

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING VARIOUS SECTIONS OF THE OLYMPIA MUNICIPAL CODE TO CORRECT SCRIVENER/CLERICAL ERRORS AND CROSS-REFERENCES TO OBSOLETE OR OUTDATED CODE SECTIONS.

WHEREAS, pursuant to the provisions of RCW 35.21.500 through 35.21.570 and by virtue of Ordinance No. 4345, the Olympia Municipal Code (the OMC) was adopted on February 23, 1982; and

WHEREAS, hundreds of amendments have been made to the OMC since its adoption, some of which contained scrivener/clerical errors; and

WHEREAS, the OMC also contains cross-references to obsolete or outdated code sections, as well as outdated references to certain terms, funds, and position titles; and

WHEREAS, some provisions of the OMC have been superseded by later-enacted ordinances; and

WHEREAS, it is in the best interest of the City to amend the OMC to correct scrivener/clerical errors and cross-references to obsolete or outdated code sections; and

WHEREAS, this Ordinance is adopted pursuant to Article 11 Section 11 of the Washington State Constitution and any other applicable authority; and

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

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

Section 1. Amendment of OMC 10.16.130. Olympia Municipal Code Subsection 10.16.130 is hereby amended to read as follows:

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 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 acceptable form of payment in such meter.

C. The Supervisor of 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.

D. Any violation of this section relating to parking meters shall constitute an infraction pursuant to Section ~~10.24.040~~10.24.050 and shall result in a penalty of fifteen and no/100 dollars (\$15.00).

Section 2. Amendment of OMC 13.16.080. Olympia Municipal Code Subsection 13.16.080.B is hereby amended to read as follows:

13.16.080 Storm drainage system general facilities charge

B. The Storm Drainage System GFC may be deferred for residential developments in the Downtown Deferred General Facility Charge Payment Option Area. An unpaid Storm Drainage GFC deferred under this section shall constitute a lien against the property for which it is payable. Payment of the Storm Drainage 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, shall determine the portions of the Storm Drainage 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 general facility charge shall be deferred under the following conditions:

1. The Storm Drainage 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 Storm Drainage GFC will 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 Storm Drainage 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 Storm Drainage 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 Storm Drainage 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 Storm Drainage GFC and/or interest (if any) is not paid within the time provided in this subsection, all such unpaid charges, fees and interest shall constitute 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 Section 13.04.430 of this Code. 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 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.

The deferred payment option set forth in this subsection shall terminate on August 1, 2009, unless otherwise re-authorized by the City Council.

Section 3. Amendment of OMC 15.04.060. Olympia Municipal Code Section 15.04.060 is hereby amended to read as follows:

15.04.060 Exemptions

A. The following shall be exempted from the payment of impact fees as follows:

1. Alteration of an existing nonresidential structure that does not expand the usable space or add any residential units shall be exempt from paying all impact fees;
2. Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs shall be exempt from paying all impact fees;
3. Demolition or moving of a structure shall be exempt from paying all impact fees;
4. Expansion of an existing structure that results in the addition of one hundred twenty (120) square feet or less of gross floor area shall be exempt from paying all impact fees;
5. Replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within seventy-two (72) months of the demolition or destruction of the prior structure shall be exempt from paying all impact fees. Replacement of a structure with a new structure of the same size shall be interpreted to include any structure for which the gross square footage of the building will not be increased by more than one hundred twenty (120) square feet. Such replacements shall be exempt from the payment of park, transportation impact fees, and school impact

fees; provided that, park, transportation, and school impact fees will be charged for any additional residential units that are created in the replacement and, transportation impact fees shall be charged for any additional gross floor area greater than one hundred twenty (120) square feet added in the replacement;

6. Any form of housing intended for and solely occupied by persons 62 years or older, including nursing homes and retirement centers, shall be exempt from the payment of school impact fees so long as those uses are maintained, and the necessary covenants or declaration of restrictions, in a form approved by the City Attorney and the School District attorney, required to ensure the maintenance of such uses, are recorded on the property;

7. The creation of an accessory dwelling unit shall be exempt from the payment of school impact fees and the creation of an accessory dwelling unit within an existing single family structure shall be exempt from the payment of park impact fees;

8. A single room occupancy dwelling shall be exempt from the payment of school impact fees;

9. A change in use where the increase in trip generation is less than the threshold stated in Section 15.04.040(C), Assessment of Impact Fees shall be exempt from paying transportation impact fees; or

10. Any form of low-income housing occupied by households whose income when adjusted for size, is at or below 80 percent of the area median income, as annually adjusted by the U.S. Department of Housing and Urban Development shall be exempt from paying school impact fees provided that a covenant approved by the school district to assure continued use for low income housing is executed, and that the covenant is an obligation that runs with the land upon which the housing is located and is recorded against the title of the property.

11. Developments limited to residents who routinely receive assistance with activities of daily living such as, but not limited to, bathing, dressing, eating, personal hygiene, transferring, toileting, and mobility shall be exempt from paying park and school impact fees.

Section 4. Amendment of OMC 18.06.040. Olympia Municipal Code Subsection 18.06.040.K is hereby amended to read as follows:

18.06.040 Permitted, conditional and prohibited uses

K. Group Homes.

1. General requirements for group homes are identified in subsection 18.04.060(~~L~~K).

2. Downtown Business District (DB) Requirements. There is no minimum lot size for group homes with up to twenty (20) unrelated residents, exclusive of on-site operators.

3. General Commercial District (GC), High Density Corridor-3 (HDC-3), High Density Corridor-4 (HDC-4), and Medical Services District (MS) Requirements. The Hearing Examiner may relax the minimum lot size standard in paragraph 18.04.060(K)(3) where the characteristics of the home so warrant.

Section 5. Amendment of OMC 18.32.105. Olympia Municipal Code Subsection 18.32.110 is hereby amended to read as follows:

18.32.105 General Provisions - Critical Area Development Regulations

A. This Chapter shall constitute the City of Olympia development regulations for the following critical area categories:

1. General Provisions and standards which apply to the critical area categories are contained in OMC 18.32.100,
2. Drinking Water (Wellhead) Protection Areas provisions are contained in OMC 18.32.200,
3. Important Habitats and Species provisions are contained in OMC 18.32.300,
4. Stream and Important Riparian Areas provisions are contained in OMC 18.32.400,
5. Wetlands and Small Lakes provisions are contained in OMC 18.32.500, and
6. Landslide Hazard Areas provisions are contained in OMC 18.32.600.

B. The development regulations for Frequently Flooded Areas are contained in OMC ~~16.06~~16.70.

C. The development regulations for Erosion Hazards Areas are contained in OMC 13.16.

D. The development regulations for Drinking Water (Wellhead) Protection Areas are contained in OMC 18.32.200 and 18.40.080.

E. The development regulations for Marine Shorelines and Lake Shorelines as defined by the Shoreline Management Act are contained in OMC 14.08.

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 circumstance 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 be in force and effect five days after its passage by the Olympia City Council and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: