

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, relating to the deferral of impact fees and amending Olympia Municipal Code Section 15.04.040.

WHEREAS, the Olympia City Council previously authorized the deferral of impact fees; and

WHEREAS, the City did not experience non-payment of impact fees due to the flexibility of allowing deferral of impact fees; and

WHEREAS, the Olympia City Council seeks to re-authorize the deferral of impact fees prior to final inspection of building permits;

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

Section 1. Amendment of OMC 15.04.040. Olympia Municipal Code Section 15.04.040 is hereby amended to read as follows:

15.04.040 Assessment of impact fees

A. The City shall collect impact fees, based on the schedules in Chapter 15.16, or an independent fee calculation as provided for in Chapter 15.04.050, from any applicant seeking development approval from the City for any development activity within the City, where such development activity requires the issuance of a building or occupancy permit. This shall include, but is not limited to, the development of residential, commercial, retail, office, and industrial land, and includes the expansion of existing uses that creates a demand for additional public facilities, as well as a change in existing use that creates a demand for additional public facilities.

B. Applicants seeking development approval from the City for residential developments where the property is located outside the boundaries of District No. 111 shall not be required to pay the school impact fee set forth in Schedule C (Section 15.16.030) of Appendix A (Chapter 15.16).

C. Where a change in use triggers review under the State Environmental Policy Act or increases the trip generation by more than 5% or ten peak hour trips, whichever is less, the Director shall calculate a transportation impact fee based on the increases in the trip generation rate.

D. Impact fees shall be assessed at the time the complete building permit application is submitted for each unit in the development, using either the impact fee schedules then in effect or an independent fee calculation, at the election of the applicant and pursuant to the requirements set forth in Section 15.04.050. The City shall not accept an application for a building permit if final plat, PRD, or binding site plan approval is needed and has not yet been granted by the City. Furthermore, the City shall not accept an application for a building permit unless prior to submittal or concurrent with submittal, the fee payer submits complete applications for

all other discretionary reviews needed, including, but not limited to, design review, the environmental determination, and the accompanying checklist.

E. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to Section 15.04.070, shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the Director pursuant to Section 15.04.070 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the fee payer at the time the building permit is issued or prior to final building inspection as set forth in Subsection (H) below.

F. Where the impact fees imposed are determined by the square footage of the development, the impact fee shall be based on the size and type of structure proposed to be constructed on the property. If the final square footage of the development is in excess of the initial square footage set forth in the building permit, any difference will be adjusted at the time that a certificate of occupancy is issued or the time that the building is occupied, using the rate schedule in effect at that time of permit application.

G. Except as provided in subsection (H) below, the Department shall not issue a building permit unless and until the impact fees required by this Chapter, less any permitted exemptions, credits or deductions, have been paid.

H. Impact fee payments may be deferred until prior to the City conducting a final building inspection. All applicants and/or legal owners of the property upon which the development activity allowed by the building permit is to occur must sign an Impact Fee Deferral Agreement in a form acceptable by the City Attorney. The applicant will pay a \$50 administrative fee, along with fees necessary for recording the agreement in the office of the Thurston County Auditor.

In the event that the fees are not paid within the time provided in this subsection, the City shall institute foreclosure proceedings under the process set forth in Chapter 61.12 RCW, except as revised herein. The then-present owner shall also pay the City's reasonable attorney fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City shall not commence foreclosure proceedings less than thirty (30) calendar days prior to providing written notification to the then-present owner of the property via certified mail with return receipt requested advising of its intent to commence foreclosure proceedings. If the then-present owner cures the default within the thirty-day cure period, no attorney fees and/or costs will be owed. In addition, the City retains its full authority to withhold inspections and to suspend, revoke or refuse to issue occupancy and other building permits and to commence enforcement actions due to non-payment of impact fees.

~~The deferred payment option set forth in this subsection shall terminate on August 1, 2011, unless otherwise re-authorized by the City Council.~~

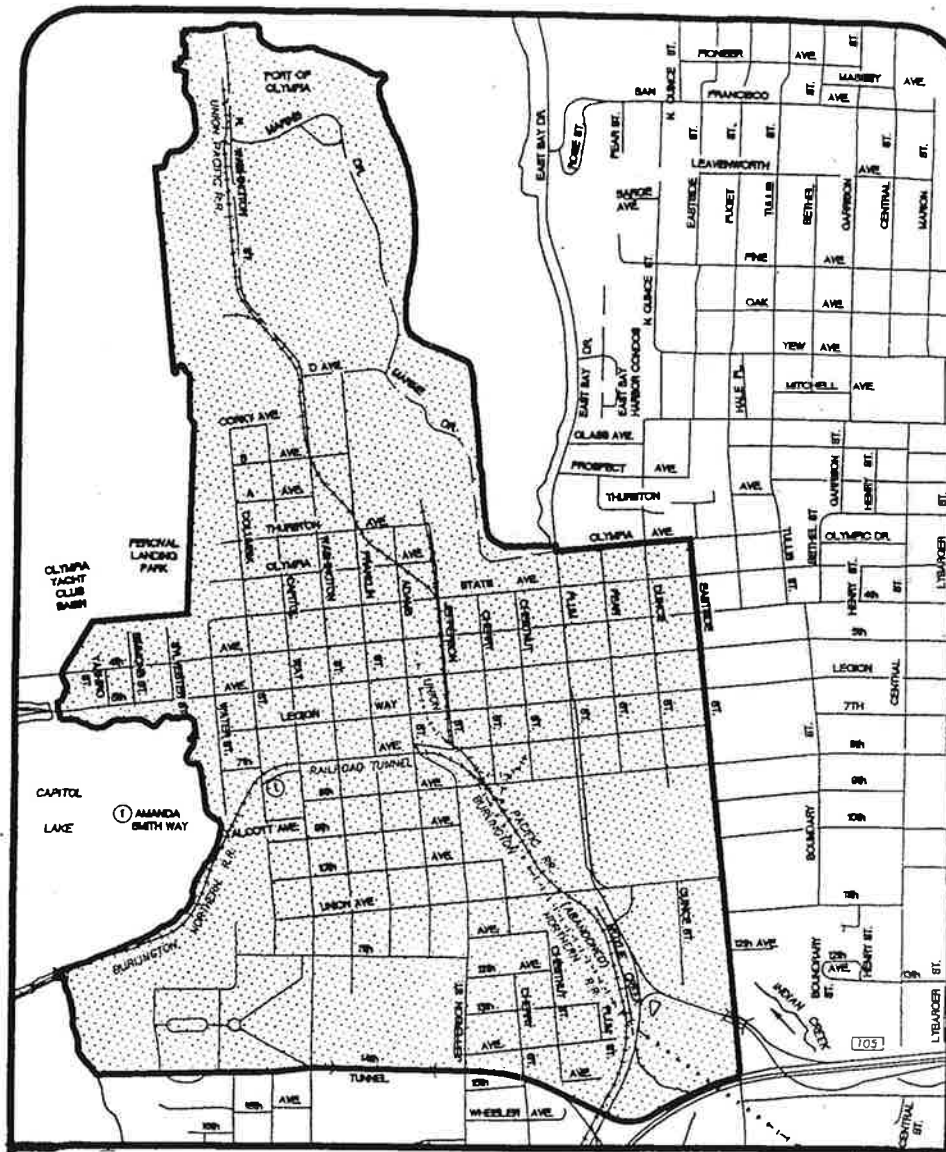


FIGURE 15-04-1

**Downtown Deferred Impact Fee Payment Option Area
(Grey Shaded Area Only)**

Note: This map is for illustrative purposes only.

For exact description of area, see Section 15.04.020 Definitions.

Section 2. 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 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:

Darren Nienaber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: