a violation of any section in this chapter (including any sections of State law adopted by reference) that remains unpaid to the Olympia Municipal Court or a payment schedule therefore is not arranged through the Olympia Municipal Court within thirty (30) days of being assessed are subject to increase and/or additional penalties as follows:

A. The penalty shall automatically be increased by 100%;

B. If the penalty imposed for a violation of any section of this chapter, as increased, is not paid within sixty days of the date it was imposed:

1. The penalty will be turned over to a collection agency for collection and may be subject to an additional surcharge; and

2. The person assessed the penalty may be placed on the scofflaw list pursuant to OMC 10.16.280, and the person's vehicle may be subject to immobilization and/or impoundment thereunder.

10.16.280 Parking Services' Section's Scofflaw List

A. Creation of Scofflaw List. As frequently as practicable, the Supervisor of the Olympia Municipal Court Services ~~the Parking Services Section of the Public Works Department~~ or his or her designee ("Supervisor") shall prepare and update the scofflaw list (which may also be known as the "pick-up list"), consisting of vehicles involved in eight (8) or such greater number of parking tickets unpaid more than sixty (60) days after their issuance that the Supervisor shall determine is efficient to include on the ~~pick-up~~ scofflaw list.

B. Civil Penalties to Cover Administrative Costs. There is hereby imposed upon the owner of every vehicle on the scofflaw list a civil penalty of the amount specified in OMC Section 4.60.020 "Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties," to cover costs of administering the scofflaw list. There is also hereby imposed upon the owner of every vehicle on the scofflaw list that is immobilized or impounded hereunder a civil penalty of the amount specified in OMC Section 4.60.020 "Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties," to cover the additional administrative costs of immobilization and/or impoundment.

C. Notice. The Supervisor shall give notice by first class mail to the registered owner of each vehicle on the scofflaw list, stating that the vehicle is on the scofflaw list and:

1. The date and the nature of each ticket overdue and the amount due on each;

2. That a scofflaw list fee in the amount specified in subsection B of this section has been imposed to cover administrative costs;

3. The total amount currently due;

4. A specific deadline for response, no less than ten days after the date of mailing;

The notice required by this subsection of this section is sufficient if mailed to the address provided by the Washington Department of Licensing; provided, however, that if the Supervisor is unable, after exercising due diligence, to discover any mailing address, then notice is sufficient if it is published once in a newspaper of general circulation in the city, posted on the vehicle, or personally served on the vehicle owner or driver, or provided by any other means reasonably calculated to provide notice to vehicle owner or driver.

D. That the owner shall, by said deadline, respond to the notice. Response shall be by paying the total amount due, ~~or by arranging a payment schedule with the Supervisor for payment of the total amount due;~~

E. That if the vehicle owner fails to respond within the prescribed time period, the listed vehicle will be subject to immediate immobilization or impoundment pursuant to the procedures in OMC Section 10.16.290, payment of the civil penalties imposed under subsection B above, and payment of the costs of immobilization, towing and storage.

F. If the vehicle owner or an agent of the owner pays the fines and fees, including the amount(s) specified in OMC Section 4.60.020 "Vehicle Immobilization Impoundment Costs, Fees, and Civil Penalties," and all towing and storage charges, if any, or posts a bond to cover such fines, fees, and charges, or arranges any combination of payment and bond to cover the total due, the Supervisor shall remove such vehicle from the scofflaw list. If any parking ticket not included on the scofflaw list for which the owner is liable becomes overdue before the owner or agent appears to pay or post bond, such subsequent tickets shall also be paid or bond shall be posted therefor before the vehicle is removed from the scofflaw list.

G. The owner of a vehicle that is subject to the procedures of this section and OMC Section 10.16.290, Immobilization and OMC Section 10.16.300, Impoundment, is entitled to a hearing in the Olympia Municipal Court pursuant to RCW 46.55.120 (2)(b) to contest the validity of the immobilization, impoundment or the amount of towing and storage charges. Any request for a hearing and the resolution thereof shall be as set forth in RCW 46.55.120 (2)(b)(4), which are hereby adopted by reference as said provisions now exist or hereafter may be amended.

H. Vehicles on the scofflaw list are not eligible to purchase city leased lot parking permits.

10.16.290 Immobilization

A. If the owner of a vehicle to whom notice has been sent pursuant to OMC 10.16.280.C fails to respond to the notice within the deadline therein specified by paying all fines, fees, towing, storage and administrative charges then due, including but not limited to the amount(s) specified in OMC Section 4.60.020 "Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties" or posting a bond to cover such fines, fees and charges such that the vehicle can be removed from the scofflaw list under OMC 10.16.280.F, then, at the discretion of a Parking Services Field Representative of the ~~Public Works Department~~ Community Planning and Development Department or a police officer, such vehicle may be immobilized by installing on such vehicle a device known as a "boot," which clamps and locks on to a wheel of the vehicle and impedes movement of such vehicle.

B. The person installing the boot shall leave under the windshield wiper or otherwise attach to such vehicle a notice advising the owner that such vehicle has been booted by the City of Olympia for failure to pay eight (8) or more uncontested parking tickets within sixty (60) days of their issuance, that release of the boot may be obtained by paying the fines, fees and civil penalties due, that unless such payments are made within two (2) business days of the date of the notice, the vehicle will be impounded, and that it

is unlawful for any person to remove or attempt to remove the boot, to damage the boot, or to move the vehicle with the boot attached.

C. No parking restriction otherwise applicable to the vehicle applies while the vehicle is immobilized by a boot installed under the provisions of this section.

D. Before the vehicle may be released from immobilization, the vehicle owner or an agent of the owner shall pay all fines and fees then due, including but not limited to the amounts specified in OMC Section 4.60.020 "Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties," shall post a bond to cover such fines, fees, and charges, or shall arrange any combination of payment and bond to cover the total due. Upon such payment, the vehicle shall be removed from the Sscofflaw List, and the Supervisor shall promptly remove the boot from the vehicle. If any parking ticket not included on the scofflaw list for which the owner is liable becomes overdue before the owner or agent pays, such subsequent tickets shall also be paid before the vehicle may be removed from the Sscofflaw List or released from immobilization.

10.16.300 Impoundment

A. At the discretion of a Parking Services Field Representative of the ~~Public Works Department~~ Community Planning and Development Department or a police officer, the following vehicles may be impounded:

1. A vehicle that was involved in twelve (12) or more parking tickets that are unpaid sixty (60) or more days after the date of their issuance, where the registered owner of the vehicle was sent a notice pursuant to OMC 10.16.280.C and the owner fails to respond to the notice within the deadline therein specified by paying all fines, fees, towing, storage and administrative charges or posting a bond to cover such fines, fees and charges such that the vehicle can be removed from the Sscofflaw List under OMC 10.16.280.F; or
2. A vehicle that was immobilized pursuant to OMC Section 10.16.290 and the vehicle's owner failed to pay all fines, fees, and administrative charges or post a bond to cover such fines, fees and charges within two (2) business days of the date the vehicle was immobilized such that the vehicle can be removed from the Sscofflaw List under OMC 10.16.280.F; or
3. A vehicle that has received three citations for parking in violation of OMC Section 10.16.030 "Recreational Vehicles..." within any one calendar year and for which notice of impoundment has been securely attached to and conspicuously displayed on the vehicle twenty-four (24) hours prior to such impoundment; or
4. A vehicle that has received three consecutive citations for parking in violation of OMC Section 10.16.055.D.3, "Residential Parking Program..." and for which notice of impoundment has been securely attached to and conspicuously displayed on the vehicle twenty-four (24) hours prior to such impoundment.
5. A vehicle that has received three consecutive citations for parking in violation of OMC Section 10.16.160.F, "City Parking Lots..." and for which notice of impoundment has been securely attached to and conspicuously displayed on the vehicle twenty-four (24) hours prior to such impoundment.

46. As otherwise authorized by the Model Traffic Code as adopted by reference in the Olympia Municipal Code.

B. The Parking Services Field Representative or police officer, as applicable, shall use the uniform impound authorization and inventory form provided for by administrative rule by the Washington State Patrol pursuant to RCW 46.55.075.

C. If a vehicle has been impounded pursuant to OMC 10.16.290, before the vehicle may be released from impound, the vehicle owner or an agent of the owner shall pay all fines and fees then owing, including but not limited to the amounts specified in OMC Section 4.60.020 "Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties," and all towing and vehicle storage charges. Upon such payment, the vehicle shall be removed from the ~~S~~scofflaw ~~L~~list. If any parking ticket not included on the scofflaw list for which the owner is liable becomes overdue before the owner or agent pays, such subsequent tickets shall also be paid before the vehicle may be removed from the ~~S~~scofflaw ~~L~~list or released from impoundment.

D. If a vehicle has been impounded for a violation of OMC 10.16.030, 10.16.055, or 10.16.160 the vehicle may be immediately released from impound upon payment of all impound, tow and any other charges due the tow company.

10.16.310 Downtown Carpool Parking Program

A. There is hereby established a Downtown Carpool Parking Program (Program) within the City of Olympia ~~D~~downtown ~~C~~ore. Program members who are properly registered and in compliance with the requirements of this chapter are hereby authorized to park free of meter charges in any parking space equipped with a nine-hour meter within the downtown core.

B. The City Manager or his/her designee is hereby authorized to establish policies and procedures by which to administer the Program.

C. Definitions:

1. Downtown core: The area in the City of Olympia within the boundaries of Market Street to the North, 16th Street/Maple Park Avenue to the South, Capitol Lake/Budd Inlet to the West, and Eastside Street to the East.

2. Carpool: Two or more individuals who reside outside of the downtown core as defined in this chapter and who are each employed within the downtown core, commuting together in one vehicle to their respective places of employment.

D. Requirements and responsibilities for participation in the Downtown Carpool Parking Program.

1. The following requirements must be met in order to participate in the Program:

a. Each carpool member must individually:

i. Submit all required information to the Community Planning and Development Department, Parking Services; ~~Department of Public Works, Parking Services Section~~;

- ii. Reside outside of the downtown core and submit any required proof of residency;
- iii. Be a current employee or employer of a business in the downtown core and submit the required proof of such status;
- iv. Timely pay the required administrative per-person fee to participate in the program;
- v. Obtain from Parking Services a proper permit and display such permit together with at least one other member's permit on the dash of the carpool vehicle in plain view from the outside of the vehicle to be eligible to park free of 9 hour meter charges for that day;
- vi. Immediately notify Parking Services of any change in status and provide current information.

b. Each carpool driver must:

- i. Submit all required driver and vehicle information to the ~~Department of Public Works, Parking Services Section~~ Community Planning and Development Department, Parking Services and pay any required fees;
- ii. Ensure that at least two carpool member permits are displayed on the dash of the carpool vehicle in plain view from the outside of the vehicle in order to be eligible to park free of nine-hour meter charges for that day;
- iii. Maintain and provide proof of a valid vehicle registration and insurance for the vehicle participating in the Program;
- iv. Maintain and provide proof of a valid driver's license;
- v. Immediately notify Parking Services of any change in status and provide current information.

E. Violations/Penalties. Failure to follow any of the requirements of this chapter constitutes a violation and may result in any one or a combination of the following:

1. Suspension from the Program for period of time established by the Parking Services Operations Supervisor;
2. Denial of continued and/or future participation in the Program;
3. An infraction of Thirty and no/100 Dollars (\$30.00) ~~fine~~ to the registered vehicle owner for each violation.

Section 2. Amendment of OMC 10.20. Olympia Municipal Code Chapter 10.20 is hereby amended to read as follows:

Chapter 10.20
MISCELLANEOUS REGULATIONS

10.20.000 Chapter Contents

Sections:

- 10.20.010 One-way streets and alleys.
- 10.20.020 Emerging from alley or driveway.
- 10.20.030 Parking ~~pay station and~~ meter operation and revenue control.
- 10.20.040 Curb-loading zone designation, taxi zones and bus stops.
- 10.20.050 Safety belts -- State law adopted by reference.
- 10.20.060 Wearing of safety belts -- Penalty.
- 10.20.090 Civil Citation Authority -- Parking Services Field Representatives.

10.20.010 One-way streets and alleys

Upon those streets and parts of streets and in those alleys described in Schedule I attached to Ordinance 2727, on file in the office of the city clerk-treasurer, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited, and a vehicle passing around a rotary traffic island shall be driven only to the right of such island.

10.20.020 Emerging from alley or driveway

No vehicle shall back into or out of an alley, except when same is obstructed.

No driver shall enter any street at any point other than a street intersection at a rate of speed exceeding five miles per hour, nor operate a vehicle in excess of fifteen miles per hour in any alley.

10.20.030 Parking ~~pay station and~~ meter operation and revenue control

The operation, maintenance and collections of parking ~~pay stations,~~ meters and enforcement of ordinances relating thereto shall be under the jurisdiction of the City Manager or his or her designee.

10.20.040 Curb-loading zone designation taxi zones and bus stops

The ~~transportation line of business director of public works~~ Community Planning and Development Director or his or her designee is authorized to determine the location of passenger and freight curb-loading zones including taxi zones, and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. A time limit of fifteen to thirty minutes shall be established in the said areas.

A. No person or business shall be granted the right, use or franchise for vehicle parking or any portion of the surface area of any public highway to the exclusion of any other like person or business.

B. Loading zones shall be used for the express purpose of loading/unloading passengers or merchandise, as indicated by posting of signs. Misuse shall result in the issuance of an infraction.

C. Merchandise is defined as large/bulky items that are in excess of ten (10) pounds.

D. Penalty for Violation. Any violation of this section shall constitute an infraction and result in a penalty of ~~S~~seventy-F~~f~~ive and no/100 dollars (\$75.00).

10.20.050 Safety belts -- State law adopted by reference

RCW 46.61.688 , adopted as Chapter 152, Section 1, Laws of 1986, is adopted by reference as though fully set forth herein.

10.20.060 Wearing of safety belts -- Penalty

Any violation of RCW 46.61.688 , as incorporated by reference above, shall constitute a traffic infraction, governed by the provisions of RCW Chapter 46.63 and Chapter 10.24 of this code.

10.20.090 Civil citation authority -- ~~Parking s~~Services ~~f~~Field ~~r~~Representatives

City of Olympia Parking Services Field Representatives may issue civil citations for violation of the following:

| | |
|---|---|
| OMC Section <u>10.16.020</u> | Parking prohibited at all times on certain streets-Penalty for violation |
| OMC Section <u>10.16.030</u> | <u>Recreational vehicle parking on city streets over 24 hours or between the hours of 3:00 a.m. and 6:00 a.m. prohibited without permit – Penalty for violation</u> |
| OMC Section <u>10.16.055</u> | Residential Parking Program Established |
| OMC Section <u>10.16.060</u> | Parking adjacent to schools |
| OMC Section <u>10.16.070</u> | Free parking areas |
| OMC Section <u>10.16.080</u> | Free parking limits-Penalty for violation |
| OMC Section <u>10.16.095</u> | Pay Station Parking Areas |
| OMC Section <u>10.16.100</u> | Overtime parking prohibited in pay station and metered areas -- Penalty for Violation |
| OMC Section <u>10.16.110</u> | Parking of motorcycles, motor-driven cycles and mopeds within pay station and metered parking spaces |
| OMC Section <u>10.16.120</u> | Tampering with parking enforcement process is a violation |
| OMC Section <u>10.16.130</u> | Parking meters-Methods of fee payment: coins, prepaid cards, <u>credit/debit cards</u> and permits |
| OMC Section <u>10.16.140</u> | City parking lots-Regulations |
| OMC Section <u>10.16.210</u> | Prohibited parking |
| OMC Section <u>10.16.220</u> | General parking prohibitions |
| OMC Section <u>10.16.230</u> | Use of funeral parking zones Penalties |
| OMC Section <u>10.16.240</u> | Vanpools-Definition |
| OMC Section <u>10.16.250</u> | Vanpool-Parking limitation exemptions |
| OMC Section <u>10.16.260</u> | Vanpools-Permits |

| | |
|------------------------------|---|
| OMC Chapter <u>10.18</u> | Truck and Trailer Parking In Residential Areas |
| OMC Section <u>10.20.040</u> | Curb-loading zone designation taxi zones and bus stops |
| RCW <u>46.16.381</u> | Special parking for disabled persons -- Penalties -- Enforcement. |
| RCW <u>46.55.085</u> | <u>Law enforcement impound — Unauthorized vehicle in right-of-way</u> |
| RCW <u>46.08.182</u> | <u>Electric vehicle charging stations – Signage – Penalty.</u> |

Section 3. Amendment of OMC 10.44. Olympia Municipal Code Chapter 10.44 is hereby amended to read as follows:

Chapter 10.44
VEHICLE SERVICE PERMITS

10.44.000 Chapter Contents

Sections:

- 10.44.010 Application--Information required.
- 10.44.020 Issuance of permit and identification card--Expiration.
- ~~10.44.030 Permit fee--Issuance of duplicates.~~
- 10.44.040 Display required--Parking regulations.
- 10.44.045 Revocation of permit.
- 10.44.050 Penalty for violation.

10.44.010 Application –Information required

A. Any person owning or operating any vehicle for purposes of providing a service for any business or premises in the city shall be entitled to a vehicle service permit to be used for any of the following purposes or uses:

1. Parking of service vehicles to perform emergency repair or other urgent work on any building or premises; which parking may not extend beyond the time reasonably necessary to complete the work;
2. Parking of vehicles owned by a business which are used for "in and out" delivery functions (an examples would be ~~travel agent businesses or~~ restaurants that deliver items to customers). In this regard, the permit shall allow the vehicle to be returned to its original space or zone an unlimited number of times but shall not allow such permitted vehicle(s) to remain continuously in a parking space longer than the applicable time limit; ~~and in no event may such parking extend beyond three hours, regardless of the underlying time limit, without placing coins in any applicable parking meter.~~

B. Application for such permit shall be made to ~~the parking management section~~ Community Planning and Development, Parking Services upon forms to be furnished by ~~the parking services~~ Parking Services section and shall contain the following information:

1. Current registration for the vehicle for which a permit is sought;
2. Make, model, year and license number of the vehicle for which permit is sought;

3. Current proof of insurance for the vehicle for which permit is sought;
4. Any other information required by ~~the city transportation division, parking section~~Parking Services;
5. Statement under oath by the applicant that he/-she accepts full responsibility for any violation of the conditions of the permit by the driver of such vehicle and that the permit will not be used except as authorized by this chapter.
6. Any and all citations issued to the business/applicant must be paid in full before permit may be issued.

10.44.020 Issuance of permit and identification card –Expiration

Upon approval of such application by the ~~eCity transportation line of business director~~ Parking Services Supervisor or his or her designee, ~~the city parking services section~~Parking Services shall issue an electronic permit identifying the vehicles for which the permit is issued, and a statement containing the conditions of the permit and the expiration date thereof. Each permit shall expire at the end of the calendar year in which it is issued. The fee for each such permit shall be One Hundred Fifty and no/100 Dollars (\$150.00) per year, or a lesser prorated amount.

10.44.030 ~~Permit fee – Issuance of duplicates~~

~~The fee for each such permit shall be One Hundred Fifty and no/100 Dollars (\$150.00) per year, or a lesser prorated amount. Duplicate permits to replace lost, stolen, or amended permits transfer to another vehicle of the permittee may be issued by the city transportation line of business director or his or her designee upon application therefor.~~

10.44.040 Display required –Parking regulations

Parking Services shall issue each successful applicant an electronic permit, which shall be linked electronically to the applicant’s license plate. Parking Services shall keep track of each electronic permit through hand-held computer devices. Applicants shall not receive a physical permit. The owner or operator of such vehicle with the permit shall be permitted to park such vehicle in a metered parking space for the actual period of time necessary to carry on the work in which he/she is engaged within the time restraints of that meter. During that time the owner or operator of the vehicle shall not be required to deposit any coins in the parking meter. ~~Possessing a valid permit shall also entitle a permittee to remain parked beyond the underlying time limits in any area for the time necessary to perform emergency repair or other urgent work on any building or premises.~~

10.44.045 Revocation of permit

If, based on information supplied by the ~~City pParking services~~Services sSupervisor, the ~~eCity transportation line of business~~Community Planning and Development dDirector or his or her designee determines that any permittee is using any permitted vehicle for uses or purposes not allowed under this chapter as amended, the city may revoke such permit. Prior to such revocation, the ~~eCity pParking sServices~~Ssupervisor shall give notice to the permittee and allow the permittee an opportunity to challenge the propriety of such revocation.

10.44.050 Penalty for violation

Any use of such permits upon a vehicle other than for the purpose for which it was issued or in a manner other than authorized in this chapter shall be a violation of this chapter and shall subject the permittee to forfeiture of the permit, and in addition thereto shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not to exceed one hundred dollars or by imprisonment in the city jail not exceeding thirty days, or by both such fine and imprisonment.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

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

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

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

Summary of Parking Ordinance Changes

| Chapter | Section | Item | Suggested Change | Explanation |
|-----------|---|-------------|--|--|
| 10.16.055 | Residential Parking Program Established | B.4 | Annual fee of \$10 per vehicle, including the first vehicle. (Currently the fee applies only to the second and subsequent vehicles registered to an address) | Clears up confusion and competition/argument on who gets the "first car free" in residences with multiple renters. |
| 10.16.055 | Residential Parking Program Established | B.6 | Outstanding citations must be paid in full before registration in the program. | |
| 10.16.055 | Residential Parking Program Established | C.1 and C.2 | Specified proof of residency requirements for renters vs. home owners. | Renters must provide official mail and lease agreement or notarized statement from landlord. Homeowners only must provide official mail. |
| 10.16.055 | Residential Parking Program Established | C.4 | Require all zones to provide signed home based business and off street parking affidavits. | Currently only zones 1-3 have this requirement. |
| 10.16.055 | Residential Parking Program Established | D.3.a | Penalty for existing requirement that the vehicle must be moved at least once every five days | Gives parking the authority to issue a penalty for an existing rule; discourages use of street parking for cheap vehicle storage |
| 10.16.055 | Residential Parking Program Established | D.6 | Failure to comply with the residential program requirements may result in removal from the residential program | |
| 10.16.055 | Residential Parking Program Established | E.4 | Added that visitor exemptions can be extended for licensed caregivers of disabled residents. | |
| 10.16.095 | Pay Station Parking Areas | | No longer applies; remove section | |
| 10.16.100 | Overtime Parking | B. | Clarification on order of expired, overtime and chain violations. | Language clarification only; no meaning change. |
| 10.16.120 | Tampering With Enforcement Process is a Violation | F | Added that unauthorized duplication of a parking permit is a violation | |
| 10.16.130 | Parking Meters -- Methods of Fee Payment | | Added credit/debit card as a form of fee payment for parking meters. | |

Summary of Parking Ordinance Changes

| Chapter | Section | Item | Suggested Change | Explanation |
|-----------|---|------|--|---|
| 10.16.140 | City Parking Lots -- Regulations | | Added that City owned parking lots may only be used for parking unless an activity is authorized by a City issued permit and that penalty for violation is in OMC 12.24.160 | Addresses non-authorized uses of City parking lots. |
| 10.16.160 | City Parking Lots --Violations -- Penalties | D | Clarified existing penalty is for non-permit holders. | |
| 10.16.160 | City Parking Lots --Violations -- Penalties | E | Added no overnight camping in City lots. | |
| 10.16.160 | City Parking Lots --Violations -- Penalties | F | Added requirement for permit holders to move the vehicle every 48 hours. | Addresses permit holder vehicles abandoned and/or inoperable in City lots. |
| 10.16.220 | General Parking Prohibitions | B. | Added second and third infraction for continued restricted parking violation. | Addresses vehicles that get 1 restricted ticket for blocking an alley (for example) and might as well stay parked there all day since they got a ticket, will now have a reason to move or else they will get more tickets. Opens up loading zones and alleys for legitimate use by businesses. |
| 10.16.230 | Use of Funeral Parking Zones -- Penalties | | No longer applies; remove section | |
| 10.16.280 | Parking Services' Scofflaw List | H | Vehicles on the scofflaw list are not eligible to purchase City leased lot permits. | |
| 10.16.300 | Impoundment | A.4 | Added impound for a vehicle that receives three consecutive citations for parking in violation of 10.16.055.D.3 (residential parking program registered vehicles are required to move once every 5 days) | Addresses problem vehicles registered in the residential program that are inoperable that do not move once every 5 days. |
| 10.16.300 | Impoundment | A.5 | Added impound for a vehicle that receives three consecutive citations for parking in violation of 10.16.160.F (leased lot permit holders are required to move every 48 hours) | Addresses problem vehicles with leased lot permits that are inoperable that do not move every 48 hours. |

Summary of Parking Ordinance Changes

| Chapter | Section | Item | Suggested Change | Explanation |
|------------|---------------------------|------|--|---|
| 10.20 | Miscellaneous Regulations | | Gave Parking Services Field Representatives authority to enforce RCW 46.55.085, Abandoned vehicles in the right of way | |
| 10.20 | Miscellaneous Regulations | | Gave Parking Services Field Representatives authority to enforce RCW 46.08.182, Electric vehicle charging stations | |
| 10.44.010 | Vehicle Service Permits | | Updated language as program works on electronic permit linked to vehicle via the license number | We no longer issue a paper permit for a vehicle service permit, it is electronic. |
| Throughout | | | Updated Public Works to Community Planning and Development | |
| Throughout | | | Remove all references to pay stations | |

City of Olympia

City Hall
601 4th Avenue E.
Olympia, WA 98501
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City Council

Approval of 2014 Legislative Agenda

Agenda Date: 12/3/2013

Agenda Number: 6.B

File Number: 13-1013

File Type: decision

Version: 1

Status: Other Business

..Title

Approval of 2014 Legislative Agenda

..Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the proposed 2014 Legislative Agenda.

..Report

Issue:

Which issues does Council wish to pursue for 2014?

Staff Contact:

Cathie Butler, Communications Manager, 370.753.8361

Presenter(s):

Cathie Butler, Communications Manager

Also available to answer questions:

- Steve Hall, City Manager
- Jay Burney, Assistant City Manager
- Rich Hoey, Public Works Director

Background and Analysis:

Each year, the City Council identifies 2-3 top priorities and a list of issues of interest to discuss with the local State Legislative Delegation (22nd District) and other State legislators / officials.

For 2013, staff recommends focusing on the following top priorities:

- **Transportation Funding** - including direct allocation of transportation funds to municipalities; redefining how "capacity" needs are defined for Transportation Impact Fees; allowing direct enactment of an increase in Transportation Benefit District fee from \$20 to \$40; investing in a regional transit solution for I-5 congestion near Joint Base Lewis-McCord. Transportation Funding is also a top priority of the Association of Washington Cities and the Thurston regional legislative partnership.

Agenda Date: 12/3/2013

Agenda Number: 6.B

File Number: 13-1013

- **Isthmus Properties** - continue the partnership with \$1 million capital appropriation for demolition and development of the property acquired in 2013.

Other issues of interest are listed in Attachment A.

Also attached are information flyers summarizing the:

- Association of Washington Cities' 2014 legislative priorities, including a matrix of issues considered by the AWC Legislative Committee of which Mayor Buxbaum is a member.
- Regional priorities identified jointly by the cities of Olympia, Lacey, Tumwater, the LOTT Clean Water Alliance, Port of Olympia, Thurston County, Thurston Regional Planning Council, Thurston County Chamber of Commerce, and the Economic Development Council of Thurston County.

Neighborhood/Community Interests (if known):

Depends on the issue.

Options:

Approve or amend the proposed priorities.

Financial Impact:

Depends on the issue.



City of Olympia 2014 State Legislative Agenda

DRAFT

Our Top Priorities *Investing in the Capital City*

Transportation Funding

Investing in Olympia's aging streets and sidewalks ensures our largest and most important assets are safe and inviting for all modes of travel. Currently, Olympia has a \$46 million backlog of needed street repairs.

- **Provide a direct allocation transportation funding package for local municipalities** for street repair and maintenance, with local agencies determining repair priorities.
- **Revise Transportation Impact Fee legislation** so that "capacity needs" may be addressed through bicycle and sidewalk facilities, improved transit connections, and traffic signal operational improvements.
- **Invest in regional transit and infrastructure on I-5 near Joint Base Lewis-McCord** to address congestion and improve mobility.
- **Allow cities and counties to directly enact Transportation Benefit District vehicle license fee up to \$40** (from \$20), while retaining the option for voter approval of up to \$100.

Isthmus Properties

The former "Tri Way" parcels on the Isthmus are in public ownership.

To date, the Olympia-Thurston County-State partnership has invested \$3.5 million, which was used to acquire the properties in 2013.

The next steps are demolition and development to continue the visual and physical connection of the Capitol Campus and Heritage Park with Budd Inlet and lower Puget Sound. Estimated cost is \$2 million, and the Olympia Capitol Park Foundation has pledged \$400,000 towards this effort.

Olympia's request:

- ✓ **\$1 million State Funding**
- ✓ Balance from City of Olympia and private donations

Legislative Clarification: Medical Care for Felony Offenders

Olympia's request:

Amend RCW 70.40.130 to clarify that medical care for felony offenders is the responsibility of the agency housing offenders, not the arresting agency. Olympia police may arrest someone on a felony charge or warrant; however, County is responsible for housing felony offenders.

DRAFT

Other Issues of Interest:

Revenue Options

Olympia supports efforts to:

- ****Restore local liquor revenue sharing** to historic revenue sharing formulas.
- ****Share new Marijuana Tax revenues with local government** for education, prevention and law enforcement.
- ****Restore funding to critical infrastructure programs such as the Public Works Trust Fund.** Access to low-interest financing is critical for municipalities that are challenged with rehab and replacement of aging infrastructure and with meeting new regulatory requirements.
- **Retain existing State-shared City revenues.**
- **Removal of the 1% annual lid on property tax increases.**

***These requests are also top priorities of the Association of Washington Cities.*

DRAFT

Legislative Issues

Olympia supports:

- **Tougher penalties for assault of code enforcement officers.** Amend RCW 9A.36.031 to include assault of a code enforcement officer while performing their duties as third degree (felony) offense.
- A sustainable funding source to assist local governments meet **stormwater regulations.**
- Continuation of the **Main Street business tax credit program.**

City of Olympia, WA 2014 State Legislative Priorities

**Stephen H. Buxbaum, Mayor
Nathaniel Jones, Mayor Pro Tem
Jim Cooper
Julie Hankins
Steve Langer
Jeannine Roe
Karen Rogers**

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.





2014 legislative priorities



What do cities need from our Legislature in 2014?

Washington's cities are home to most of our state's citizens and business activity. Many cities continue to grow and all face challenges on how best to provide valuable services to enhance the quality of life within our state.

Our cities partner with counties, special districts and the state to provide services that help make Washington a great state within which to conduct business and live.

As the state retreats from sharing revenue to help cities provide services, our historic partnership is being seriously tested. Legislators are not providing cities the tools needed to maintain services. Neither are they adjusting mandates to help reduce costs. These trends are unsustainable.

During the 2014 legislative session, cities ask the Legislature and Governor to support cities in the following four ways:

- Restore local liquor revenue sharing** to the historic revenue sharing formulas so we can better fund public safety and other local impacts of liquor consumption.
 - The enhanced public safety funding promised in the 2011 liquor privatization initiative hasn't been kept – in fact funding has been cut by legislative action and diverted to other uses.
- Fund transportation needs now, including providing new local transportation options** - Transportation is critical for our economic health so we must have the resources at both the state and local levels to maintain and improve our vital transportation systems.
 - Needs vary by region and, so too, must the array of options.

- Halt and refrain from raiding infrastructure funds like the Public Works Trust Fund and Model Toxics Control Accounts and build them back to health** – Our infrastructure is aging and we can't keep up with demands and regulatory requirements.

- Great cities don't just happen – we need planned and sustained investments in order for Washington to thrive.

- Share new marijuana revenue** – The new recreational marijuana industry is subject to up to a 75% state excise tax, but none of this potential funding is directed to locals to address public safety needs and other local impacts.

- Cities and counties must enforce marijuana laws and need shared revenue to do this.

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Priority: Restore local liquor revenue

Liquor revenues have been shared with cities and counties for over 70 years because impacts of alcohol consumption increase local public safety and health costs. Those impacts have not gone away and may be increasing with the number of licensed liquor retailers growing from under 400 to over 1,400 under liquor privatization. At the same time, the promise of enhanced public safety funding in the liquor privatization initiative has not been kept. Instead, local liquor revenue has been cut by legislative action and diverted to other uses.

Did Initiative 1183 decrease liquor revenue?

No. I-1183 would have increased the amount of liquor revenue for cities both by continuing to share liquor profits plus an additional \$10 million for public safety.

Where does the liquor money go now?

To start with, cities receive two types of liquor revenue: liquor profits and liquor taxes.

Liquor profits are revenues from license fees and permits. These profits had grown over time and increased even more with liquor privatization. Historically, the state allocated 50% to itself, 40% to cities, and 10% to counties with border areas receiving an additional distribution.

Legislation enacted in 2012 capped the local government share, and local governments will receive \$49.4 million, distributed on a per capita basis, in future years. The local governments' share will no longer grow, and any additional profits generated by liquor privatization will go to the state general fund.

Liquor excise taxes come from a state tax to consumers and restaurant licensees. The tax rates include a basic rate plus surcharges. Revenues are shared: 65% to the state, 28% to cities, and 7% to counties. The state retains all surcharge revenue.

On the last day of the 2012 legislative session, Legislators approved **ESHB 2823**, which redirected local government liquor taxes to the state general fund for one year (October 2012 - September 2013) and permanently diverted \$10 million of the local government share - essentially negating the \$10 million for public safety that the initiative provided. With local liquor taxes set to resume (minus the \$10 million permanent diversion) next month, the 2013 Legislature instead took another \$25 million to help balance the state budget.

If the past two Legislatures had not changed local liquor tax distributions, cities and counties would have received approximately \$67 million in the state 2013-2015 biennium. Instead the local distributions are expected to be just under \$25 million.

How much liquor revenue will we receive in 2013 and beyond?

Municipal Research and Services Center's *Budget Suggestions for 2014* estimate city revenue distributions as follows:

| Estimated per capita amounts for all cities and towns | | | |
|---|--------|--------|--------|
| | 2012 | 2013 | 2014 |
| Liquor profits | \$9.96 | \$8.99 | \$8.89 |
| Liquor taxes | \$3.68 | \$0.52 | \$2.09 |

Act now!

Legislators need to hear from you:

- Share how your city is impacted by alcohol consumption. How much of your public safety resources are consumed by alcohol-related issues? Has privatization increased alcohol-related calls and incidents, such as liquor theft? Does your city have sufficient resources to meet public safety needs?
- Ask your legislators to fully restore local liquor revenue. Local liquor profit and tax distributions need to return to the historic revenue sharing formulas.

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Priority: Public Works Trust Fund revenues diverted

More than \$1 billion in infrastructure loan capacity is gone. What happened?

As they struggled to meet a court mandate to fully fund basic education, the 2013 Legislature made major changes to the infrastructure funding system of the state by diverting all available funds plus a majority of the revenue streams that fund the Public Works Trust Fund (PWTF, now formally named the Public Works Assistance account) to education for a period of six years. All of the public utility tax and solid waste tax as well as two-thirds of the real estate excise tax that had been directed to the PWTF was redirected to the Education Legacy Account. In addition the \$277 million balance in the PWTF was immediately transferred.

As a result, the 66 cities that had been expecting loans from the 2014 loan list were left high and dry, and going forward the funds available for loans through the Public Works Board will be much reduced.

The bottom line? Because of the Legislature's decision, the loan capacity of the Public Works Trust Fund has been reduced by more than \$1 billion dollars over the next six years (2013-15 through 2017-19 biennia). Cities know that the core infrastructure funded by the Public Works Trust Fund is critically necessary for the economic development that is needed to get the state back on the right path to economic health and stability. So why did the Legislature make these shortsighted decisions? Partially these decisions were made easier because of a series of misconceptions about the PWTF and the effect of the revenue diversions.

We'll need your help correcting these misconceptions if we're going to see these resources restored. Continue reading below for some of the biggest whoppers.

Common misconceptions and realities

Misconception: The trust fund is growing faster than the general fund, we need to slow the growth rate.

Reality: The trust fund grows for a number of reasons like increases in real estate activity, but the largest revenue stream is loan repayments. Because the fund has been so successful, not a single default in the 29-year history, these repayments have become a steady stream of resources - and one that is growing especially when compared to the general fund growth rate during a period of economic downturn.

When the trust fund was created cities and other stakeholders agreed to tax themselves to create just this situation, a stable and growing account to fund low interest loans for basic infrastructure.

Misconception: Even with recent diversions the fund bounces back.

Reality: Even in the best of times the trust fund has never met the need. Because this account is a revolving loan fund, reducing investments now will have ramifications for many years as loan repayments are reduced. While it is true that repayments may continue to come in and a future legislature may allow the diverted revenue streams to come

back - the fact is that over a billion dollars in low interest loan capacity for infrastructure has been lost. The need has not gone away, and the infrastructure deficit and backlog will be increased because of this decision.

Misconception: Rather than use state money, projects can utilize federally funded programs at Ecology and Health.

Reality: These federal programs are much smaller than the trust fund and are already operating at, or near capacity - not to mention currently on the chopping block in the federal budget process. They are also not necessarily good fits for the types of projects funded by the PWTF. Many of them do not allow projects needed to accommodate growth, a critical component of the infrastructure challenges facing cities as the state prepares to grow by the equivalent of another city of Seattle over the next decade.

Cities are more than willing to leverage and increase our utilization of federal programs, but that should be a strategy alongside a robust state program, not in place of one.

continued

Misconception: Jurisdictions have other financing methods - like the bond market; the PWTF just subsidizes ratepayers.

Reality: The trust fund was created to provide a low-interest loan program specifically to address the negative consequences of reliance on the bond market and increased costs to ratepayers. For instance, at current market interest rates of 5.25% a \$1 million loan would cost 46% more over the life of the loan compared to a trust fund loan at 1%.

This program has helped to ensure that communities all across the state can afford to keep up with basic infrastructure, not just those who happen to highly performing economically. Many cities have rate bases that are already facing double digit rate increases or have high proportions of citizens behind on their bills. This program has served as a powerful force for fairness and equity around the state.

AWC contacts

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| Subcommittee | Brief description of issue and desired outcome | Recommended 2014 Priority-2013 Adopted Position (if any) |
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| Flexible General Government Operations | Resist transferring responsibilities from the state to cities. | Other Significant Issue-Changed from Major Priority in 2013 |
| Flexible General Government Operations | <p>Pursue pro-active public records proposals that address some of the problems that come with the burgeoning and abusive public records requests.</p> <ul style="list-style-type: none"> • Participate in the Ruckelshaus Center effort to work with stakeholders to find solutions. • Seek additional funding for the second phase of the Ruckelshaus Center effort. | Other Significant Issue-Modified from 2013 Major Priority |
| Flexible General Government Operations | Public Records Act: Allow for limited cost recovery for certain commercial or profit-motivated requests. | Other Significant Issue-Modified from 2013 Major Priority |
| Flexible General Government Operations | Pursue options for creating sustainable personnel related costs: Possible options include changes to binding interest arbitration statutes, stabilizing pension contribution funding, and minimizing increases in Workers Compensation rates. | Other Significant Issue-Changed from Major Priority in 2013 |

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| Flexible General Government Operations | <p>Limiting liability for local government:</p> <ul style="list-style-type: none"> • Continue to pursue reforms that limit joint liability for public entities, especially in the context of proposed expanded wrongful death claimants and damages, and when the claimant is involved in criminal activity; • Continue to work to amend the law so that juries may know if a person involved in an injury accident was wearing his or her seatbelt; and • Oppose changes to liability requirements that would increase liability for local government. | Other Significant Issue- <i>same as 2013</i> |
| Flexible General Government Operations | <p>Public Records Act: Establishing a cost recovery system for responding to electronic requests. We are able to charge \$0.15 per page for paper copies, but few requests are for paper any longer. With advances in technology, most requests are for electronic transmission of records. This would create an equivalent fee for electronic record production.</p> | Endorse-New issue for 2014 |
| Flexible General Government Operations | <p>Public Records Act:</p> <ul style="list-style-type: none"> • Redefine the definition of copy to address issues related to defining metadata as a unique record. • Update definition for parks/recreation participants to protect both parent and child information. | Endorse-New issue for 2014 |
| Flexible General Government Operations | <p>Public Records Act – Real Estate Transactions: Under the Open Public Meetings Act, if a local agency is undertaking a real estate transaction and being in open public session would affect its ability to negotiate price, it is permitted to have a discussion of that real estate transaction in Executive Session. However, there is no corollary under the Public Records Act. Pursue legislation to fix this inconsistency in the Public Records Act</p> | Endorse-New issue for 2014 |
| Flexible General Government Operations | <p>Open Government: Requiring elected officials to participate in mandatory training on open government laws.</p> | Endorse-New issue for 2014 |

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| Flexible General Government Operations | <p>Address the ability of municipalities to sustain international diplomacy: Currently city funds cannot be used for international relations purposes, as listed above, and privately-raised funds currently cannot be used by the city for such purposes. Adopt legislation allowing cities to be given the authority to open and maintain a bank account for which it may accept or request nonpublic gifts, grants, and donations from citizens and other private sources for use in defraying the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, and international trade hosting, international relations and international missions activities. Such money and the interest accruing thereon shall not constitute public funds, and shall be kept segregated and apart from funds of the respective city.</p> | Endorse-New issue for 2014 |
| Flexible General Government Operations | <p>Law enforcement conduct and integrity: Require decertification of any police officer with a sustained finding for untruthfulness related to an official investigation or proceeding; or on-duty felony level criminal activity.</p> | Endorse-New issue for 2014 |
| Flexible General Government Operations | <p>LEOFF: Cities and Counties in Washington are required to pay for LEOFF I retiree medical expenses for life, creating a significant burden on their General Fund dollars. Explore the ability to return a certain amount of the LEOFF I surplus dollars back to Cities and Counties to help defray a portion of these expenses.</p> | Monitor-New issue for 2014 |
| Flexible General Government Operations | <p>Washington Voting Rights Act: Establishes a state legal action for at-large and district-based elections that may deny minorities an equal opportunity to elect candidates or influence the outcome of an election.</p> | Monitor (with concerns)-New issue for 2014 |

| Subcommittee | Brief description of issue and desired outcome | Recommended 2014 Priority- 2013 Adopted Position (if any) |
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| Economic Development and Quality Infrastructure | <p>Small public works project reform for public works and maintenance projects that cost less than \$5,000: Current law is outdated with respect to state requirements for public works projects that cost less than \$5,000. A series of changes are recommended that would give cities the option to waive bonding, retainage, and competitive bidding requirements. Waiving prevailing wage requirements, or raising the limit from \$2,500 to \$5,000 to allow a combined, no fee intent and affidavit process is also recommended.</p> | Other Significant Issue- <i>Changed from Endorse in 2013</i> |
| Economic Development and Quality Infrastructure | <p>Public Works Projects - Bid Limits: Under what appears to be an unintended consequence of ESHB 1847 (2009), larger code cities are placed under the same restrictions as code cities of a population of 20,000 or less with bid limits of either \$40,000 or \$65,000 (depending on type of project). This area of statute (RCW 35.23.352) lumps all code cities together rather than looking at the population served, staff FTEs, and in-house capacities of a city. It would make more sense for larger code cities to be under a section of state law (RCW 35A.40.210) that would give these cities more flexibility, ensuring that they can use in-house public work so long as that in-house work did not exceed 10 percent of the annual public works budget.</p> | Other Significant Issue-New issue for 2014 |
| Economic Development and Quality Infrastructure | <p>Amend or add new economic development tools (such as Tax Increment Financing, new rounds of funding Local Revitalization Financing and extending current sales tax funding of Local Infrastructure or Public Facilities Districts).</p> | Other Significant issue- <i>Changed from Major Priority in 2013</i> |

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| Economic Development and Quality Infrastructure | Stormwater cost recovery: Cities that have stormwater utilities but do not charge their own streets are prohibited from seeking state reimbursement for stormwater runoff costs from controlled access state highways (i.e. I-90, I-405, I-5). Proposal is to repeal the requirement that cities must charge their own streets in order to seek state reimbursement. | Endorse- <i>Same as 2013</i> |
| Economic Development and Quality Infrastructure | Authorize impact fees to be used for debt service: Impact fees are currently collected to provide infrastructure or mitigate the impact of new construction. However, these fees cannot be used to support debt service or repair existing streets that are impacted as a result of new construction. | Endorse- <i>Same as 2013</i> |
| Economic Development and Quality Infrastructure | Real Estate Excise Tax – allow cities to use REET II for capital debt service (Counties received authority in 2011.) | Endorse- <i>Same as 2013</i> |
| Economic Development and Quality Infrastructure | Washington Financing Authority: A State Treasurer proposal to align and optimize state and federal funding to help local governments finance projects. A second objective is to assist in multi-jurisdictional, complex projects. | Endorse- <i>Same as 2013</i> |
| Economic Development and Quality Infrastructure | Disabled Parking Placard: Address issues related to fraudulent uses of these placards. | Endorse-New issue for 2014 |

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| Economic Development and Quality Infrastructure | <p>Responsibility for costs for under-grounding utilities as part of public works projects: Several years ago rights-of-way legislation was enacted to ensure telecommunications providers and other users of the rights of way pay all utilities under-grounding costs associated with a public works project, with the exception of facilities they own. However, under a 2006 court case -- Qwest Corporation vs. City of Kent -- that responsibility is completely changed with respect to telephone companies. With these companies, if a utility under-grounding project occurs and they own any piece of the facilities – even something as minimal as one pole out of 100 – the public entity is forced to pay all under-grounding costs. As a cost-savings item for cities, state law should be changed back to its original intent.</p> | Endorse-New issue for 2014 |
| Economic Development and Quality Infrastructure | <p>Automated Speed Cameras: The past few transportation budgets have included proviso language allowing Seattle and Tacoma to use one speed camera each as a pilot program. These pilot programs have been successful in reducing speeds resulting in significantly fewer fatalities where the cameras are placed. These pilot programs should be made permanent. Speed camera authorization would need to be limited to roads where police officers are not able to monitor speed because of geographic obstacles, or on a mobile basis.</p> | Monitor-New issue for 2014 |
| Economic Development and Quality Infrastructure | <p>State/Federal Transportation Agencies: Federal rule-making for the formation of new Metropolitan Planning Organizations (MPO's) across the state conflicts and contradicts Washington State Transportation policy and funding mechanisms handled through the Regional Transportation Planning Organization (RTPO).</p> | Monitor-New issue for 2014 |

| Subcommittee | Brief description of issue and desired outcome | Recommended 2014 Priority- 2013 Adopted Position (if any) |
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| Healthy and Safe Communities | <p>Medical marijuana:</p> <ul style="list-style-type: none"> • Reconcile medical marijuana regulations to reflect legalization and state regulations of recreational marijuana. • Support changes to prevent abuse of medical marijuana by individuals and medical providers. • Oppose any preemption of local authority over traditional land use and other regulatory functions in regards to medical marijuana production or distribution. • Maintain ability to levy taxes on any businesses and transactions. • Support reclassification by the Federal government to recognize the medical use of marijuana. | Other Significant Issue- <i>Changed from Monitor in 2013</i> |
| Healthy and Safe Communities | <p>Funding for gang intervention and prevention activities: Seek sustainable, ongoing funding for gang prevention and intervention programs that reduce gang and youth violence.</p> | Other Significant Issue- <i>same as 2013</i> |
| Healthy and Safe Communities | <p>Funding for Health and Human Services: Support retention of funding for health and human services programs that meet the needs of vulnerable individuals and families including the following; affordable health care; affordable child care; hunger relief; housing and homelessness programs; and substance abuse programs.</p> | Other Significant Issue- <i>same as 2013</i> |

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| Healthy and Safe Communities | <p>Mitigating Medical Costs for Offenders : Explore options for managing and reducing costs related to inmate medical services. Look at changing RCW 70.48.130 to reflect the language prior to June 30, 2009, when cities were not required to pay for medical costs of felon arrestees or otherwise clarify that cities are not responsible for medical costs for felony arrestees over which they have no control. Also support legislation that guarantees cities the ability to pay only the Medicaid rate for inmates. Explore the development of a statewide risk pool as well as any other options</p> | Other Significant Issue- <i>same as 2013</i> |
| Healthy and Safe Communities | <p>Public Defense Funding & Standards:</p> <ul style="list-style-type: none"> • Support additional funding for local grants through the Office of Public Defense. • Support clarification of local authority to set standards for public defenders per RCW 10.101.030 in light of the recently adopted Court Rule. This would clarify local control over the related policy and budget issues. | Other Significant Issue- <i>same as 2013</i> |
| Healthy and Safe Communities | <p>DUI penalties:</p> <ul style="list-style-type: none"> • Support effective approaches that will serve as an incentive to reducing drunk driving. • Focus efforts on reducing repeat offenders. • Any new efforts must be cost effective. | Endorse- <i>Same as 2013</i> |
| Healthy and Safe Communities | <p>Emergency management funding/communications interoperability:</p> <ul style="list-style-type: none"> • Support opportunities to improve emergency response capabilities. • Maintain support for E911 and oppose attempts to redirect that funding to other purposes. • Expand State Fire Mobilization to include All Risk Mobilization to include additional emergencies beyond wildland fires. | Endorse- <i>Same as 2013</i> |
| Healthy and Safe Communities | <p>Unused medicine (pharmaceuticals) take-back program: Support legislation creating and funding a take back program for unused prescription medications.</p> | Endorse- <i>Same as 2013</i> |

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| Healthy and Safe Communities | Funding for Mental Health Services: Provide funding and resources to address mental health needs in order to reduce impacts on public safety and human service programs. Provide funding and tools to address chronic homelessness in communities. | Endorse-New issue for 2014 |
| Healthy and Safe Communities | Liquor Loss: Support requirements for retailers to track and report liquor loss and theft to better understand its impacts on public safety and to better prioritize enforcement resources. | Endorse-New issue for 2014 |
| Healthy and Safe Communities | Police Officer Integrity: Support enhancing the Criminal Justice Training Commission's ability to decertify police officers who have sustained findings of dishonesty or criminal violations. | Endorse-New issue for 2014 |
| Healthy and Safe Communities | Municipal courts: <ul style="list-style-type: none"> • Retain authority over any proposed regionalization of courts. • Retain authority to appoint part time judges serving municipal courts. • Clarify state statutes for removing municipal court judicial officers recognizing the Judicial Conduct Commission. • Allow cities to establish a DUI court. | Monitor- <i>Changed from Endorse in 2013</i> |

| Subcommittee | Brief description of issue and desired outcome | Recommended 2014 Priority- 2013 Adopted Position (if any) |
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| City Fiscal Health and Flexibility | Public education funding: Great schools are an essential part of creating great cities and AWC supports fully funding basic education. However, we are concerned that fulfilling the requirements of the McCleary decision to fully fund basic education would require unacceptable cuts to other essential state programs and services such as public safety, support for local governments, or human services, or to sweep important job-creating capital programs like the Public Works Trust Fund and MTCA, just to name two. That's why AWC supports considering all possibilities for fully funding basic education – growing our economy, reforming administrative and regulatory costs, and the possible need for new revenue. | Other Significant Issue- <i>same as 2013</i> |
| City Fiscal Health and Flexibility | Ensure continued appropriation of committed state shared funds (such as Liquor Excise Taxes and Profits, Streamlined Sales Tax Mitigation, City-County Assistance Account, Municipal Criminal Justice Account, Annexation Sales Tax Credit, and public health funding). | Other Significant Issue- <i>Changed from Major Priority in 2013</i> |
| City Fiscal Health and Flexibility | Preserve existing local revenue authorities (don't restrict or eliminate, such as local B&O taxing authorities). | Other Significant Issue- <i>Changed from Major Priority in 2013</i> |
| City Fiscal Health and Flexibility | Expand Main Street Tax Credit program by removing population threshold for city participation. Currently, cities must have a population under 190,000. | Dismiss- <i>Endorse in 2013</i> |
| City Fiscal Health and Flexibility | Raise cap of EMS levies from \$0.50 to \$0.75: Proposal from Washington Fire Chiefs referred from AWC's Healthy & Safe Communities Subcommittee for consideration. | Still Under Consideration- <i>Strongly Defend Against in 2013</i> |

| Subcommittee | Brief description of issue and desired outcome | Recommended 2014 Priority- 2013 Adopted Position (if any) |
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| Land Use and Environmental Stewardship | Support funding for the Housing Trust Fund: The Housing Trust Fund is the state's preeminent resource for funding the capital costs of affordable housing developments around the state. AWC has been supportive in the past. In addition to supporting the Housing Trust Fund we will support other state and local tools to increase and sustain development of affordable housing in cities. | Other Significant Issue-same as 2013 |
| Land Use and Environmental Stewardship | GMA planning assistance: Department of Commerce is investigating opportunities to provide financial assistance to cities and counties as they begin the next round of comprehensive plan updates (\$5m in grants and \$1.5m in technical assistance). | Other Significant Issue-Same as 2013 |
| Land Use and Environmental Stewardship | Siting/permitting of small-scale renewable energy projects: Bills were introduced that would have pre-empted local permitting of such facilities. May be an issue again. | Strongly Defend Against-Same as 2013 |
| Land Use and Environmental Stewardship | Assumption of water/sewer districts: Defend against possible proposal to eliminate cities current authority. | Strongly Defend Against-Same as 2013 |
| Land Use and Environmental Stewardship | Restrict the timing at which cities can collect impact fees: Developer interests have introduced bills in the past that required cities to collect impact fees only when development was complete or nearly complete. | Strongly Defend Against-Same as 2013 |
| Land Use and Environmental Stewardship | Water Facilities as Essential Public Facilities: AWC opposed a proposal last session to make water facilities essential public facilities under the GMA. Cities had concerns that there may unintended consequences from this preferential planning status and did not see the siting of these facilities as historically problematic. This propsoal will likely be reintroduced next year. | Strongly Defend Against-Changed from Oppose in 2013 |

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| Land Use and Environmental Stewardship | Water/Sewer District Powers: Certain water sewer districts brought forward a proposal to give them equivalent authority to cities and counties for permitting, siting and inspecting water sewer facilities. AWC opposed and worked with several cities to try to find a solution. This may come back. | Strongly Defend Against-New issue for 2014 |
| Land Use and Environmental Stewardship | Extend period by which cities have to spend mitigation fees: With building slow down it may be difficult to spend collect moneys within mandatory 6 years. - Look for opportunities to address extensions of timelines around SEPA mitigation and Local Transportation Act impact fees if the opportunity arises. | Endorse-Same as 2013 |
| Land Use and Environmental Stewardship | Support funding for Chemical Action Plans by Ecology: Consider supporting Ecology's request for funds for funds to expedite work on a "Chemical Action Plans" that can help focus on some of the major chemicals that contribute to water quality degradation. This would be a potential side-solution to the fish consumption rate conversation, as CAPs are being proposed by many as a better means to address specific water quality problems than wholesale increases in permit conditions. Explore opportunities to advance this idea in the fish consumption rate discussion. | Endorse-Same as 2013 |
| Land Use and Environmental Stewardship | Nuisance Abatement: "Pursue legislation allowing cities to better recover nuisance abatement costs. Once a City has completed the nuisance abatement process, it attempts to recover the costs of the nuisance abatement by placing a lien on the property. When the home is sold, the lien has a "low priority" meaning that the city's lien gets paid toward the end of the list of creditors (meanwhile, a county lien for the same purpose of recovering nuisance abatement costs is a "first priority"). AWC should support legislation that allows cities to better recover nuisance abatement costs, including changing the priority of city nuisance abatement recovery liens, and allowing the City to recover costs when property taxes are collected" | Endorse-New issue for 2014 |

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| Land Use and Environmental Stewardship | <p>Annexation: There may again be proposals to modify long-standing city annexation authorities. Previous principles that AWC has used in annexation discussions include:</p> <ul style="list-style-type: none"> • AWC will advocate for more annexation tools to facilitate annexations within urban growth areas and promote incentives to facilitate agreement among a city and county to jointly plan for and have consistent development regulations in unincorporated urban areas. • “Advocate for changes to annexation statutes that will better facilitate annexations, and explore legislative ideas to encourage cities and counties to better coordinate boundary, finance and governance transition issues.” | Monitor-Same as 2013 |
| Land Use and Environmental Stewardship | <p>Fish consumption rate: The Fish Consumption Rate is part of a formula that drives water quality and cleanup standards. The general idea is that the quality of the state’s water will have an impact on the health of the fish living within it, and the healthiness of those fish will ultimately impact the health of the people who eat them. The result could have significant impacts on cities across the state – making it significantly more costly to maintain wastewater treatment systems, perform toxic cleanups, and manage stormwater runoff from city streets. This is primarily a rulemaking effort right now, but we will need to monitor any legislative developments.</p> | Monitor-Same as 2013 |
| Land Use and Environmental Stewardship | <p>Building Code Council fees: The State Building Code Council will likely be seeking legislation to increase the building permit fees that are its sole source of funding. Those fees - \$4.50 per building permit - have not changed in 24 years (except for multifamily units which were assessed an additional \$2.50/unit in 1998.) The same \$4.50 is assessed whether the project is a home, a grocery store, a residential deck or a 40-story office building.</p> | Monitor-Same as 2013 |
| Land Use and Environmental Stewardship | <p>Add flexibility on expenditure of impact fees: Allow some transfer from capital to operations and maintenance.</p> | Monitor-Same as 2013 |

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| Land Use and Environmental Stewardship | Watershed Investment Districts – Rep. McCoy has convened a stakeholder group to discuss a watershed investment district concept that would provide potential new taxing authority to a watershed district for salmon recovery. AWC participated in the first and only meeting on this group, along with a number of city official and representatives. | Monitor-New issue for 2014 |
| Land Use and Environmental Stewardship | GMA Effectiveness Review: Rep. Takko is developing a GMA review legislation to examine selected requirements and implementation practices related to the GMA. Topics considered for inclusion in the review include: requirements and practices affecting the interface between rural and urban areas; impacts upon permitting and business siting decisions; obligations to accommodate population growth; and housing affordability. | Monitor-New issue for 2014 |
| Land Use and Environmental Stewardship | <p>Property Condemnation and Vacation Inequity - Recently Sammamish has gone through both property acquisition by condemnation and also property disposal through right of way vacation.</p> <p>In the case of the condemnation we were obligated under state law to pay 100% of fair market value for the property. In the case of the right of way vacation we under RCW 35.79.030 were required to sell property which the city was willing to vacate to a contractor for 50% of fair market value. The dichotomy is perplexing and strikes me as unfair to cities. While likely not a major revenue issue it is something in my mind that should be fixed legislatively and possibly contribute positively to a number of cities both now and in coming years.</p> <p>FYI as a result of the vacation a builder was able to get another two lots for houses that sold in the \$650 - 750K range. Not a bad deal at 50 cents on the dollar!</p> <p>RECOMMENDED ACTION: Amend state law to read that both vacations and condemnations will be done at 100% of fair market value using the existing appraisal methodology.</p> | Monitor *tentative - New Issue for 2014 |

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| Land Use and Environmental Stewardship | Providing greater authority for cities to exercise nuisance abatement under certain circumstances: Paul Roberts discussed an concept under consideration to provide a greater administrative authority to declare a nuisance to speed up the process to address these community issues and protect the city and neighboring property owners. | Monitor *tentative - New Issue for 2014 |
| Land Use and Environmental Stewardship | Affordable Housing Tools: "Amend or add affordable housing tools to allow cities to have more opportunities to economically include affordable housing within their jurisdiction. This includes looking at how foreclosed properties can be used for affordable housing, and other statutory changes." | Monitor *tentative - New Issue for 2014 |
| Land Use and Environmental Stewardship | Used Oil: "Pursue legislation that incentivizes jurisdictions to implement used oil recycling programs, including looking at funding sources to help implement such programs and working with the Department of Ecology to allocate any risk associated with jurisdictions implementing a program." | Monitor *tentative - New Issue for 2014 |
| Land Use and Environmental Stewardship | Expansion of Urban Growth Areas: "This would make housing more affordable and take pressure off of cities." | Tabled |
| Land Use and Environmental Stewardship | Subdivision code cleanup: A WSAMA workgroup has identified a series of technical amendments to the plat and subdivision statutes. | Endorse *tentative |

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| <p>Land Use and Environmental Stewardship</p> | <p>Addressing the "coal train" issue as a "freight mobility" issue: "With growing freight volumes, we need to seek ways to fund grade separations along rail corridors within city boundaries. Obviously, the coal train issues draw strong reactions - pro and con - among cities. However, better management and funding for grade separations appears to enjoy broad support among the "city family". This issue needs to be developed with the Leg Committee and the Federal Relations Committee. Carl Schroeder facilitated a discussion on this at the Tri-Cities Conference. I will be recommending that we work with our Congressional Delegation to seek additional funding at the federal level for freight mobility, grade separations, and freight corridors."</p> | <p>Recommend issue be transferred to Economic Development and Quality Infrastructure Committee</p> |
| <p>Land Use and Environmental Stewardship</p> | <p>Support for Product Stewardship efforts: AWC will endorse product stewardship proposals that:</p> <ol style="list-style-type: none"> 1. Will benefit cities and the residents and businesses of cities around the state 2. Have been-developed through stakeholder processes at the local or national levels that have strived to engage all stakeholders, including product manufacturers and waste management companies 3. Are supported by a coalition of stakeholders, including other local governments | <p>Endorse *tentative - broader language allowing more flexibility to endorse product stewardship bills -<i>Endorse in 2013</i></p> |
| <p>Land Use and Environmental Stewardship</p> | <p>Tribal Casinos: "Exemptions given to tribes to build casinos off-tribal land have been very rare. If the Bureau of Indian Affairs (BIA) gives the Spokane Tribe an exemption it would set a new precedent that could have unintended consequences to cities/towns, including pitting city against city, hurt local economies, etc. We would like to see the Board send a letter to the Governor (who has the final say if the BIA gives the exemption) sharing our concerns with the process, etc. of how looking at the "detriment" part (of a surrounding 25 mile radius) in determining was not taken into proper account. "</p> | <p>Board approved letter to the Governor</p> |

| | | |
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| Land Use and Environmental Stewardship | Zoning Changes – “Allow zoning changes and comprehensive plan changes to be done concurrently vs. sequentially: There is a portion of our state's Growth Management Act (GMA -- RCW 36.70A) structured in a way that does not allow jurisdictions to simultaneously make changes to their zoning laws and their comprehensive plans. As it currently stands under this subsection of the GMA, if cities wish to change a zoning code provision, no matter how minor it may be, they have to conduct two sequential processes: first, the change to zoning law, and then subsequently the update of the comprehensive plan. If cities (and counties) could do these processes simultaneously, it would save time and staff costs/resources. This would probably be seen as a developer-friendly piece of legislation as well since it would save the development community time and money, too.” | Tabled |
|--|--|--------|



Economic Development Tool Box

Background

Historically, there is a strong link between state-level actions and local economic development. The policies and programs that the state sets in place underpin local job growth.

Problem The current economic situation puts critical programs at risk. The very tools that can bring about economic recovery are threatened in the state budget.

In partnership with the State, efforts to promote agritourism will be beneficial to many of the longtime agricultural operators, and will also encourage new projects and attract new tourists to our region. Agritourism is a proven rural economic development strategy being implemented across the country.

State agency decisions about land use and transportation and siting of facilities impact the Thurston Region. For example, WSDOT Olympic Region purchased land in Lacey to build a new headquarters, however construction funding is not available. This leaves their current aging facility at a prime Tumwater location. Redevelopment of this property could improve economic development potential on a key corridor.

State Legislative Solution

Help bring living wage jobs, community revitalization and private investment to Washington State.

- Fully fund and preserve
 - Public Works Trust Fund
 - Other tools, such as: Community Economic Revitalization Board (CERB), Local Infrastructure Financing Tool (LIFT), and Local Revitalization Finance (LRF)
 - Vital State Programs: Innovative Partnership Zones, Governor's Strategic Reserve Fund, Jobs Skills and Customized Training Programs
- Support South County Economic Development Strategy focused on route way finding signage and marketing.
- Maintain key tax policies: Business & Occupation tax credits and aerospace incentives

Support WSDOT's proposed Facility Replacement Account to collect monies from the sale of surplus WSDOT properties and hold them for WSDOT facilities projects, such as relocating the Olympic Region headquarters.

PARTNERS:

Thurston County Chamber of Commerce • Thurston Economic Development Council • City of Lacey • City of Olympia • City of Tumwater • Thurston County • Port of Olympia • LOTT Clean Water Alliance • Thurston Regional Planning Council

CONTACT:

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General Economic Development Toolbox

Washington state, through efforts of the Department of Commerce, Community Economic Revitalization Board (CERB), and Community and Technical Colleges, has historically supported economic and community development. The State recognizes that the local economic development efforts serve as a precursor to job growth, job expansion and retention.

Innovation, business retention, and business recruitment ultimately happen at the local level through strong collaborative partnerships between towns, cities, counties, ports, chambers of commerce, and economic development councils. Thurston County has uniquely crafted relationships that build on the premise that through collective effort, economic development and community development will occur and positively impact the economic vitality of the region.

Thurston County's partnership is committed to finding solutions to recruit jobs and private investment into the county, the region and the state. To assist lawmakers with these goals, the Thurston County shared legislative partnership has identified the following as legislative priorities for 2013. These priorities focus on the most crucial actions that lawmakers can take to bring living-wage jobs, community revitalization, and private investment to Washington State.

Infrastructure Financing Tools

Washington lags behind other states that have more aggressive infrastructure financing tools. Therefore, it is essential that Washington fully fund and continue to preserve the few tools that we have, including the Community Economic Revitalization Board (CERB), Local Infrastructure Financing Tool (LIFT), Local Revitalization Finance (LRF), and the Public Works Trust Fund - programs that support job creation through financing infrastructure.

Maintain Vital State Job Programs

Washington has a few programs that significantly contribute to job recruitment, retention, placement and expansion. These essential programs — including Innovative Partnership Zones (PZs), the Governor's Strategic Reserve Fund, the Job Skills Program and the Customized Training Program — should be fully funded and held harmless from budgetary cuts. Joint Base Lewis-McChord (JBLM) and associated personnel represent a unique asset to the state's economy. We encourage you to create and retain job development programs that link existing employers with personnel resources at JBLM.

Tax Policy

Washington has some key tax policies that lead to job recruitment, retention and expansion including Business and Occupation (B&O) tax credits and aerospace incentives. Maintain these key tax policies.

WSDOT Facility Replacement Account

The redevelopment of the current Washington State Department of Transportation (WSDOT) Olympic Region headquarters on Capitol Boulevard in Tumwater is a critical opportunity in the overall strategy for this prime corridor. WSDOT planned to move to a new location in Lacey to reduce maintenance costs, upgrade facilities, and improve accessibility to the entire district but they lack construction funding.

To fund this and other major facility maintenance programs in the state, WSDOT proposed creation of a facility replacement account that would collect monies from the sale of surplus WSDOT properties and hold them for facilities projects, giving these projects a dedicated funding source.

Facilitating the move of WSDOT out of the congested Capitol Boulevard Corridor would allow the 10-acre site to support a mix of residential and commercial uses in close proximity to transit and major employers. The site is large enough to serve as a redevelopment lynchpin - a critical opportunity for achieving the regional vision for more compact urban development.

The partnership supports creation of a WSDOT Facility Replacemet Account.

WSDOT Contact: Maintenance Operations Director, Chris Christopher, 360.705.7851, christc@wsdot.wa.gov



Prioritized Local Transportation Projects

Background

Along with the necessary improvements that are required along the I-5 corridor, the local street and road system, which is critical to the movement of goods and services through the Thurston region, needs serious attention and improvements. State funding and a strong partnership will be the key to moving these important local projects forward.

Problem

As the population of the Thurston region continues to grow and the need for improvements, maintenance and repair of local streets and roadways become high priorities for local government. A well-functioning and efficient local transportation system is the keystone to a jurisdiction's economic growth and overall health. As the communities are faced with the reality of limited resources and growing need, they turn to the state for a partnership to better serve the public.

State Legislative Solution

We ask the Thurston region's Legislators to support funding of these prioritized local transportation projects. The attached lists of priority transportation projects have been approved by each jurisdiction and are supported by the members of the Thurston Shared Legislative Partnership.

- The Jurisdictions of Tumwater, Olympia, Lacey and Thurston County, along with the Port of Olympia have vetted these projects and present the following as their priority local transportation needs.

PARTNERS:

Thurston County Chamber of Commerce • Thurston Economic Development Council • City of Lacey • City of Olympia • City of Tumwater • Thurston County • Port of Olympia • LOTT Clean Water Alliance • Thurston Regional Planning Council

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Olympia Regional Legislative Projects

Projects currently under design (if being shovel-ready sooner is criteria)

1. State Avenue Overlay, \$2.4M, construction planned 2014.

Paves State Avenue from Central to Plum, one of the busiest arterials leading into downtown. The project also includes ADA ramp upgrades and bulb-outs at intersections to improve pedestrian crossing safety.

Legislative funding would allow City Street Repair/Reconstruction funds (\$2.4M) to be re-allocated to other needed street preservation and paving projects.

2. Boulevard/Morse-Merryman Roundabout, \$4.4M, construction planned 2016/2017.

Installs roundabout at intersection including bicycle facilities, pedestrian crossings, and sidewalks.

Partial funding is secured from a Thurston Regional Planning Council (TRPC) federal grant, but a funding gap remains for right-of-way and construction.

Legislative funding would allow re-distribution of a future TRPC federal grant allocation for other priority projects.

Priority large projects currently unfunded

1. Fones Road Reconstruction, \$15.5M.

Reconstructs Fones Road from Pacific to 17th including needed “complete street” upgrades such as bicycle lanes, sidewalks, landscaping, and storm water improvements.

Legislative funding would fully fund a high priority project that includes failing pavement repair and multi-modal improvements.

2. Mottman Road Improvements, \$5.7M.

Paves Mottman Road from South Puget Sound Community College to Mottman Court. The project also includes bike lanes on both sides of the road as well as sidewalks, landscaping, and street lights on one side of the road.

Legislative funding would fully fund a high priority project that includes failing pavement repair and multi-modal improvements.

General street repair and maintenance

Need Transportation funding measure for ongoing street repair and maintenance to address City’s \$42M backlog of needed street repairs. This would include measures such as City Council approval of Transportation Benefit District fee increases and direct allocation of gas tax/state funding to local municipalities.

All of these projects are included in our Six-Year Regional Transportation Improvement Program (RTIP). Please let me know if you need additional information.



CITY COUNCIL
VIRGIL CLARKSON
Mayor

JASON HEARN
Deputy Mayor

JEFF GADMAN
LENNY GREENSTEIN
RON LAWSON
CYNTHIA PRATT
ANDY RYDER

CITY MANAGER
SCOTT SPENCE

Lacey Regional Legislative Projects

1. Exit 109 – Martin Way Interchange

Estimated cost: approximately \$25 million.

2. Exit 111 – Marvin Road Interchange

Estimated cost: approximately \$72 million.



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Tumwater Regional Legislative Projects

1. WSDOT Facility Location

See *Economic Development Tool Box*

2. E Street Extension

The E Street Extension is necessary to improve regional access to I-5, improve mobility to and around the brewery, and create a major east-west corridor through the City of Tumwater. The road would begin at E Street on Capitol Boulevard and extend over the Deschutes River and spur railroad line before rising in elevation to meet Cleveland Street; a direct connection to Yelm Highway. The E Street Extension would significantly relieve traffic congestion on Custer Way. Approximately, 70% of the traffic on the Custer Way corridor originates east of Tumwater in Lacey, Olympia, and Thurston County. The project would include surface improvements to coordinate with the I-5 off-ramp at Deschutes Parkway, reconfiguration of Deschutes Parkway, improvements to the E Street/Capitol Boulevard intersection, address environmental issues associated with the Deschutes River, and the crossing of the railroad tracks. Because of the capacity that is created in surrounding streets, the E Street Extension is critical to the redevelopment of the former brewery property.

Estimated cost: \$25 million. Total funding is State, Federal and Local Impact Fees. Legislative request is \$12.5 million.

3. Capitol Boulevard Improvements

Capitol Boulevard revitalization is one segment of a regional (Thurston County) adopted strategy to concentrate development, create mixed-use districts, reduce reliance on the automobile, and improve utilization of transit. The Tumwater segment includes modifications to the existing road section to safely accommodate bicycle and pedestrian travel. Roundabouts would replace traffic signals and facilitate access to both sides of the street. Land use policies and regulations that encourage redevelopment would result in private investment for housing, office, and commercial activity. Innovative incentives to encourage investment would help speed up the conversion of this segment of "Old Hwy 99" to an active and vibrant corridor.

Estimated cost: \$15 million. Total funding is State, Federal, Local Impact Fees, and developer contributions. Legislative request is \$11 million.



COUNTY COMMISSIONERS

Cathy Wolfe
District One

Sandra Romero
District Two

Karen Valenzuela
District Three

BOARD OF COUNTY COMMISSIONERS

2013 Thurston County Regional Legislative Projects

1. Countywide Restoration & Resurfacing Project – Phase 1

In recent years, traffic volumes have dramatically increased while contracting costs for repairs have simultaneously sky rocketed. These factors have strained the county's pavement management program, which now desperately needs assistance. This project includes restoration of the existing pavement surfaces for various county roads and includes centerline/shoulder rumble strips, safety edges and guardrail delineation as applicable to the given roadway. Inflationary pressures include:

- Portions of Old Hwy 99 and Old Pacific Hwy recently became classified as T2 routes.
- Traffic volumes on portions of Old Hwy 99 and Old Pacific Hwy have increased upwards of 70% from 2003 to 2010.
- The contracting costs for resurfacing work have increased 500% since 2003.
- Pavement ratings on portions of Old Hwy 99 have decreased by almost 70% since 2007 (note that this pavement deterioration coincides with the use of pit J-149 for I-5 widening).

Thurston County asks consideration for fully funding this project proposal, however, lesser funding options are available. Each segment selected for 2R work is prioritized below. The table has estimated local match, STP funding request, total cost and cumulative cost. For a partial funding award, Thurston County asks for awards in order of the priority as below, and for the full funding amount provided for each segment.

| Priority | Road Name | Road Number | Approx Length | Local Match | STP Amount | Total Cost | Cumulative cost |
|----------|----------------------|-------------|---------------|-------------|------------|------------|-----------------|
| 1 | Old Hwy 99 | 13765 | 0.86 | 60,000 | 380,000 | 440,000 | 440,000 |
| 2 | Old Hwy 99 | 13765 | 1.40 | 91,000 | 580,000 | 671,000 | 1,111,000 |
| 3 | Old Hwy 99 | 13765 | 1.24 | 80,000 | 510,000 | 590,000 | 1,701,000 |
| 4 | Old Hwy 99 | 13765 | 2.03 | 82,000 | 520,000 | 602,000 | 2,303,000 |
| 5 | Old Hwy 99 | 13765 | 1.34 | 132,000 | 840,000 | 972,000 | 3,275,000 |
| 6 | Old Pacific Hwy | 13755 | 1.64 | 107,000 | 680,000 | 787,000 | 4,062,000 |
| 7 | Old Pacific Hwy | 13755 | 1.72 | 111,000 | 710,000 | 821,000 | 4,883,000 |
| 8 | 93rd Ave SW | 17010 | 1.43 | 78,000 | 500,000 | 578,000 | 5,461,000 |
| 9 | Bald Hill Rd | 10241 | 0.97 | 53,000 | 340,000 | 393,000 | 5,854,000 |
| 10 | Spurgeon Creek Rd SE | 14770 | 1.18 | 64,000 | 410,000 | 474,000 | 6,328,000 |
| 11 | 143rd Ave SE | 15955 | 1.58 | 83,000 | 530,000 | 613,000 | 6,941,000 |
| | | | 15.39 | 941,000 | 6,000,000 | 6,941,000 | |

2. Gate Belmore Trail, Design Phase 1

The proposal is to develop the design and obtain permits for a construction-ready 12.5 mile trail project. The county owns the Gate Belmore Trail right-of-way and would provide a multi-user shared path and safe north/south bicycle corridor on the west side of Thurston County for recreational and commuter cyclists. Currently walkers and bicyclists have to share narrow shoulders (where they exist) on 50 MPH roads with automobiles. The trail would provide a safe and scenic experience for all users regardless of age and skill level. Once developed, the trail would be a catalyst for the development of future trails and bicycle and pedestrian infrastructure within the cities and the county. The trail would provide an opportunity for all county residents to experience the rich beauty of this scenic corridor with beautiful vistas, abundant habitats and wildlife viewing along the Black River and elsewhere. Completion of designs and permits for this project would take less than one year.

Estimated Cost: \$2 million

3. Kinwood Street between Pacific Avenue and Martin Way Restoration Project

Kinwood Street received considerable damage partly due to increased traffic during the reconstruction of Carpenter Road. We have applied for a State Transportation Improvement Board grant for roadway improvements, but grants are highly competitive. Without a grant, we need to pulverize the existing pavement and provide at least two layers of asphalt to restore the existing driving surface.

Estimated Cost: \$500,000

4. Littlerock Road/113th Ave SW Intersection/Bridge over Blooms Ditch

With SEPA developer mitigation funds we completed design, right of way acquisition and permits to add turn lanes at the intersection of Littlerock Road/113th Ave SW including bridge replacement/widening over adjacent Blooms Ditch.

The bridge replacement is the majority of this project cost. When we prepared the design in 2006, we anticipated that the Federal Highway Administration would change their policy and participate in the cost of the bridge replacement. The existing bridge is slightly less than 20 feet long and a bridge under current federal criteria needs to be over 20 feet long to be eligible for federal bridge replacement funds. The proposed bridge is 50 feet long to address fish passage criteria and much wider to accommodate the turn lane at the adjacent intersection. New permits would have to be obtained and the contract documents would have to be updated, which may take 6-9 months.

Estimated Cost: \$1.9 million

5. Grand Mound (Sargent Road right in and right out access at US 12)

We have some preliminary design layouts of this project. The Chehalis Tribe owns the right of way south of US 12, and we have permission for WSDOT for this type of an improvement. The project could be built in phases with the access to US 12 from the south on the Tribe's property first. Access with any significant development in the Grand Mound area would make access improvements to US 12 needed. If we had funding, we could get to construction in less than one year.

Estimated Cost: 3.2 million