

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, CLARIFYING PROCEDURES FOR REVIEW OF SITE-SPECIFIC LAND USE ZONING CHANGES; AND AMENDING CHAPTER 18.58 AND SECTIONS 18.59.050, 18.59.060, AND 18.82.240 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, during 2013, the Olympia Planning Commission (the Planning Commission) considered and on December 2014, the City Council adopted updates to the Olympia Comprehensive Plan that provide more opportunities for site-specific changes in land use zoning; and

WHEREAS, the Planning Commission received a briefing on August 19, 2013, and on September 23, 2013, held a public hearing regarding the possibility of amending the City's development code to provide that all rezone applications would be subject to review and public hearing by the Planning Commission; and

WHEREAS, following a public hearing and deliberations on October 7, 2013, the Planning Commission recommended such amendments; and

WHEREAS, following the City Council's adoption of the updated Comprehensive Plan in December 2014, the Land Use and Environment Committee considered the Planning Commission's recommendation regarding rezone applications on June 23, 2015, and instead formulated a recommendation that the current rezone review procedure be retained and the development code be clarified with regard to those procedures; and

WHEREAS, on October 27, 2015, the City Council reviewed the recommendations of the Planning Commission, the Land Use and Environment Committee, and the Washington Cities Insurance Authority on this topic and directed staff to prepare an ordinance amending the development code to clarify certain aspects of the current rezone review procedure; and

WHEREAS, this Ordinance is consistent with the direction of the City Council and with the City of Olympia Comprehensive Plan; and

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

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

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, along with other documents on file with the City of Olympia, including but not limited to documents of Community Planning and Development File No. 13-0125; and

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

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

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

Section 1. Amendment of OMC Chapter 18.58. Olympia Municipal Code Chapter 18.58 is hereby amended as follows:

**Chapter 18.58
REZONES AND TEXT AMENDMENTS**

18.58.000 Chapter Contents

Sections:

- 18.58.020 Authority.
- 18.58.040 Site-Specific Rezone procedures.
- 18.58.060 Collection of rezone applications.

18.58.020 Authority

The City Council may, upon its own motion, amend, supplement or change by ordinance, any of the provisions, use district boundaries or use district classifications herein established; provided, that in the case of ~~privately initiated~~ site-specific rezones, which do not require a Comprehensive Plan Amendment, the Council shall first review the recommendation of the Hearing Examiner, and that in the case of all other non-ministerial changes, including text amendments and privately initiated rezones which require a Comprehensive Plan Amendment, the Council shall first review the recommendation of the Planning Commission. Accordingly, the Department shall forward all proposed text amendments and rezone, i.e., zoning map amendment, proposals to the Planning Commission for review and recommendation, all site-specific rezone proposals to the Hearing Examiner for public hearing and recommendation, and to the City Council for consideration, review and action.

18.58.040 Site Specific Rezone procedures

In the case of ~~privately initiated~~ site-specific rezones which do not require a Comprehensive Plan Amendment, the rezone application review shall follow the procedures outlined in this Chapter, in Sections 18.82.140 through 18.82.280-18.59.050 and 18.59.055, and in Chapter 18.82, Hearing Examiner.

18.58.060 Collection of rezone applications

Site-specific rezone applications may be submitted at any time. However, for review purposes, such proposals will be collected into two (2) sets in each calendar year. Unless otherwise specifically authorized by the City Council:

- A. Proposals submitted between April 1st and September ~~31st~~ 30th shall be considered collectively and voted upon by the City Council by March 31st of the following year.
- B. Proposals submitted between October 1st and March 31st shall be considered collectively and voted upon by the City Council by September ~~31st~~ 30th of the same year.

- C. Proposals will be considered no more than twice each year.
- D. Time limits for review shall be as established in OMC 18.72.120, provided that the review period shall start on the latest submittal dates established under (A) and (B) of this section and not the date of application.

Section 2. Amendment of OMC Section 18.59.050. Section 18.59.050 of the Olympia Municipal Code is hereby amended to read as follows:

18.59.050 Decision criteria for rezone requests

~~The Department shall forward rezone, i.e., zoning map amendment, requests to the Planning Commission for review and recommendation and to the City Council for consideration for review and action. The following~~ criteria will be used to evaluate each rezone request. A zoning map amendment shall only be approved if the Council concludes that at minimum the proposal complies with subsections A through C. To be considered are whether:

- A. The rezone is consistent with either the Comprehensive Plan including the Plan's Future Land Use map as described in OMC 18.59.055 or with a concurrently approved amendment to the Plan.
- B. The rezone will maintain the public health, safety, or welfare.
- C. The rezone is consistent with other development regulations that implement the comprehensive plan.
- D. The rezone will result in a district that is compatible with adjoining zoning districts; this may include providing a transition zone between potentially incompatible designations.
- E. Public facilities and services existing and planned for the area are adequate and likely to be available to serve potential development allowed by the proposed zone.

Section 3. Amendment of OMC 18.59.060. Section 18.59.060 of the Olympia Municipal Code is hereby amended to read as follows:

18.59.060 Planning Commission and City Council review and adoption process

- A. Following one or more public hearings the Planning Commission shall forward its written recommendation regarding each Comprehensive Plan amendment, including and any text amendments or rezones, to the Council; provided that the Commission may forward any recommendation regarding a site-specific rezone to the Hearing Examiner without holding a public hearing.
- B. The Council shall review the recommendations of the Planning Commission, may hold a public hearing, and shall decide whether to adopt, modify and adopt, reject or defer to a later date, each proposed amendment, ~~including rezones.~~
- C. Each proponent shall be notified by mail of all public hearings and of the Council's final decision.

Section 4. Amendment of OMC 4.40.010. Section 4.40.010 of the Olympia Municipal Code is hereby amended to read as follows:

4.40.010 Land use application review fees

A. Commencing January 1, 2013, the following fee schedule shall be in full force and effect.

Certifications and Appealable Letters	Land Use and Planning Applications¹
Independent Confirmation of Critical Areas Report	\$520 plus any consultant costs
Wetland Report prepared by City staff	\$800 plus any consultant costs
Zoning, Occupancy Status, Flood Hazard, and other staff confirmations	\$100
Staff-Researched Letter, Shoreline Permit Exemption, Discretionary Time Extension, or Appealable Opinion ²	\$360 plus any consultant costs
Actions Independent of Development Review	
Presubmission Conference	\$240
SEPA Review (only)	\$480
Variance (staff level)	\$240
Variance and/or Reasonable Use Exception (by Examiner)	\$480 + \$1,000 Hearing Examiner deposit ³
Code and Plan Amendments	
Comprehensive Plan Amendment (post-screening without rezone)	\$240
Shoreline Program	\$3,200
Original Master Plan (Villages & Centers) (See OMC Chapter 18.05)	\$3,200 + \$ 140 per acre or part thereof + \$2,500 Hearing Examiner deposit ³
Master Plan Revision	\$1,600 + \$1,500 Hearing Examiner deposit ³
Development Agreement	\$3,200 + \$2,000 Hearing Examiner deposit if referred to examiner ³
Zoning and Development Code Maps or Text	\$3,200 <u>200 + if a site-specific rezone, a \$1,500 Hearing Examiner deposit⁵</u>
Annexations	
Notice of Intent to Annex	\$320
Petition to Annex	\$2,880

Temporary Uses

Temporary Use Permit for three or less consecutive days \$50

Temporary Uses for four or more consecutive days \$200

Subdivision Actions

Lot Consolidation \$360

Boundary Line Adjustment \$320 plus \$160 per boundary line

Preliminary Short or Large-Lot Plat \$600 + \$ 300 per lot

Final Short or Large-lot Plat \$600

Preliminary Full (ten or more lots) Plat \$ 3,600+ \$ 600 per acre, or part thereof + \$2,500
Hearing Examiner deposit⁵

Final Full (ten or more lots) Plat³ \$2,600

Binding Site Plan Any land use review fee; plus sum equivalent to platting
fee - latter reduced by 1/2 if concurrent with initial
development

Improvements deferral review by Examiner (OMC 17.44.020(E)) \$1,800+ \$2,000 Hearing Examiner deposit⁵

Land Use (Site Plan) Review³

No new structure to 5,000 square feet new gross floor area \$2,600

5,001 to 8,000 square feet of new gross floor area \$4,700

8,001 to 16,000 square feet of new gross floor area \$6,800

16,000 to 24,000 square feet of new gross floor area \$9,200

24,001 or more square feet of new gross floor area \$11,500

Wireless Communication Facility \$3,700, plus any consultant costs of City

Supplemental Actions

Traffic modeling or distribution by City staff No charge, except any consultant fees

Additional SEPA Review (WAC 197-11-335) No charge, except any consultant fees

Environmental Impact Statement \$3,200+ preparation at contract rate to be determined

Design Concept Review --Board Level \$900

Design Details Review-- Board Level \$900

Design Review--Staff Level	\$240
Sign (Design) Review	\$55 per sign to \$330 maximum per occupancy
Examiner Review--Project Subject to SEPA	\$1,200 + \$2,000 Hearing Examiner deposit ⁵
Wireless Communication Facility -- Subject to SEPA	\$4,600+ \$2,000 Hearing Examiner deposit ⁵ plus any consultant costs of City
Examiner Review--Project SEPA Exempt	\$900 + \$750 Hearing Examiner deposit ⁵
Wireless Communication Facility -- SEPA Exempt	\$3,700 + \$750 Hearing Examiner deposit ⁵ plus any consultant costs of City
Modification of an approved application	50% of standard fee plus any Examiner deposit
Consolidated Review (RCW 36.70B.120) ⁴	\$5,000
Impact Fee Appeal to Examiner	\$1,000 + \$500 Hearing Examiner deposit ⁵
Other Appeal to Examiner	\$1,000
Appeals to Council (only if authorized)	\$500
Request for Reconsideration or Clarification by Examiner (OMC 18.75.060 and 070)	\$240 + \$500 Hearing Examiner deposit ⁵
Historic Rehabilitation Tax Exemption	
Commercial	\$880
Residential	\$260

NOTES:

1. Additional fees may be applicable, including tree plan and engineering fees.
2. Staff certification or researched letter fees, and need for third-party consultation are at the discretion of the Planning Manager.
3. There is no extra charge for Planned Residential Development Approval.
4. The Consolidated Review Fee is an additional fee that applies to requests to merge review of preliminary development applications with construction permit applications, such as land use review and engineering permits.
5. Where Examiner deposit is required, applicant is responsible and required to pay actual Hearing Examiner costs, which may be higher or lower than the deposit amount.

Section 5. Amendment of OMC 18.82.240. Section 18.82.240 of the Olympia Municipal Code is hereby amended as follows:

18.82.240 Rezones –Recommendations

Any decision of the Hearing Examiner regarding a rezone, or a Master Plan Development, with or without conditions, shall be in the form of a recommendation to the City Council. Said recommendation shall be considered by the Council at a regular public meeting. In the alternative, the Council may consider the recommendation at a public hearing with notice given as provided by this Chapter. In either case, the scope of Council review shall be as provided in Sections 18.75.080 and 18.75.100 of this Chapter. The evidence, record and arguments before the Council shall be limited solely to those brought before the Hearing Examiner. A copy of documents will be provided to the Council by paper or on the internet. A copy of arguments will be presented to the Council or provided on the internet. No new evidence, record or arguments of any type is allowed before Council. The staff report, recordings if any, and attachments, including those on the internet, to Council will solely provide the evidence, record and argument that was presented to the City Hearing Examiner on the proposed rezone that does not require a Comprehensive Plan amendment.

Section 6. 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 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:

Darren Nienaber, DCA

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: