

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO UTILITY RATES, FEES, AND CHARGES AND AMENDING SECTIONS 4.24.010, 13.04.375, 13.08.205, 13.04.210, 13.15.080, 13.16.010, AND 13.16.090 OF THE OLYMPIA MUNICIPAL CODE TO:

- **UPDATE UTILITY RATES, FEES, AND CHARGES FOR CALENDAR YEAR 2024;**
- **ADD AN ADDITIONAL STORMWATER RATE CATEGORY FOR PROPERTIES WITH ADVANCED STORMWATER TREATMENT FACILITIES; AND**
- **ALLOW FOR CERTAIN DISCOUNTS AND REBATES FOR GENERAL FACILITIES CHARGES FOR QUALIFYING LOW-INCOME HOUSING**

WHEREAS, the City’s utilities are managed with a goal of resource sustainability in order to maintain, rebuild, expand systems, and prepare for revenue variability; and

WHEREAS, the City Council intends to meet the goals and polices for utility fiscal management set forth in the Comprehensive Plan and utility master plans; and

WHEREAS, the City Council intends to promote rate equity through cost recovery by customer class, and to smooth out rate spikes over a period of up to six years, the time period for which the CFP is developed; and

WHEREAS, the City’s Storm and Surface Water Utility and the Wastewater Utility are managed to maintain minimum operating expense reserves of 10 percent, and the Drinking Water Utility is managed to maintain minimum operating expense reserves of 25 percent; and

WHEREAS, in order to incorporate the foregoing principles into City Drinking Water Utility, City Storm and Surface Water Utility, City Wastewater Utility, and LOTT Clean Water Alliance (LOTT) wastewater treatment rates, the City Council received recommendations from the Utility Advisory Committee, held hearings, and reviewed the utility rates set forth in this Ordinance; and

WHEREAS, pursuant to the Interlocal Cooperation Act Agreement for Sewer Treatment, the LOTT Board of Directors is empowered to “impose, alter, regulate, and control rates, charges, and assessments;” and the LOTT Board of Directors held a public hearing and approved certain rate increases, which the City Council must annually adopt; and

WHEREAS, the City Council recognizes the need to increase the supply of affordable housing for low-income individuals and families based on the Washington Department of Commerce and Thurston Regional Planning Council projections; and

WHEREAS, the City’s Housing Action Plan contains strategies to increase the supply of permanently affordable housing for households that make 80 percent or less of the median income for Thurston County; and

WHEREAS, the City continues to seek ways to incentivize creation of such affordable housing, including the construction of new affordable housing buildings and the conversion of existing buildings to affordable housing; and

WHEREAS, RCW 35.92.020(5) and 35.67.020(5) provide that the City, in operating its utilities, “may provide assistance to aid low-income persons in connection with [utility] services” and RCW 35.92.380 provides that the City may reduce utility service connection fees for affordable housing, pursuant to a program established by ordinance; and

WHEREAS, general facility charges provide funding for existing and future capital improvements to utility infrastructure; however, these charges increase the cost of creating housing in Olympia; and

WHEREAS, providing a 50 percent general facility charge discount to long-term affordable housing for low-income households decreases the cost of creating such housing; and

WHEREAS, the revenue lost in providing the discount will be offset by an increase in charges for all new development; this revenue offset will be reviewed annually to ensure it is fairly meeting the City’s goals; and

WHEREAS, the City Council intends that for a development or conversion creating low-income housing to qualify for the general facilities charges discount, 100 percent of the housing units must be affordable for a household making 80 percent of the area median income and the property must be encumbered by a covenant recorded at the Thurston County Auditor to ensure the units will continue to meet these requirements for a minimum of 30 years; and

WHEREAS, eligible housing units will be reviewed every three years for ongoing compliance with the affordability criteria;

WHEREAS, the City’s Utility Advisory Council considered the general facility charge discount program for low-income housing in June of 2023 and in a letter to the City Council dated September 7, 2023, recommended the program as reflected in the code changes below; and

WHEREAS, the LOTT Clean Water Alliance has enacted a similar two-year pilot program by which projects creating low-income housing receive a rebate on LOTT capacity connection charges, subject to certain terms and conditions imposed by LOTT; and

WHEREAS, because the City collects LOTT capacity connection charges on behalf of LOTT, is necessary for the City to amend its code to reflect that a project creating low-income housing may qualify for LOTT’s capacity charge rebate, should the project meet LOTT’s terms and conditions; and

WHEREAS, certain properties that utilize the City’s storm and surface water utility use an advanced stormwater treatment system, which removes a significant amount of pollutants and other materials from stormwater before it reaches the City’s storm and surface water system; and

WHEREAS, because those properties with industrial stormwater permits through the Washington State Department of Ecology and using advanced stormwater treatment systems use the benefits of the City’s systems less than other properties, a special, lower rate category is justified for such properties; and

WHEREAS, the City’s Utility Advisory Committee was briefed on the additional fourth stormwater rate category for advanced industrial treatment in September and October of 2023 budget briefings. The budget impact of the fourth stormwater rate was included in the overall proposed rates recommended in the UAC letter to the City Council dated October 9, 2023;

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

Section 1. Amendment of OMC 4.24.010. Olympia Municipal Code Section 4.24.010 is hereby amended to read as follows:

4.24.010 Computation and assessment of charges

The rates set forth below do not reflect any possible surcharges or discounts provided to a parcel of property or customer under any provision of City ordinances or taxes assessed directly upon customers for which the City acts as collection agent.

A. WATER

1. Occupant turning on water after delinquent shutoff penalty	\$40.00	OMC 13.04.360
2. Delinquency notification penalty	\$10.00	OMC 13.04.430
3. Service disconnected/water reconnect for nonpayment penalty	\$25.00	OMC 13.04.430
4. Fire hydrant meter	\$ 1,500 deposit plus \$50.00 per month plus consumption charge	OMC 13.04.410
5. Water for residential building construction purposes	Ready to serve plus consumption charge in Subsection (8)(a)	OMC 13.04.410
6. Non-emergency after-hours water service turn on/shut off	\$110.00	OMC 13.04.340
7. Water General Facility Charges, assessed and payable as provided in OMC 13.04.375 (subject to 50 percent discount for <u>qualifying low-income housing</u>):		OMC 13.04.375

Meter Size	AWWA Capacity Factor	GFC
3/4 -inch	1.00	<u>\$5,032</u> \$4,683
1 -inch Residential Fire Sprinkler	1.00	<u>\$5,032</u> \$4,683
1 -inch	1.67	<u>\$8,403</u> \$7,821
1 ½ -inch	3.33	<u>\$16,763</u> \$20,277
2 -inch	5.33	<u>\$26,820</u> \$29,643
3 -inch	10.67	<u>\$53,691</u> \$51,841
4 -inch	16.33	<u>\$82,172</u> \$81,156
6 -inch	33.33	<u>\$167,716</u> \$160,767
8 -inch	53.33	<u>\$268,356</u> \$254,427
10 -inch	76.67	<u>\$385,803</u> \$363,729
12 -inch	100.00	<u>\$503,200</u> \$472,983

This charge is assessed in addition to any other charges or assessments levied under this chapter.

- 8. Water Meter Rates—Inside City Limits:
 - a. **Schedule I: Monthly Charges.**

The following is the monthly charge based upon meter size for all customers. Customers with meter sizes not listed in the schedule will be charged at the rate applicable to the next larger meter size listed.

Meter Size	Ready to Serve Charge	OMC 13.04.380
¾-inch	\$15.01 <u>\$15.31</u>	+ consumption charge
1-inch Residential Fire Sprinkler	-\$15.01 <u>\$15.31</u>	+ consumption charge
1-inch	\$19.98 <u>\$20.38</u>	+ consumption charge
1 ½-inch	-\$32.40 <u>\$33.05</u>	+ consumption charge
2-inch	\$47.26 <u>\$48.21</u>	+ consumption charge
3-inch	\$86.99 <u>\$88.73</u>	___+ consumption charge
4-inch	\$131.66 <u>\$134.30</u>	___+ consumption charge
6-inch	\$255.75 <u>\$260.87</u>	___+ consumption charge
8-inch	\$404.69 <u>\$412.78</u>	+ consumption charge
10-inch	\$578.41 <u>\$589.98</u>	+ consumption charge
12-inch	\$752.17 <u>\$767.21</u>	+ consumption charge

(1) Residential and nonresidential premises that are vacant are subject to payment of the full Water ready-to-serve charge. This fee will be charged even if the water is turned off or locked out.

Consumption charge per 100 cubic feet:

	Block 1	Block 2	Block 3	Block 4
Residential (Single Family and Duplex Residential)	-\$2.17 <u>\$2.21</u>	\$3.65 <u>\$3.72</u>	-\$5.82 <u>\$5.94</u>	\$7.65 <u>\$7.80</u>
Nonresidential (Multi-family and Commercial)	\$3.05 <u>\$3.11</u>	\$4.55 <u>\$4.64</u>	--	--
Irrigation	\$3.05 <u>\$3.11</u>	-\$8.99 <u>\$9.17</u>	--	--
Blocks Definition:	Block 1	Block 2	Block 3	Block 4
Single Family and Duplex (1) Residential	0-400 cf/unit	401-900 cf/unit	901-1,400 cf/unit	1,401+ cf unit
Nonresidential (2)	Nov-June Usage	July-Oct Usage	--	
Irrigation	Nov-June Usage	July-Oct Usage		

(1) Single family accounts with or without accessory dwelling units are charged as one single family account.

(2) If nonresidential block usage cannot administratively be prorated between blocks, usage is billed at the block rate in which the meter reading period ends.

b. **Wholesale customers:**

See OMC 13.04.380(B).

c. **State buildings with sprinkler systems or fire service connections:**

See OMC 13.04.380(C).

d. **Fire protection:**

Automatic sprinkler systems or special fire service connections with the City water system will be charged the monthly ready-to-serve charge based on meter size in OMC 4.24.010(A)(8)(a). Residential fire service connections that require a 1" pipe size will be charged the same as a 3/4" pipe size as shown in ~~Subsection 8a~~ OMC 4.24.010(A)(8)(a).

e. **Urban Agriculture:**

Irrigation accounts predominately (greater than 50% by land cover) serving Urban Agriculture purposes (See OMC 18.02.180) and producing food or agricultural products for commercial sales or donation to food banks shall be discounted 50 percent.

B. WASTEWATER (SEWER)

1) LOTT Charges

LOTT wastewater monthly service charge	-\$44.80 <u>\$46.14</u>	OMC 13.08.190
	per ERU	

Nonresidential accounts are billed one (1) ERU minimum per month. ERU charges in excess of one (1) ERU are billed at the rate of ~~\$4.98~~ \$5.13 per 100 cf or any part thereof for LOTT wastewater service charges.

LOTT capacity development charge (<u>subject to rebate for qualifying low-income housing, as allowed by the LOTT Clean Water Alliance</u>):	\$6,841.49 <u>\$7,081</u>	OMC 13.08.210
	per ERU	

2) City of Olympia Monthly Sewer Charges

a. Residential accounts with separately metered City of Olympia water service servicing: one separate single-family residence, one single-family residence with accessory dwelling unit, one unit of a residential duplex, one mobile home, or one trailer is billed based on monthly water consumption as follows:

0 – 250 cf	-\$15.96 <u>\$16.60</u> per month	
251 – 350 cf	\$15.96 <u>\$16.60</u> per month plus	OMC 13.08.190
	\$0.0982 <u>\$0.1021</u> per cf	
351 cf and above	-\$25.78 <u>\$26.81</u> per month	

b. Residential accounts with residential duplexes with a single water meter servicing both units are billed based on water consumption as follows:

0 – 500 cf	\$31.92 <u>\$33.20</u> per month	
501 – 700 cf	-\$31.92 <u>\$33.20</u> per month plus \$0.0982 <u>\$0.1021</u> per cf	OMC 13.08.190
701 cf and above	-\$51.56 <u>\$53.62</u> per month	

c. Residential accounts not included in A) or B) above ~~\$25.78~~ \$26.81 per ERU OMC 13.08.190

d. Nonresidential accounts are billed one (1) ERU ~~\$25.78~~ \$26.81 per ERU OMC 13.08.190
 minimum per month. ERU charges in excess of one (1) ERU are billed at the rate of ~~\$0.0368~~ \$ 0.0383 per 1 cf. for local collection system.

3) City of Olympia General Facility Charge (subject to 50 percent discount for qualifying low-income housing):

Wastewater (Sewer) general facility charge	\$4,003 <u>\$4,338</u> per ERU	OMC 13.08.205
Wastewater (Sewer) general facility charge for properties on public combined sewers and in the Downtown Deferred General Facility Charge Payment Option Area	\$1,724.18 <u>\$1,869.01</u> per ERU	OMC 13.08.010 OMC 13.08.205

C. WASTE RESOURCES

1. Residential garbage rates, monthly, every-other-week collection:

	OMC 13.12.160
One twenty-gallon cart (minimum residential garbage service)	\$11.92 <u>12.34</u>
One thirty-five gallon cart	
Recycle rate	\$20.59 <u>21.31</u>
Nonrecycle rate	\$25.82 <u>26.72</u>
One sixty-five gallon cart	
Recycle rate	\$28.11 <u>29.09</u>
Nonrecycle rate	\$35.24 <u>36.47</u>
Two sixty-five gallon carts	
Recycle rate	\$53.79 <u>55.67</u>
Nonrecycle rate	\$67.36 <u>69.72</u>
Three sixty-five gallon carts	\$101.10 <u>104.64</u>
One ninety-five gallon cart	
Recycle rate	\$48.70 <u>50.40</u>

Nonrecycle rate	<u>\$61.0363.17</u>
More than three sixty-five gallon carts	<u>\$101.10104.64</u> + <u>\$35.2436.47</u> for each sixty-five gallon cart over three carts

2. Residential garbage rates, monthly, weekly collection:

One thirty-five gallon cart	
Recycle rate	<u>\$45.3846.97</u>
Nonrecycle rate	<u>\$56.7858.77</u>
One sixty-five gallon cart	
Recycle rate	<u>\$90.7593.93</u>
Nonrecycle rate	<u>\$113.54117.51</u>
One ninety-five gallon cart	<u>\$147.52152.68</u>

3. Extended pickup:

Rate	Distance
\$1/month	Over 5 feet to 25 feet
\$2/month	Over 25 feet to 100 feet
\$1/month	Every 50 feet over 100 feet

- a. Persons requesting extended distance service must be at least sixty-five years of age or handicapped where said person cannot wheel a full or partially full garbage cart to the collection point.
- b. No person living with the qualified applicant can wheel a full or partially full garbage cart to the collection point.
- c. Extended pickup service to be at no charge when the combined annual income of the household of the qualified applicant is equal to or less than fifty percent of the median household income in Thurston County.
- d. Persons requesting service must apply with the utilities office by filling out an affidavit for extended service. Upon approval of affidavit, service will be granted.
- e. Qualified applicant will reapply on a yearly basis on or before December 31st of each year.
- f. In the case of a multifamily residence or complex, only the qualified tenant's cart will be clearly marked with the tenant's name and unit number.

4. Residential and commercial organics rate, monthly, every other week collection:

Organics:

Per City-owned 95-gallon cart or each 1/2 yard of material collected \$10.7011.07

5. Commercial garbage rates, monthly, weekly collection:

One ten gallon can (minimum commercial garbage service) \$7.717.98

One thirty-two gallon can or cart \$22.7623.56

Two thirty-two gallon cans or equivalent cart service \$34.6935.90

Three thirty-two gallon cans or equivalent cart service \$65.2567.53

Four thirty-two gallon cans or equivalent cart service \$85.9888.99

More than four thirty-two gallon cans or equivalent cart service \$85.9888.99 + \$22.7623.56 for each additional thirty-two gallons of service

6. 95-gallon garbage and refuse cart service, monthly:

One pickup weekly \$65.2567.53

Two pickups weekly \$125.06129.44

Three pickups weekly \$182.37188.75

Four pickups weekly \$240.74249.17

Five pickups weekly \$298.38308.82

7. One-yard garbage and refuse dumpster service, monthly:

One pickup weekly \$128.29132.78

Two pickups weekly \$252.26261.09

Three pickups weekly \$371.99385.01

Four pickups weekly \$491.48508.68

Five pickups weekly \$610.81632.19

Six pickups weekly \$730.26755.82

8. One and one-half yard garbage and refuse dumpster service, monthly:

One pickup weekly \$169.60175.54

Two pickups weekly \$323.27334.58

Three pickups weekly \$475.68492.33

Four pickups weekly \$627.74649.71

Five pickups weekly \$779.75807.04

Six pickups weekly \$932.29964.92

9. Two-yard garbage and refuse dumpster service, monthly:

One pickup weekly	<u>\$210.74218.12</u>
Two pickups weekly	<u>\$402.08416.15</u>
Three pickups weekly	<u>\$593.53614.30</u>
Four pickups weekly	<u>\$784.94812.41</u>
Five pickups weekly	<u>\$976.421,010.59</u>
Six pickups weekly	<u>\$1,164.761,205.53</u>

10. Three-yard garbage and refuse dumpster service, monthly:

One pickup weekly	<u>\$298.13308.56</u>
Two pickups weekly	<u>\$583.47603.89</u>
Three pickups weekly	<u>\$866.36896.68</u>
Four pickups weekly	<u>\$1,157.661,198.18</u>
Five pickups weekly	<u>\$1,432.561,482.70</u>
Six pickups weekly	<u>\$1,702.901,762.50</u>

11. Four-yard garbage and refuse dumpster service, monthly:

One pickup weekly	<u>\$374.87387.99</u>
Two pickups weekly	<u>\$741.76767.72</u>
Three pickups weekly	<u>\$1,101.361,139.91</u>
Four pickups weekly	<u>\$1,453.381,504.25</u>
Five pickups weekly	<u>\$1,797.931,860.86</u>
Six pickups weekly	<u>\$2,136.652,211.43</u>

12. Six-yard garbage and refuse dumpster service, monthly:

One pickup weekly	<u>\$544.32563.37</u>
Two pickups weekly	<u>\$1,062.961,100.16</u>
Three pickups weekly	<u>\$1,578.041,633.27</u>
Four pickups weekly	<u>\$2,092.762,166.01</u>
Five pickups weekly	<u>\$2,607.652,698.92</u>
Six pickups weekly	<u>\$2,998.823,103.78</u>

13. Prepaid extra tag for unscheduled collection of a bag on regular garbage collection day; \$5-866.07/each.

14. Extra unscheduled can, bag or box on regular garbage collection day to which a City approved prepaid tag is not attached: \$9-569.89/each.

15. Fees for special pickups, minor ancillary services, and yard waste drop-off site disposal services, other than unscheduled extra cans or material on regular collection day, are established by the City Manager, based on cost of service; to include labor, equipment, distance traveled, and volume of materials as appropriate.

16. City-owned drop boxes: customers will be charged repair fees on boxes which have been burned or damaged:

Ten cubic yards:

Delivery fee	\$80.51 <u>83.33</u>	
Daily rental	\$2.78 <u>2.88</u>	
Hauling fee	\$245.18 <u>253.76</u>	
Dumping charge		Current disposal fee, surcharge and 16.1% service fee on disposal fee

Twenty cubic yards:

Delivery fee	\$80.51 <u>83.33</u>	
Daily rental	\$3.56 <u>3.68</u>	
Hauling fee	\$245.18 <u>253.76</u>	
Dumping charge		Current disposal fee, surcharge and 16.1% service fee on disposal fee

Thirty cubic yards:

Delivery fee	\$80.51 <u>83.33</u>	
Daily rental	\$4.95 <u>5.12</u>	
Hauling fee	\$245.18 <u>253.76</u>	
Dumping charge		Current disposal fee, surcharge and 16.1% service fee on disposal fee

Forty cubic yards:

Delivery fee	\$80.51 <u>83.33</u>	
Daily rental	\$4.95 <u>5.12</u>	
Hauling fee	\$245.18 <u>253.76</u>	
Dumping charge		Current disposal fee, surcharge and 16.1% service fee on disposal fee
Standby or dig out	\$90.00	per hour

17. Customer-owned compactors and special containers. Dumping charges are based on weight at transfer station:

Cubic Yard	Charge Per Haul
10 or less	\$245.18 <u>253.76</u> *
15	\$245.18 <u>253.76</u> *
20	\$245.18 <u>253.76</u> *

Cubic Yard	Charge Per Haul
25	\$ 245.18 <u>253.76</u> *
30	\$ 245.18 <u>253.76</u> *
35	\$ 245.18 <u>253.76</u> *
40	\$ 245.18 <u>253.76</u> *
42	\$ 245.18 <u>253.76</u> *
* plus disposal fee plus 16.1% service charge on disposal fee	
Standby or dig out	\$90.00 per hour

No delivery fees or rental fees will be charged for City-owned drop boxes used to haul source-separated yard waste for composting or construction and demolition debris for recycling. If material is contaminated, the customer will be charged current disposal fees and 16.1% service charge on the disposal fee, plus delivery fee and daily rental fees.

18. City-owned temporary garbage and refuse dumpster services (customers will be charged repair fees for containers which have been burned or damaged):

One cubic yard:	
Delivery fee	\$ 59.00 <u>61.07</u>
Daily rental fee	\$ 2.322 <u>.40</u>
Fee per dump	\$ 48.55 <u>50.25</u>
One and 1/2 cubic yard:	
Delivery fee	\$ 59.00 <u>61.07</u>
Daily rental fee	\$ 2.322 <u>.40</u>
Fee per dump	\$ 51.43 <u>53.23</u>
Two yard:	
Delivery fee	\$ 59.00 <u>61.07</u>
Daily rental fee	\$ 2.322 <u>.40</u>
Fee per dump	\$ 55.10 <u>57.03</u>
Three yard:	
Delivery fee	\$ 59.00 <u>61.07</u>
Daily rental fee	\$ 2.322 <u>.40</u>
Fee per dump	\$ 72.47 <u>75.01</u>
Four yard:	
Delivery fee	\$ 59.00 <u>61.07</u>
Daily rental fee	\$ 2.322 <u>.40</u>
Fee per dump	\$ 100.41 <u>103.92</u>
Six yard:	

Delivery fee	\$59.00 <u>61.07</u>
Daily rental fee	\$2.32 <u>2.40</u>
Fee per dump	\$137.18 <u>141.98</u>

19. City-owned temporary organics dumpster services (customers will be charged repair fees for dumpsters which have been burned or damaged):

One cubic yard:	
Fee per dump	\$21.39 <u>22.14</u>
One and 1/2 cubic yard:	
Fee per dump	\$32.09 <u>33.21</u>
Two yard:	
Fee per dump	\$42.79 <u>44.29</u>
Three yard:	
Fee per dump	\$64.19 <u>66.44</u>

If material is contaminated, customer will be charged the dump fee, delivery fee and daily rental fee for City-owned temporary garbage and refuse dumpster services as established in Section OMC 4.24.010(C)(16) of this ordinance.

20. An additional surcharge of \$70.00 per month applies to permanent commercial dumpster customers who require Saturday collection and are subject to regular monthly fees set forth in OMC 4.24.010(C) Subsections 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18 or 19.

D. STORM AND SURFACE WATER

At the time of issuance of a building/engineering permit, per OMC 13.16.080, a stormwater GFC is assessed at the rate of: ~~\$1,619~~ \$1,915/Impervious Unit (2,882 sq. ft.) ~~((subject to 50 percent discount for qualifying low-income housing))~~ and a water quality GFC is assessed at a rate of ~~\$11.08~~ \$13.56 per average daily vehicle trip based on the Institute of Traffic Engineers' Trip Generation Manual ~~(subject to 50 percent discount for qualifying low-income housing).~~

1. Storm drainage service charges:

a. Single-Family and Duplex Residential Parcels. All parcels in the City are subject to a monthly charge for storm drainage service in accordance with the following schedule:

Single-family parcels with or without accessory dwelling units (Regardless of date approved)	\$17.12 <u>\$18.23</u> /utility account
Duplex parcels (Regardless of date approved)	\$17.12 <u>\$18.23</u> /unit (\$34.24 <u>\$36.46</u> when billed as a single account)

b. Commercial, Multi-Family, Industrial and Governmental Parcels. A charge per utility account will be established at the time of issuance of a clearing, filling, excavating or grading permit and assessed monthly as follows:

For Parcels with Industrial Permits from the Washington State Department of Ecology and advanced stormwater treatment systems (Category 0)	<u>\$7.04 per billing unit</u>
For parcels that fully utilize Low Impact Development (Category I)	\$8.56 <u>\$9.12</u> per billing unit
For parcels with any stormwater management (flow control or treatment) or those that are exempt from flow control requirements (Category II)	\$12.84 <u>\$13.67</u> per billing unit
For parcels with no stormwater management (flow control or treatment) (Category III)	\$17.12 <u>\$18.23</u> per billing unit

c. Undeveloped parcels. No charge.

E. RECLAIMED WATER

1. Occupant turning on water after delinquent shutoff penalty	\$40.00	OMC 13.24.330
2. Delinquency notification penalty	\$10.00	OMC 13.24.340
3. Service disconnected/reclaimed water reconnect for nonpayment penalty	\$25.00	OMC 13.24.340
4. Reclaimed water for commercial construction purposes	\$50.00 per month plus consumption charge	OMC 13.24.200
5. Non-emergency after-hours reclaimed water service turn on/shut off	\$110.00	OMC 13.24.250

6. Reclaimed Water Rates

a. Meter Rates – The monthly charge based upon meter size for all reclaimed water customers follows OMC 4.24.010-A.8-(A)(8). Customers with meter sizes not listed in the schedule will be charged at the rate applicable to the next larger meter size listed.

b. Consumption charges

(1) Indoor use of reclaimed water: 70% of the consumption charges in OMC 4.24.010-A.8(A)(8).

(2) Outdoor use of reclaimed water: 70% of the consumption charges in OMC 4.24.010-A.8(A)(8) for Irrigation.

Section 2. Amendment of OMC 13.04.375. Olympia Municipal Code Section 13.04.375 is hereby amended to read as follows:

13.04.375 Water general facility charge (GFC)

A. A water general facility charge is assessed for the connection of any premises to the City water system as set forth in OMC-Title 4 OMC, Fees and Fines. This charge is assessed in addition to any other charges or assessments levied under this chapter. Payments of such charges must be deposited in the

water capital improvement fund established under OMC-Section [3.04.400](#) and may be used only for the purposes enumerated therein. Payment must be made at the rate in effect at the time of payment.

B. Except as set forth in subsections C and D below, such charge becomes due and payable no earlier than at the time of issuance of a building permit and no later than at the time the connection is completed.

C. The Water GFC may be deferred for residential developments in the Downtown Deferred General Facility Charge Payment Option Area. An unpaid Water GFC deferred under this section constitutes a lien against the property for which it is payable. Payment of a Water GFC need not be made prior to the time of connection if the payer provides the Community Planning and Development Department with proof that a Voluntary General Facility Charge Lien Agreement, in a form approved by the City Attorney, has been executed by all legal owners of the property upon which the development activity allowed by the building permit is to occur, and the agreement has been recorded in the office of the Thurston County Auditor. When such deferral is sought for a portion of the development activity, the City, at its sole discretion, determines the portions of the Water GFC to be applied to the portions of the development activity. If a Voluntary General Facility Charge Lien Agreement has been recorded, payment of the Water GFC is deferred under the following conditions:

1. The Water GFC will be assessed at the rate in effect at the time of issuance of the building permit for the project, and
2. Payment of the Water GFC must be made at the earlier of the closing of sale of the property or any portion of the property, or three (3) years from the date of the City's issuance of a Certificate of Occupancy for the property against which the Water GFC is assessed, and
3. A GFC payment made within one (1) year of issuance of the Certificate of Occupancy for the development shall pay the fees assessed at the time of issuance of the building permit, or
4. A GFC payment made within the second year from issuance of the Certificate of Occupancy for the development shall pay the Water GFC plus interest, for a total of 105% of the fees assessed at the time of issuance of the building permit, or
5. A GFC payment made within the third year from issuance of the Certificate of Occupancy for the development shall pay the Water GFC plus interest, for a total of 110% of the fees assessed at the time of issuance of the building permit.

In the event that the Water GFC and/or interest (if any) is not paid within the time provided in this subsection, all such unpaid charges, fees, and interest constitutes a lien against the property for which they were assessed. The lien may be enforced either by foreclosure pursuant to RCW [61.12](#) or by termination of water service pursuant to OMC-section [13.04.430](#). The City may use other collection methods at its option. In the event of foreclosure, the owner at the time of foreclosure 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 after 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.

D. Where the Water GFC is assessed upon connection of an existing residential dwelling which previously received water from a different source, a property owner who is economically disadvantaged may, in lieu of a lump sum payment, pay the charge over a maximum three (3) year period. To qualify, the owner shall execute a Voluntary General Facility Charge Lien Agreement with the City which sets forth, among other terms, a quarterly or annual payment schedule to run no more than three (3) years from execution or the sale of the property, whichever occurs first. The agreement must require that any balance owing is due in full upon sale of the property or the expiration of three (3) years from execution of the agreement. The payments must be secured by a lien against the property served, which may be enforced either by foreclosure pursuant to RCW [61.12](#) or by termination of water service pursuant to OMC-section [13.04.430](#). The City may use other collection methods at its option. The agreement must be prepared by the City Attorney and made available by the appropriate official in the Drinking Water Utility. For the purpose of this section, the term "economically disadvantaged" has the same meaning as provided in OMC-section [3.20.300](#).

E. Reduced Water GFC charges for affordable housing for low-income households: New water connections for single-family or multi-family premises that qualify as affordable housing for one or more low-income households receive a 50 percent discount off of the Water GFC charges under this section, provided all of the requirements of this section are met. Where a change in use results in imposition of Water GFC charges, a 50 percent discount is applied to such charges if the change in use is to use as a single-family or multi-family premises that qualifies as affordable housing for one or more low-income households, provided all of the requirements of this subsection are met. To be eligible for the discount under this subsection, 100 percent of units on the premises must be rented as affordable housing to one or more low-income households. This obligation continues not less than 30 years from the date the certificate of occupancy for the premises is issued and this obligation must be reflected in a covenant encumbering the property, recorded with the Thurston County Auditor. Such covenant must provide that if its terms are violated, the property owner is required to pay 50 percent of the Water GFC charges at the then-applicable Water GFC rate. For purposes of this subsection:

1. "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.

2. "Low-income household" means a single person, a family, or unrelated persons living together whose adjusted income is at or below 80 percent of the median family income adjusted for family size, for Thurston County, as reported by the United States department of housing and urban development.

Section 3. Amendment of OMC 13.08.205. Olympia Municipal Code Section 13.08.205 is hereby amended to read as follows:

13.08.205 Sewer general facility charges

A. A sewer general facility charge ("Sewer GFC") is assessed in the amount set forth in Title [4](#), Fees and Fines, for all new sewer connections and for all changes in use of a premises that result in an

increase in ERUs, as defined in OMC [13.08.190](#). Except as provided in subsections (B), (C), and (D) of this section, such charge becomes due and payable at the time of issuance of an engineering, sewer connection, or building permit, and at the rate in effect at the time of payment, except for the deferred payment option stated below. For projects located outside the City, the date of building permit issuance by Thurston County constitutes the earliest time of payment. This charge is assessed in addition to any other charges or assessments levied under this chapter. Said funds must be deposited in the sewer capital improvement fund established under OMC [3.04.500](#) and must be used only for the purposes enumerated therein.

B. The Sewer GFC may be deferred for residential developments in the Downtown Deferred General Facility Charge Payment Option Area. An unpaid Sewer GFC deferred under this section constitutes a lien against the premises for which it is payable. Payment of a Sewer GFC need not be made prior to the time of connection if the payer provides the Community Planning and Development Department with proof that a Voluntary General Facility Charge Lien Agreement, in a form approved by the City Attorney, has been executed by all legal owners of the premises upon which the development activity allowed by the building permit is to occur, and the agreement has been recorded in the office of the Thurston County Auditor. When such deferral is sought for a portion of the development activity, the City, at its sole discretion, determines the portions of the Sewer GFC to be applied to the portions of the development activity. If a Voluntary General Facility Charge Lien Agreement has been recorded, payment of the Sewer GFC is deferred under the following conditions:

1. The Sewer GFC is assessed at the rate in effect at the time of issuance of the building permit for the project, and
2. The owner shall pay the Sewer GFC at the earlier of (a) the closing of sale of the premises or any portion of the premises, or (b) three years from the date of the City's issuance of a Certificate of Occupancy, and
3. A GFC payment made within one year of issuance of the Certificate of Occupancy for the development is the fee assessed at the time of issuance of the building permit, and
4. A GFC payment made within the second year from issuance of the Certificate of Occupancy for the development is the Sewer GFC plus an interest component, for a total of 105 percent of the remaining balance of the fees assessed at the time of issuance of the building permit, and
5. A GFC payment made within the third year from issuance of the Certificate of Occupancy for the development is the Sewer GFC plus an interest component, for a total of 110 percent of the remaining balance of the fees assessed at the time of issuance of the building permit.

In the event that the Sewer GFC or interest (if any), or both, is not paid within the time provided in this subsection, all such unpaid charges, fees, and interest constitute a lien against the premises for which they were assessed. The lien may be enforced either by foreclosure pursuant to RCW [61.12](#) or by termination of water service pursuant to OMC [13.04.430](#). The City may use other collection methods at its option. In the event of foreclosure, the owner at the time of foreclosure shall also pay the City's reasonable attorney fees and costs incurred in the foreclosure process. Notwithstanding the foregoing,

the City will not commence foreclosure proceedings less than 30 calendar days after providing written notification to the then-present owner of the premises 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 30-day cure period, no attorney fees or costs are owed.

C. The Sewer GFC is waived for any premises served by an existing OSS that connects to the public sewer within two years following notice by the City of eligibility for a Sewer GFC waiver. The City shall send notice to an owner when sewer becomes available to the owner's premises. Notice is effective as of the date it is sent to the owner by certified first class mail. An owner who fails to connect to the public sewer within two years following such notice is charged the Sewer GFC in effect at the time of connection to the public system, and those properties may defer payment of the Sewer GFC as provided in subsection (D) of this section.

An owner is also eligible for a Sewer GFC waiver at such time as the premises becomes eligible for a full or partial rebate of the LOTT capacity development charge (LOTT CDC). The Sewer GFC waiver expires on the same date as the expiration of the LOTT CDC rebate.

In addition, the Sewer GFC is waived for any premises served by an existing OSS that connects to the public sewer within two years of a transfer of ownership of the premises. An owner shall provide documentation to the City of the transfer of ownership in order to be eligible for this waiver. The City will not provide notification to a new owner.

In all cases, the Sewer GFC waiver is limited to the number of ERUs served by the existing OSS.

D. The Sewer GFC for premises abandoning an existing OSS and connecting to public sewer without an increase in ERUs is due in full or under installment contract with the following conditions:

1. The premises must be served by public water with an individual City of Olympia metered water utility account.
2. In order to defer payment of a Sewer GFC, an owner shall execute a Sewer Connection Fee Contract with the City in a form approved by the City Attorney in which the owner agrees to pay specified progress payments. The Sewer Connection Fee Contract must provide that the City is entitled to attorney's fees and costs, should legal action need to be commenced to collect or enforce the contract. Connection to the public sewer is allowed after the Sewer Connection Fee Contract has been recorded in the office of the Thurston County Auditor. The owner shall pay recording fees upon submittal of the signed Sewer Connection Fee Contract.
3. The owner shall make payments toward the deferred Sewer GFC on a monthly basis, including principal and interest, until the Sewer GFC and associated loan costs are paid. The minimum monthly payment must be calculated such that full payment is completed within eight years, with at most 96 monthly payments.

4. Any unpaid balance for deferred Sewer GFC is subject to interest charges, with the interest rate charged on any unpaid balance equal to the interest rate of the most recent general obligation bonds issued by the City prior to execution of the Sewer Connection Fee Contract.

5. Upon sale of the premises, the unpaid Sewer GFC must be paid in full, or the new owner must execute a Sewer Connection Fee Contract with the City for the balance of the GFC owed under the terms of this section with a maximum number of monthly payments equal to 96 minus the number of months any previous Sewer Connection Fee Contracts were in existence.

6. In the event that the Sewer GFC or interest (if any), or both, is not paid within the time provided in subsection D of this section, all such unpaid charges, fees, and interest constitute a lien against the premises for which they were assessed. The lien may be enforced either by foreclosure pursuant to RCW [61.12](#) or by termination of water service pursuant to OMC [13.04.430](#). The City may use other collection methods at its option. In the event of foreclosure, the owner at the time of foreclosure shall pay the City's reasonable attorney fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City will not commence foreclosure proceedings less than 30 calendar days after providing written notification to the then-present owner of the premises 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 30-day cure period, no attorney fees or costs will be owed.

E. The Sewer GFC for properties on public combined sewers applies to properties located within the Downtown Deferred General Facility Charge Payment Option Area and discharging sanitary sewage to the public combined sewer.

F. If there is a significant increase of sewage discharge from a premises and if one or more of the triggering events in subsection (F)(5) of this section occurs, additional Sewer GFCs will be charged as follows:

1. A "significant increase" means an increase of 25 percent or more in current wastewater discharge, as compared to the number of ERUs used to calculate Sewer GFCs previously paid, provided the increase is equal to at least one ERU; and

2. "Current wastewater discharge" means the average wastewater discharge of the most recent six winter months (with meter read dates in November through April) either measured by wastewater discharge meter or drinking water meter, whichever is applicable; and

3. A customer is given notice and a period of one year in which to:

a. Decrease wastewater discharge sufficiently to no longer qualify as a significant increase as defined in subsection (F)(1) of this section; or

b. Install a wastewater discharge meter, if one is not already installed; or

c. Install a separate irrigation meter;

and

4. After the one-year period, current wastewater discharge is recalculated and if the discharge continues at or above the significant increase level, additional Sewer GFCs are imposed for the additional ERUs of wastewater discharge, and the owner shall pay such additional Sewer GFCs within 60 days of notification of charges due.
5. Triggering events for calculation of a possible significant increase of sewer discharge are:
 - a. Application to the LOTT Clean Water alliance for an increase in discharge limits; or
 - b. Application to the City for a larger drinking water meter or additional drinking water meter(s).
 - c. Application to the City or County for a change in use of a premises; or
 - d. Application to the City or County for a building permit.

G. Reduced GFC charges for affordable housing for low-income households: New sewer connections for single-family or multi-family premises that qualify as affordable housing for one or more low-income households receive a 50 percent discount off of the GFC charges under this section, provided all of the requirements of this section are met. Where a change in use results in imposition of GFC charges, a 50 percent discount is applied to such charges if the change in use is to use as a single-family or multi-family premises that qualifies as affordable housing for one or more low-income households, provided all of the requirements of this subsection are met. To be eligible for the discount under this subsection, 100 percent of units on the premises must be rented as affordable housing to one or more low-income households. This obligation continues not less than 30 years from the date the certificate of occupancy for the premises is issued and this obligation must be reflected in a covenant encumbering the property, recorded with the Thurston County Auditor. Such covenant must provide that if its terms are violated, the property owner is required to pay 50 percent of the GFC charges at the then-applicable GFC rate. For purposes of this subsection:

1. "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.
2. "Low-income household" means a single person, a family, or unrelated persons living together whose adjusted income is at or below 80 percent of the median family income adjusted for family size, for Thurston County, as reported by the United States department of housing and urban development.

Section 4. Amendment of OMC 13.04.210. Olympia Municipal Code Section 13.04.210 is hereby amended to read as follows:

13.08.210 LOTT capacity development charge—Payment

A. There is imposed a LOTT capacity development charge (“LOTT CDC”) for any premises that is provided sewer service by the City. The LOTT CDC is in the amount set forth in Title 4, Fees and Fines, of the OMC. The LOTT CDC is intended to pay a predetermined share of the estimated capital cost per ERU to provide future joint facilities and additions to existing joint facilities that are considered necessary to serve the connections paying the LOTT CDC while maintaining adequate system reserve capacity as described in The Highly Managed Alternative of the LOTT Wastewater Resource Management Plan of 1999.

B. An owner shall pay the LOTT CDC; such charge is due and payable no earlier than at the time of issuance of an engineering, sewer connection, or building permit and no later than at the time each connection is completed, and at the rate in effect at the time of payment. For projects located outside the City, the date of building permit issuance by Thurston County constitutes the earliest time of payment. If not paid on or before said date, the same is delinquent and bears interest at the rate of six percent per year from the date of delinquency until paid.

C. If there is a significant increase of sewage discharge from a premises and if one or more of the triggering events in subsection (C)(6) of this section occurs, additional LOTT CDCs will be charged as follows:

1. “A significant increase” means an increase of 25% or more in current wastewater discharge, as compared to the number of ERUs used to calculate CDCs previously paid, provided the increase is equal to at least one ERU; and
2. If a premises connected to sewer before LOTT CDCs existed as a charge, the base number of ERUs is the Sewer GFCs previously paid; and
3. “Current wastewater discharge” means the average wastewater discharge of the most recent six winter months (with meter read dates in November through April) either measured by wastewater discharge meter or drinking water meter, whichever is applicable; and
4. An owner is given notice and a period of one year in which to:
 - a. Decrease wastewater discharge sufficiently such that the discharge no longer qualifies as a significant increase as defined in subsection (C)(1) of this section; or
 - b. Install a wastewater discharge meter, if one is not already installed; or
 - c. Install a separate irrigation meter;

and

5. After the one-year period, current wastewater discharge is recalculated and if the discharge continues at or above the significant increase level, additional LOTT CDCs are imposed for the additional ERUs of wastewater discharge, and the owner shall pay such additional LOTT CDCs within 60 days of notification of charges due.

6. Triggering events for calculation of a significant increase of sewer discharge are:

- a. Application to the LOTT Clean Water Alliance for an increase in discharge limits; or
- b. Application to the City for a larger drinking water meter or additional drinking water meter(s); or
- c. Application to the City or County for a change in use of a premises; or
- d. Application to the City or County for a building permit.

D. Reduced LOTT capacity development charges (CDC charges) for affordable housing for low-income households: To the extent authorized by the LOTT Clean Water Alliance, and subject to those requirements and conditions LOTT may impose, new sewer connections for single-family or multi-family premises that qualify as affordable housing for one or more low-income households receive a rebate for the LOTT CDC charges under this section, provided all of the conditions and requirements imposed by LOTT are met. Where a change in use results in imposition of LOTT CDC charges, a rebate may be applied to such charges if the change in use to use as a single-family or multi-family premises that qualifies as affordable housing for one or more low-income households, provided all of the conditions and requirements imposed by LOTT are met. The percentage rebate of LOTT CDC charges under this section are as determined by LOTT. LOTT may require that if the terms and conditions under which a rebate for LOTT CDC charges is provided are violated, the property owner is required to repay some or all of the rebate, as determined by LOTT. For purposes of this subsection:

1. "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.

2. "Low-income household" means a single person, a family, or unrelated persons living together whose adjusted income is at or below 80 percent of the median family income adjusted for family size, for Thurston County, as reported by the United States department of housing and urban development.

Section 5. Amendment of OMC 13.15.080. Olympia Municipal Code Section 13.16.080 is hereby amended to read as follows:

13.16.080 Stormwater general facilities charges

A. In recognition of the City's investment in the MS4, each applicant for a development permit who will discharge into the MS4 shall pay a MS4 general facilities charge ("MS4 GFC") in an amount as set forth in Title 4 of this code at the time of issuance of a building or engineering permit.

B. In recognition of the City's investment in stormwater water quality treatment, each applicant for a development permit who will connect to City streets shall pay a water quality general facilities charge ("Water Quality GFC") in an amount as set forth in Title 4 of this code at the time of issuance of a building or engineering permit.

C. All monies collected from the MS4 GFC must be deposited in an account to be used for the capital improvements program of this utility.

D. Reduced MS4 GFC charges for affordable housing for low-income households: New MS4 connections for single-family or multi-family premises that qualify as affordable housing for one or more low-income households receive a 50 percent discount off of the MS4 GFC charges under this section, provided all of the requirements of this section are met. Where a change in use results in imposition of MS4 GFC charges, a 50 percent discount is applied to such charges if the change in use is to use as a single-family or multi-family premises that qualifies as affordable housing for one or more low-income households, provided all of the requirements of this subsection are met. To be eligible for the discount under this subsection, 100 percent of units on the premises must be rented as affordable housing to one or more low-income households. This obligation continues not less than 30 years from the date the certificate of occupancy for the premises is issued and this obligation must be reflected in a covenant encumbering the property, recorded with the Thurston County Auditor. Such covenant must provide that if its terms are violated, the property owner is required to pay 50 percent of the MS4 GFC charges at the then-applicable MS4 GFC rate. For purposes of this subsection:

1. "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.

2. "Low-income household" means a single person, a family, or unrelated persons living together whose adjusted income is at or below 80 percent of the median family income adjusted for family size, for Thurston County, as reported by the United States department of housing and urban development.

Section 6. Amendment of OMC 13.16.010. Olympia Municipal Code Section 13.16.010 is hereby amended to read as follows:

13.16.010 Definitions

The following words, when used in this chapter and in OMC 4.24.010(B), have the following meanings, unless the context clearly indicates otherwise:

A. "Advanced stormwater treatment" means the use of hydrogen peroxide (H2O2) with ferrous iron as a catalyst that is used to oxidize stormwater as a part of an advanced oxidation process. This process is known as Fenton's Oxidation.

AB. "Best management practice" or "BMP" means a schedule of activities, prohibition of practices, maintenance procedure, managerial practice, or structural features that when used singly or in

combination prevents or reduces the release of pollutants and other adverse impacts to waters of Washington State.

CB. "Billing unit" means the same as "equivalent residential unit", 2,882 feet of impervious surface development on a parcel.

DC. "Conveyance" means any catch basin, pipe, culvert, curb, gutter, ditch, swale, human-made channel, storm drain, or road that conveys or collects stormwater.

ED. "Developed" means, with respect to a parcel, any parcel that has been altered from a natural state with or without a permit from the City. This includes clearing, grading, or filling, whether or not that work accompanies excavation and construction.

FE. "Duplex parcel" means a parcel which has been developed and constructed for the purpose of providing habitat for two-family dwelling units on a single property parcel and has been and continues to be used solely for that purpose.

GF. "Flow control" means a facility designed to mitigate the impacts of increased stormwater runoff flow rates generated by development. Flow control facilities are best management practices specified in the Drainage Design and Erosion Control Manual that are engineered to meet the flow control standards of Core Requirement #7 specified in the Drainage Design and Erosion Control Manual.

HG. "Flow control exempt" means a nonresidential parcel that is exempt from the flow control standards of Core Requirement #7 in the Drainage Design and Erosion Control Manual.

IH. "Illicit connection" means any human-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

JJ. "Illicit discharge" means any direct or indirect non-stormwater discharge to the storm drainage system, except as expressly allowed by this chapter.

KJ. "Impervious surface" means a non-vegetated surface area which (1) either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, or (2) causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads and parking areas, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

LK. "Low impact development" means one or more best management practices or facilities that are specified in the Drainage Design and Erosion Control Manual that are engineered to meet the low impact development standards of Core Requirement #5 specified in the Drainage Design and Erosion Control Manual.

ME. "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, and including a system that collects sanitary sewage and stormwater in a single, combined sewer system):

- a. Owned or operated by the City; and
- b. Designed or used for collecting or conveying stormwater.

The municipal separate storm sewer system does not include combined sewers or a publicly owned treatment works used in treatment of municipal sewage or industrial wastes of a liquid nature.

NM. "MS4 Permit" means the National Pollutant Discharge Elimination System and State Waste Discharge General Permit, commonly known as the Western Washington Phase II Municipal Stormwater Permit, issued by the Department of Ecology and periodically re-issued.

ON. "Nonresidential parcel" means a parcel which has been developed for any purpose other than a single-family dwelling unit or duplex and includes, among others, all multifamily apartments and condominiums with three or more units and all property owned by governmental and nonprofit entities.

PO. "Non-stormwater discharge" means any discharge to the storm drainage system that is not composed entirely of stormwater.

QP. "Owner" has the meaning given in OMC [1.04.010\(K\)](#). In addition, for purposes of this chapter, "owner" includes a person that controls a parcel on behalf of a parcel's owner.

RQ. "Parcel" means any area of land within the City of Olympia which is deemed a distinct property as identified by the county assessor, whether or not the parcel is considered taxable.

SR. "Single-family residential parcel" means a parcel that has been developed and constructed for the purpose of providing a habitat for a single-family dwelling unit with or without an accessory dwelling unit and has and continues to be used solely for that purpose.

TS. "Source control" means preventing pollutants from contacting and entering stormwater runoff.

UF. "Source control BMP" means structures or operations that are intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. Source control BMPs are separated into two types. Structural source control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. See the Drainage Design and Erosion Control Manual for details.

VU. "Storm drainage system" means all manmade and natural systems that are used for the collection, conveyance, and disposal of stormwater. The storm drainage system may include lands outside of the

City, but such lands will only be subject to this code when they are annexed to the City or by interlocal agreement with the governmental entity in which the property is located. The storm drainage system includes the MS4; all stormwater facilities; appurtenances; wetlands; streams, whether intermittent or perennial; ponds; lakes; creeks; rivers; tidelands; or outfalls subject to stormwater runoff from the land area of the City or from property covered by an interlocal agreement.

WW. "Stormwater" means that portion of precipitation, including snowmelt, that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, or other conveyance into a receiving water or storm drainage system.

XW. "Stormwater facility" means one or more constructed or natural features, other than the MS4, that collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater. Stormwater facilities include, but are not limited to, conveyances, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

YX. "Stormwater treatment" means one or more best management practices or facilities that are specified in the Drainage Design and Erosion Control Manual to remove pollutants from stormwater and engineered to meet the treatment standards in Core Requirement #6 specified in the Drainage Design and Erosion Control Manual.

ZY. "Undeveloped parcel" means any parcel that has not been altered from its natural state by logging, clearing, or grading since 1996, or by filling, excavation, or construction at any time.

AAZ. "Utility" means the City of Olympia's storm and surface water utility, which operates and maintains storm or surface water conveyances and facilities or outfalls for such waters and the rights and interests in other properties relating to the system.

Section 7. Amendment of OMC 13.16.090. Olympia Municipal Code Section 13.16.090 is hereby amended to read as follows:

13.16.090 Reduction in storm drainage service charge for impervious surface, flow control, stormwater treatment or low impact development.

A. Nonresidential Parcels. An owner may submit to the Public Works Department an application for reduction in the storm drainage service charge that includes proof of the quantity of impervious surface or proof that a stormwater facility approved by the City is providing advanced stormwater treatment, flow control, or stormwater treatment consistent with the definition provided in OMC 13.16.010(A), OMC 13.16.010(GF), or OMC 13.16.010(YX), or fully utilizes low impact development consistent with the definition provided in OMC 13.16.010(LK), or is located in a flow control exempt area as defined in OMC 13.16.010(HG). The owner ~~must~~shall, prior to approval of a reduction, execute an approved agreement to maintain the stormwater facility. After reviewing an application and inspecting the stormwater facility, if deemed appropriate, the Director may approve a reduction in the storm drainage service charge for the parcel or parcels receiving advanced stormwater treatment, flow control, or stormwater treatment, fully using low impact development as provided in OMC 4.24.010(D), or located in a flow control exempt area as provided in OMC 4.24.010(D). That reduction will be accomplished by

reducing the rate category of the affected parcel as appropriate and calculating storm drainage service charges accordingly.

B. If the City approves a reduction in the storm drainage service charge for a parcel or parcels and later determines that the stormwater facility for such parcel or parcels is not providing advanced stormwater treatment, flow control, or stormwater treatment or is not fully using low impact development, the City may reduce or revoke the reduction.

Section 8. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 9. 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 is unaffected.

Section 10. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 11. Effective Date. This Ordinance takes effect after passage and publication, as provided by law, on January 1, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: