

City of Olympia, Washington
RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA,
WASHINGTON, ADOPTING THE FINDINGS OF FACT, CONCLUSIONS OF
LAW AND RECOMMENDATIONS OF THE CITY OF OLYMPIA HEARING
EXAMINER, AND GRANTING PRELIMINARY APPROVAL OF THE
AMENDMENT TO THE WOODARD LANE CO-HOUSING, PRELIMINARY
PLANNED RESIDENTIAL DEVELOPMENT, CP&D NO. 13-0024.**

WHEREAS, on July 15, 2008, the Olympia City Council considered the Woodard Lane Co-Housing Preliminary Planned Residential Development (PRD), as per OMC 18.56.060(D); and

WHEREAS, the City Council approved the co-housing project as recommended by the Hearing Examiner, adopted the findings and conclusions of the Hearing Examiner, and directed the City Attorney to prepare supplemental findings and conclusions that reflected the staff response; and

WHEREAS, on July 22, 2008, the City Council passed and approved Resolution No. 1709 adopting findings of fact and conclusions of law approving the Woodard Lane Co-Housing Preliminary Planned Residential Development, CP&D No. 05-0121; and

WHEREAS, the final binding site plan for the Woodard Lane Co-Housing PRD (BSP 4148171) was recorded with the Thurston County Auditor in April 2010; and

WHEREAS, on February 20, 2013, Woodard Lane Co-Housing Tenants in Common applied for an amendment to the previously approved PRD to increase the number of approved residential units from 16 to 18 pursuant to the acquisition of two Transferable Development Rights, OMC 18.04.080(A)(5); and

WHEREAS, on August 15, 2013, the Hearing Examiner entered his findings of fact and conclusions of law and recommended to the City Council that the proposed amendment receive preliminary approval subject to certain conditions.

NOW, THEREFORE, the Olympia City Council does hereby resolve as follows:

1. Adoption of Findings, Conclusions of Law and Recommendations. The Findings of Fact 1 through 15 and Conclusions of Law 1 through 7 of the City of Olympia Hearing Examiner dated August 15, 2013, attached hereto as Exhibit A and incorporated herein by reference, are hereby adopted.
2. Preliminary Approval of Binding Site Plan. The amended Woodard Lane Co-Housing Planned Residential Development Binding Site Plan, attached hereto as Exhibit B and incorporated herein by reference, is granted preliminary approval with a maximum of 18 housing units, as recommended by the Olympia Hearing Examiner on August 15, 2013.
3. Preliminary Approval of Amendment to PRD. The Woodard Lane Co-Housing Amendment to the Planned Residential Development increasing the authorized residential units from a maximum of 16 to a maximum of 18 is hereby granted preliminary approval, as recommended by the Olympia Hearing Examiner on August 15, 2013, subject to the following conditions:

- a. The Applicant shall provide signed and recorded Transfer of Development Rights Certificates for each unit of density on the receiving parcels in the Residential 4-8 district. (See OMC 18.90.020(A)(1)).
 - b. The applicant shall provide a signed and recorded Document of Attachment of the development rights to the subject parcels. (See OMC 18.90.020(A)(2)).
4. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

PASSED AND APPROVED this _____ day of March 2014.

STEPHEN H. BUXBAUM, MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

EXHIBIT A

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

1			
2	IN RE:)	HEARING NO. 12-0024
3	WOODARD LANE CO-HOUSING)	FINDINGS OF FACT,
4	TENANTS IN COMMON,)	CONCLUSIONS OF LAW
5	Applicant.)	AND RECOMMENDATIONS

6 **APPLICANT:** Woodard Lane Co-Housing Tenants in Common
 7 1620 Woodard Avenue N.W.
 8 Olympia, Washington 98502

REPRESENTATIVES:

9 Liv Monroe
 10 Woodard Lane Co-Housing Tenants in Common
 11 1620 Woodard Avenue N.W.
 12 Olympia, Washington 98502

SUMMARY OF REQUEST:

13 Amendment to the previously approved Planned Residential Development to increase the
 14 number of approved residential units from sixteen to eighteen pursuant to the acquisition of two
 15 Transferable Development Rights (TDR's), OMC 18.04.080(A)(5).

LOCATION OF PROPOSAL:

16 1620 Woodard Avenue N.W., Olympia, Washington 98502

SUMMARY OF DECISION:

17 The Planned Residential Development should be amended to allow two additional residential
 18 units for the two TDR's, subject to conditions.
 19
 20

BACKGROUND

21 The Woodard Lane Co-Housing Planned Residential Development ("Woodard Lane")
 22 was approved by the Hearing Examiner and City Council in 2008. The approved Planned
 23 Residential Development allowed for the construction of up to sixteen residential units in this co-
 24 housing project. The Applicant has since arranged for the acquisition of two Transfer
 25

*Findings of Fact, Conclusions of Law
 and Recommendations - 1*

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 299 N.W. CENTER ST. / P.O. BOX 939
 CHEHALIS, WASHINGTON 98532
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1 Development Rights, or TDR's, and seeks to increase the number of allowed units from sixteen
2 to eighteen pursuant to the TDR's. As explained more fully below, I recommend to the City
3 Council that the Planned Residential Development be amended to allow two additional
4 residential units in consideration for the two TDR's, subject to certain conditions.

5 **Initial Public Hearing**

6 The initial public hearing on this request commenced at 6:30 p.m. on July 8, 2013, in the
7 Planning Hearing Room in the City Hall. The City appeared through Catherine McCoy of
8 Planning Staff. Woodard Lane appeared through its representative, Liv Monroe. Testimony was
9 received from the City through Ms. McCoy. Testimony from the Applicant was received from
10 Liv Monroe. A verbatim recording was made of the public hearing and all testimony was taken
11 under oath. A total of twenty-three exhibits were introduced during the course of three hearings
12 as more fully identified on Attachment "A" to this decision.

13 Catherine McCoy of Planning Staff provided a history of the project. Following approval
14 of the Planned Residential Development in 2008 Woodard Lane undertook construction of a
15 majority of the approved development including three multi-family residential buildings,
16 designated as Units B, C and E on site maps, as well as all site improvements including parking,
17 walkways, driveways, and landscaping. Each of the three constructed residential buildings
18 provides for four residential units, but the lower floor of Unit E is currently used as the Common
19 House where meals and other communal activities take place. Thus, while twelve residential
20 units have been constructed only ten are in current use as residences. The approved Planned
21 Residential Development recognizes two additional residential buildings, Unit A and Unit D, but
22 neither of these units has been constructed. Thus, twelve of the sixteen approved units have been
23 constructed to date.

24 Ms. McCoy explained that the Applicant wants to now construct Unit D to take
25 advantage of the four remaining approved but un-built units. More importantly, the Applicant

1 also wants to construct Unit A, and to have it include two additional units. The first floor of Unit
2 A would become the new home of the Common House and the second floor would, if approved,
3 provide two additional residential units, increasing the total number of units to eighteen.

4 To construct these units the Applicant must first have the project amended to increase the
5 number of allowed units from sixteen to eighteen. To summarize, the amended project, if
6 approved, would provide for four four-unit buildings, Units B, C, D and E, and a fifth building,
7 Unit A, housing the Common House on its first floor and two additional units on its second floor,
8 for a total of eighteen residential units.

9 In order to be granted two additional residential units the Applicant has arranged for the
10 acquisition of two Transfer Development Rights, or TDR's, from a Thurston County property
11 owner. Ms. McCoy testified that City Staff had calculated that these two TDR's would allow the
12 Applicant an additional three residential units based upon the amount of acreage involved. If this
13 calculation is correct the Applicant would be eligible for an increase from sixteen to nineteen
14 units. Although the Applicant had only sought two additional units, it asked for approval of this
15 third (nineteenth) additional unit to be utilized if/when it later constructed a final residential
16 building (Unit F).

17 The project as constructed includes a twenty-nine stall parking area, bike storage shed
18 and a communal kitchen. Each of these improvements is noteworthy as their size is based upon
19 the approved sixteen-unit development. Ms. McCoy testified that an increase in allowed units
20 from sixteen to eighteen (or nineteen) would not require a modification of the parking lot, bike
21 storage shed or communal kitchen as all of these improvements are of sufficient size for the
22 requested increase.

23 Ms. McCoy also testified that the proposed new construction will not require additional
24 stormwater analysis; will not involve any construction within shorelines jurisdiction; and will not
25 impact any critical areas.

1 The one significant impact of an enlarged project is on the handling of trash and
2 recyclable materials. The project currently relies upon standard-sized wheeled containers for
3 both trash and recyclables, and these containers are stored at the north end of the parking lot,
4 well away from neighboring properties. The increased size of the project will necessitate
5 conversion to a trash dumpster. Ms. McCoy explained that she has conferred with other City
6 Staff and waste management officials and concludes that the only appropriate location for this
7 dumpster would be at the northeast corner of the project site in close proximity to an adjoining
8 residence owned by Debra Van Tuinen.

9 As noted in Ms. McCoy's Staff Report the City had received comments from several
10 neighboring homeowners in advance of the public hearing. Not surprisingly, the requested
11 amendment has served as something of a referendum on the development as a whole. Neighbors
12 express unhappiness with the scale and massing of the buildings, traffic and noise congestion,
13 on-street parking problems and the proposed location of the waste and recycling receptacles.

14 Ms. McCoy concluded her testimony by confirming that City Staff recommends approval
15 of the requested amendment subject to certain conditions set forth on Page 8 of the Staff Report.
16 The City's proposed conditions would allow for the addition of three residential units (two on the
17 second floor of Unit A and a third to be held for later construction of Unit F) on the conditions
18 that the Applicant submit proposals for a better buffering between its development and single-
19 family residences to the east; that it provide greater detail for the location of solid waste
20 receptacles along Muirhead Avenue including screening; and that if a Unit F is later constructed
21 on Lot 4 that the Applicant first be required to submit design plans for staff level detailed design
22 review.

23 At the conclusion of Ms. McCoy's presentation Liv Monroe spoke on behalf of Woodard
24 Lane. Ms. Monroe provided a brief history of the project since its approval in 2008. She then
25 explained that Woodard Lane wishes to proceed with construction of the previously approved

1 Unit D, bringing the number of constructed units to the allowed sixteen. The proposed
2 amendment would allow Woodard Lane to construct two additional units on the top of Unit A.
3 Unit A would then be constructed to house the Common House on its first floor and these two
4 additional units on its second floor, bringing the total number of residential units to eighteen. To
5 accomplish this Woodard Lane has arranged for acquisition of two TDR's from a rural
6 landowner in Thurston County.

7 Ms. Monroe admitted that she was surprised by the City's calculations that the two TDR's
8 would allow Woodard Lane an additional three units. Ms. Monroe had anticipated that the two
9 TDR's could be converted to two additional residential units, not three. If Woodard Lane was
10 allowed this third additional unit it would be held in reserve for the later construction of the final
11 building (Unit F) identified on the project's site map.

12 Ms. Monroe acknowledged that the project has had some issues with its neighbors in the
13 single-family neighborhood immediately east of the site. In order to alleviate some of these
14 concerns Woodard Lane offers to construct a six-foot high solid fence to improve the buffering
15 between the project and the residences to the east. Due to the existence of several large trees
16 along this boundary the fence would be constructed so as to not cause the removal of the trees.
17 In other words, the fence would be constructed from tree to tree rather than as a single
18 continuous fence.

19 Ms. Monroe also defended the proposed location of the trash dumpster at the northeast
20 corner of the project. She explained that the current size of the project allows for trash and
21 recyclables to be maintained in standard size carts but that Woodard Lane will be forced to go to
22 a dumpster with its increase in population. The current location of trash and waste receptacles is
23 within the footprint of the intended Unit A and therefore must be relocated. She agreed that the
24 most appropriate site for relocation is at the northeast corner of the project along Muirhead.

1 Following Ms. Monroe's testimony the hearing was opened for public comment. Debra
2 Van Tuinen, an adjoining neighbor, spoke in opposition. Ms. Van Tuinen's residence is located
3 at the southwest corner of the North Thomas/Muirhead Avenue intersection. The proposed site
4 of the trash dumpster is within a few feet of her boundary line and just a short distance from her
5 house. She is strongly opposed to the relocation of trash receptacles to this site and asked that
6 the City be required to re-examine this question and consider alternatives, including relocation to
7 Woodard Avenue as was originally proposed in 2008. Ms. Van Tuinen also testified as to
8 various problems resulting from the lack of buffering between the project and its single-family
9 neighbors as well as with individuals using Muirhead Avenue as a parking area.

10 At the conclusion of public testimony I advised Ms. McCoy that I was unclear on how
11 the City had calculated that two TDR's would convert to three additional residential units for
12 Woodard Lane. I also explained that I shared Ms. Van Tuinen's concerns with the proposed
13 location of the trash dumpster next to her property. In light of these two concerns I recessed the
14 public hearing until July 17, 2013 to receive additional information on (1) the City's calculations
15 on the number of additional units available to Woodard Lane as a result of two TDR's, and (2)
16 further investigation of the best site for the trash dumpster, provided, however, that its relocation
17 would not cause the reduction of available parking stalls.

18 Second Public Hearing

19 Prior to the hearing scheduled for July 17 I was notified by City Staff that the requested
20 information would not be available in time. The hearing was therefore further continued to July
21 24 at 5:30 p.m. In advance of the July 24 hearing I received a Memorandum from Todd Stamm,
22 Planning Manager for the City (Exhibit 17) confirming that, upon further consideration, the City
23 agrees that each TDR would equate to one additional residential unit for Woodard Lane. The
24 two TDR's to be acquired by Woodard Lane would therefore result in two additional available
25 units, not three as earlier calculated.

*Findings of Fact, Conclusions of Law
and Recommendations - 6*

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1 Also in advance of the July 24 hearing I received a letter from Jason Whalen (Exhibit
2 18), an attorney representing Debra Van Tuinen. On behalf of Ms. Van Tuinen Mr. Whalen
3 expressed continuing opposition to the proposed location of the dumpster next to her property;
4 asked that no additional parking be allowed along Muirhead Avenue; requested that any
5 amendment be conditioned upon improved landscaping and buffering; and agreed with the
6 Hearing Examiner's position that each TDR would equate to one additional residential unit and
7 hence the two available TDR's would equate to two additional units, not three.

8 The public hearing resumed on July 24 at 5:30 p.m. Ms. McCoy was present on behalf of
9 the City and Ms. Monroe and Ms. Van Tuinen were also present. Ms. McCoy reviewed the
10 Memorandum prepared by Todd Stamm and confirmed that the City's position had changed and
11 that it now believed that the Applicant's two available TDR's would justify two additional
12 residential units, not three as earlier proposed. Ms. Monroe responded and admitted that these
13 revised calculations were consistent with her initial expectations and that she would accept that
14 the two available TDR's would equate to two additional units, not three.

15 Ms. McCoy also testified that additional meetings had taken place regarding the location
16 of trash and recycling receptacles but unfortunately a written report was not yet ready. The
17 hearing was therefore again recessed until August 12 so that this report could be completed and
18 made available to all interested parties.

19 Third Public Hearing

20 In advance of the rescheduled hearing on August 12 I received a Memorandum from Ms.
21 McCoy (Exhibit 20) explaining that City Staff had been successful in establishing better
22 locations for the waste and recycling receptacles. The new proposed locations are identified on a
23 revised site map (Exhibit 21) and are to be located not far from their current location and well
24 away from adjoining residences. More specifically, the trash dumpster would be located at the
25 northwest corner of the parking area; the recycling carts would be located just south of proposed

1 Unit A and a solid waste cart would be located near the northeast corner of the parking lot
2 adjacent to an existing gardening area.

3 The public hearing reconvened on August 12 at 5:30 p.m. and once again Ms. McCoy,
4 Ms. Monroe and Ms. Van Tuinen were present. Ms. McCoy explained the proposed relocation
5 of these facilities and Ms. Monroe confirmed Woodard Lane's willingness to have the facilities
6 relocated to these sites. Ms. Van Tuinen expressed thanks to the City and Woodard Lane for the
7 relocation of these facilities as proposed. She then made the additional request that Woodard
8 Lane be required to also relocate some small composting receptacles, currently positioned near
9 her property, to the same general area as the yard waste cart and garden.

10 Although it has taken three public hearings to complete this process the extra time and
11 effort has proven worthwhile as it has resulted in agreements among the City, the Applicant and
12 the adjoining landowner on all key issues.

13 Ms. Van Tuinen also asked that an additional condition be imposed requiring Woodard
14 Lane to relocate the existing small composting receptacles to the same area as the yard waste cart
15 and garden. This is a sensible recommendation, and one that Woodard Lane may want to follow,
16 but I do not believe that it is significant enough to impose as a condition.

17 At the conclusion of the third hearing Woodard Lane asked about the possibility of being
18 allowed to develop the six available units (four previously approved units and the two new ones)
19 in a different configuration than previously proposed. Stated differently, Woodard Lane
20 wondered whether it was required to construct Unit D as a two-story, four-unit building and Unit
21 A as the new Common House with two upstairs units, or whether it could make Unit D a three-
22 story, six-unit building or otherwise construct the new units in a different manner than originally
23 proposed. I was not previously aware of any such desire and I do not believe that the
24 neighborhood has been given adequate notice of this alternative. I therefore recommend that
25 approval of the two additional units be on the condition that the new buildings be constructed as

1 proposed on Exhibit 21. Any modification to this plan should be by formal application with
2 notice to the public and an opportunity to respond.

3 Accordingly, I make the following:

4 **FINDINGS OF FACT**

5 Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

6 1. Woodard Lane requests an amendment to the previously approved Planned
7 Residential Development to increase the number of approved residential units from sixteen to
8 eighteen through the use of two available Transferrable Development Rights (TDR's).

9 2. The proposed site is zoned Single-Family Residential (R4-8).

10 3. Pursuant to the State Environmental Policy Act, a Determination of Non-
11 Significance (DNS) was issued on December 28, 2007, as a component of project review for the
12 Woodard Lane Co-Housing Planned Residential Development proposal, 05-0121. Further
13 environmental review is not required for this proposed amendment.

14 4. Notification of public hearing was mailed to the parties of record, property
15 owners within 300 feet, and recognized neighborhood associations, posted on the site and
16 published in The Olympian in conformance with Olympia Municipal Code 18.78.020.

17 5. Staff recommends that the City Council approve the proposed amendment subject
18 to several conditions.

19 6. The Staff Report, Page 2, contains Findings relating to the property. The Hearing
20 Examiner has reviewed those Findings and adopts them by reference.

21 7. The Staff Report, Pages 2 and 3, contains Findings relating to the history of the
22 original Planned Residential Development Application and its approval; the proposed
23 amendment and public comment regarding the amendment. The Hearing Examiner has reviewed
24 those Findings and adopts them by reference with the exception of any Finding that the

25 Applicant proposes to convert the two available TDR's into three additional dwelling units. The

*Findings of Fact, Conclusions of Law
and Recommendations - 9*

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1 Hearing Examiner instead finds that the Applicant proposes to convert the two TDR's into two
2 additional units; that City Staff initially concluded that the TDR's would allow for three
3 additional units; that subsequently City Staff reconsidered its calculations and now concludes
4 that the two TDR's would translate to two additional units; and that the Applicant concurs with
5 this result.

6 8. The Staff Report, Page 4, contains proposed Findings relating to the calculation of
7 the number of additional units available to the Applicant as a result of obtaining two TDR's. The
8 City has since reconsidered these calculations and no longer proposes adoption of the proposed
9 Findings found on Page 4 of the Staff Report. Instead, the City now concludes that the Applicant
10 must obtain one TDR for each additional residential unit requested, and that two available TDR's
11 would equate to two additional residential units, all as set forth more fully in Exhibit 17. The
12 Hearing Examiner has reviewed the proposed Findings found in Exhibit 17 and adopts them as
13 his own Findings of Fact.

14 9. The Staff Report, Pages 5-7, contains proposed Findings relating to compliance
15 with the Planned Residential Development Ordinance, OMC Chapter 18.56. The Hearing
16 Examiner has reviewed those Findings and adopts them as his own Findings of Fact with two
17 exceptions: (a) two available TDR's would allow for two additional residential units, not three,
18 as more fully explained in the previous Finding, and (b) the City no longer recommends
19 relocation of solid waste and recycling facilities off of Muirhead Avenue N.W. and now
20 recommends them to be relocated to an internal site as more fully identified on Exhibit 21.

21 10. The Staff Report, Pages 7 and 8, contains Findings relating to compliance with
22 the transfer of development rights, OMC Chapter 18.90. The Hearing Examiner has reviewed
23 those Findings and adopts them as his own Findings of Fact.

24 11. The Applicant has stipulated to the requirement of constructing a six-foot high
25 solid fence along its east boundary as a condition of amendment approval. The fence will be

1 constructed in a manner to avoid the removal of existing trees and will therefore be constructed
2 from tree to tree rather than on a single continuous line.

3 12. City Staff recommends approval of the proposed amendment but subject to
4 different conditions than originally proposed at Page 8 of the Staff Report. City Staff now
5 recommends approval of the proposed amendment on the following conditions:

6 a. The Applicant shall construct a fence along its east boundary as described more
7 fully in the previous Finding;

8 b. The Applicant shall relocate waste and recycling receptacles to interior locations
9 as identified on Exhibit 21;

10 c. When and if a building is proposed for construction on Lot 4 (Unit F) the
11 Applicant will be required to submit design plans for a staff level detailed design review. The
12 design will need to demonstrate a strong effort at mitigating, to the extent possible, negative
13 building and site design impacts on adjacent properties;

14 d. The PRD shall be referenced on the official zoning map by adoption of an
15 ordinance amending the map to include a reference to the binding site plan;

16 e. Prior to land use approval the Applicant shall provide signed and recorded
17 Transfer of Development Rights Certificate for each unit of density on the receiving parcel(s) in
18 the Residential 4-8 district;

19 f. A signed and recorded Document of Attachment of the development rights to the
20 subject parcel(s).

21 13. The Applicant does not object to the revised conditions of approval.

22 14. An adjoining landowner, Debra Van Tuinen, initially objected to the proposed
23 amendment for reasons described more fully in the Background Section. Ms. Van Tuinen now
24 concurs with approval of the proposed amendment subject to the conditions proposed by City
25 Staff.

1 15. Ms. Van Tuinen also recommends that small composting receptacles currently
2 located near her property be relocated to the site's garden area. While these suggestions are
3 sensible they are not significant enough to be imposed as conditions.

4 Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

5 **CONCLUSIONS OF LAW**

6 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

7 2. The requirements of SEPA have been met.

8 3. Any Conclusions of Law contained in the foregoing Background Section or
9 foregoing Findings of Fact are hereby incorporated by reference and adopted by the Hearing
10 Examiner as Conclusions of Law.

11 4. Each available Transfer of Development Right (TDR) would equate to one
12 additional residential unit. Upon acquisition of two TDR's the Applicant would be entitled to
13 amendment of the Planned Residential Development to allow two additional units subject,
14 however, to such reasonable conditions as are imposed by City Council. To the extent that the
15 City's Memorandum, Exhibit 17, contains proposed Conclusions of Law relating to the
16 conversion of TDR's into additional available residential units, the Hearing Examiner adopts
17 these Conclusions as his own Conclusions of Law.

18 5. The proposed amendment, as conditioned, satisfies the requirements of the
19 Planned Residential Development Ordinance, OMC Chapter 18.56.

20 6. The proposed amendment, as conditioned, satisfies the requirements of the
21 Transfer of Development Rights Ordinance, OMC Chapter 18.90.

22 7. The proposed amendment, allowing for the addition of two additional residential
23 units (increasing the number of available units from sixteen to eighteen); the construction of
24 Units "D" and "A" as identified more fully on Exhibit 21, should be approved subject to the
25 following conditions:

*Findings of Fact, Conclusions of Law
and Recommendations - 12*

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1 a. The Applicant shall construct a fence along its east boundary as described more
2 fully in the previous Finding;

3 b. The Applicant shall relocate waste and recycling receptacles to interior locations
4 as identified on Exhibit 21;

5 c. When and if a building is proposed for construction on Lot 4 (Unit F) the
6 Applicant will be required to submit design plans for a staff level detailed design review. The
7 design will need to demonstrate a strong effort at mitigating, to the extent possible, negative
8 building and site design impacts on adjacent properties;

9 d. The PRD shall be referenced on the official zoning map by adoption of an
10 ordinance amending the map to include a reference to the binding site plan;

11 e. Prior to land use approval the Applicant shall provide signed and recorded
12 Transfer of Development Rights Certificate for each unit of density on the receiving parcel(s) in
13 the Residential 4-8 district;

14 f. A signed and recorded Document of Attachment of the development rights to the
15 subject parcel(s).

16 Having entered his Findings of Fact and Conclusions of Law, the Hearing Examiner
17 recommends to the City Council that the proposed amendment be **APPROVED**; that the number
18 of available residential units be increased from sixteen to eighteen; and that construction of Units
19 D and A as identified on Exhibit 21 be permitted subject to the following conditions:

20 a. The Applicant shall construct a fence along its east boundary as described more
21 fully in the previous Finding;

22 b. The Applicant shall relocate waste and recycling receptacles to interior locations
23 as identified on Exhibit 21;

24 c. When and if a building is proposed for construction on Lot 4 (Unit F) the
25 Applicant will be required to submit design plans for a staff level detailed design review. The

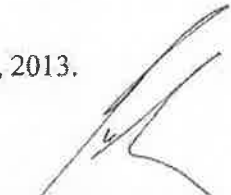
1 design will need to demonstrate a strong effort at mitigating, to the extent possible, negative
2 building and site design impacts on adjacent properties;

3 d. The PRD shall be referenced on the official zoning map by adoption of an
4 ordinance amending the map to include a reference to the binding site plan;

5 e. Prior to land use approval the Applicant shall provide signed and recorded
6 Transfer of Development Rights Certificate for each unit of density on the receiving parcel(s) in
7 the Residential 4-8 district;

8 f. A signed and recorded Document of Attachment of the development rights to the
9 subject parcel(s).

10 DATED this 15 day of August, 2013.

11 
12 _____
13 Mark C. Scheibmeir
14 City of Olympia Hearing Examiner
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CASE 13-0024

LIST OF EXHIBITS

1. Staff Report and Attachments
2. Overview of Woodard Co-Housing dated July 1, 2013
3. Site Plan, Sheet 6 of 12 05-0121 mark up
4. Transfer Development Rights Document Dated July 8, 2013
5. Photos of Area- Presented by Liv Monroe
6. Photos of Area- Proposed Dumpster Site, Presented by Liv Monroe
7. Photos of Area- Proposed Fence, Presented by Liv Monroe
8. Site Plan- Showing Relocation of the Garbage Container Site
9. Site Plan indicating Screening
10. Plan Sheets 1-12 from Vector Engineering Dated February 20, 2013
11. Photos (collectively) A6, A3, A5, A7 and A8 Presented by Debra VanTuinen
12. Photo A1 Presented by Debra VanTuinen
13. Photo A2 Presented by Debra VanTuinen
14. Photo A 4 Posting Notice Presented by Debra VanTuinen
15. Photos (collectively) A9, A10, A11, A12, A13 and A14 Presented By Debra VanTuinen
16. Written Testimony by Debra VanTuinen
17. Memorandum from Todd Stamm, Planning Manager dated July 18, 2013
18. Correspondence to Mark Scheibmeir, Hearing Examiner from Mr. Whalen, legal rep. for Debra VanTuinen dated July 24, 2013
19. Message from Alan Murley to Debra VanTuinen
20. Email from Catherine McCoy, Associate Planner to Mark Scheibmeir, Hearing Examiner dated July 25, 2013.
21. Site Plan dated July 28, 2013 Showing Locations of Refuse Container Placement
22. Photo of worm composting location Presented by Debra VanTuinen
23. Photo of Food Waste Bucket Location Presented by Debra VanTuinen

Owner's Declaration

Known to all men present that Christopher J. Russo and Robin Diane Shritz, each as their separate estate, as to an undivided 9.28294% interest; Liv V. Monroe, as her separate estate, as to an undivided 12.99779% interest; Jean Reynolds, as her separate estate, as to an undivided 9.28023% interest; Heather Saunders, as her separate estate, as to an undivided 9.28023% interest; Marjorie Schubert and Jean Taranova, each as their separate estate, as to an undivided 13.0189% interest; John Taranova and Verneville, as his separate estate, as to an undivided 16.228759% interest; Peter J. Lerner, as his separate estate, as to an undivided 13.0189% interest; Eivj Pommebecker and David Katherine Parker, husband and wife, as to an undivided 2.85052% interest; the undersigned owners of the real property described herein and Olympia Federal Savings and Loan Association, the mortgagee thereof, hereby certify that this Binding Site Plan and dedications to the use of the public for all streets, avenues, alleys, and easements are not inconsistent with the use thereof for public purposes. Also the right to make all public purposes not inconsistent with the use thereof for public purposes. Also the right to make all public purposes not inconsistent with the use thereof for public purposes. Also the right to make all public purposes not inconsistent with the use thereof for public purposes. Also the right to make all public purposes not inconsistent with the use thereof for public purposes.

In witness whereof we set our hands and official seals at the dates below written

Table with columns for Name, Title, and Date. Includes Christopher J. Russo (City Engineer), Robin Diane Shritz, Liv V. Monroe (Trustee), Heather Saunders (County Health Department), Marjorie Schubert (Thurston County Health Department), Jean Reynolds (Olympia Planning Director), Verneville (County Health Department), John Taranova (Thurston County Assessor), Jean Taranova (Thurston County Assessor), Peter J. Verneville (Treasurer), Eivj Pommebecker (Thurston County Treasurer), David Lerner (Auditor), Katherine Parker (Auditor), Joshua Parker (Deputy Auditor).

A portion of The Dickerson Donation Land Claim in the Northeast Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 West, W.M. in Thurston County, Washington. (Page 1 of 5 Pages)

Certificate - City Engineer: Examined and approved this ___ day of ____, 2013.
Certificate - Community Planning and Development: Examined and approved this ___ day of ____, 2013.
Olympia Planning Director: Examined and approved this ___ day of ____, 2013.
Certificate - County Health Department: Examined and approved this ___ day of ____, 2013.
Thurston County Health Department: Examined and approved this ___ day of ____, 2013.
Certificate - Assessor: Examined and approved this ___ day of ____, 2013.
Thurston County Assessor: Examined and approved this ___ day of ____, 2013.
Certificate - Treasurer: I hereby certify that all taxes on the land described hereon have been fully paid to and including the year 2013.
Thurston County Treasurer:
Certificate - Auditor: Filed for record at the request of Butler Surveying Inc, this ___ day of ____, 2013. At ___ minutes past ___ o'clock ____, M., and recorded under Auditor's File No. _____.
Thurston County Auditor: Deputy
Land Surveyor's Certificate: I hereby certify that this Binding Site Plan is based upon an actual field survey in the Dickerson Donation Land Claim in the Northeast Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 West, W.M. in Thurston County, Washington, that the courses and distances are correct and that the perimeter boundary has been staked on the ground with capped rebars or as shown hereon.

Total Project Legal Description(s):

Lots 62, 63 and 64 of Parker and Hoyt Plat as recorded in Volume 1 of Plats, Page 10; EIGHTH, therefrom the South 150 feet of the East 200 feet, in Thurston County, Washington. TOGETHER with and subject to the following:

- 1) Easement and the terms and conditions thereof: City of Olympia Watermain, Recorded: June 23, 1989, Recording number: B04285
2) Easement affecting a portion of said premises and for the purposes stated therein: In Favor of: Project Sund Energy Electric, Purpose: Line and appurtenances thereto, Recorded: March 5, 2009, Recording Number: 4064718, Affects: Portion of said premises
3) Easement and the terms and conditions thereof: City of Olympia Water Lines, Purpose: Portion of said premises, Recorded: February 12, 2010, Recording Number: 4136283
4) Easement and the terms and conditions thereof: City of Olympia Sewer Lines, Purpose: Portion of said premises, Recorded: February 12, 2010, Recording Number: 4136284

Survey Notes: 1. Full reliance has been placed in Chicago Title Insurance Company report under Order No. 2073550 dated April 16, 2010 at 8:00 AM and supplemental information for legal descriptions and revelations of easements; no further search of the record has been made. 2. The property depicted and described hereon encloses an area of 2.901 acres.

MODIFICATIONS/REVISIONS

It is expected that modifications and revisions to the Binding Site Plan and its approved design and construction documents may be necessary and normal during the course of its development. Any such Olympia Development Review Committee shall review and take such action as with respect to any proposed modifications or deviations from the approved Binding Site Plan and/or any documents attached thereto. The burden of proof to demonstrate why a modification or deviation is needed shall be placed on the applicant. At the discretion of the Development Review Committee the applicant may be required to record a revised and approved plan or document. There shall be no modification to the true geometry of this Binding Site Plan except as provided by the City of Olympia.



City of Olympia Binding Site Plan No. 10-0022 OL (REVISED)
Assessor's Current Parcel Number 67400006300
BUTLER SURVEYING INC.
476 NW CHERALS AVENUE
P.O. BOX 148, CHERALS, WA 98532
360/746-8800
Drawn: C. Butler Date: 12-20-13
Checked: CS Job No. 05-67
Scale: none Sheet 1 of 5

ACKNOWLEDGMENT
STATE OF WASHINGTON)
COUNTY OF _____) SS

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Christopher J. Russo to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2013.

Notary Public in and for the State of Washington
Name Printed: _____
Residing at: _____
My Commission Expires: _____

ACKNOWLEDGMENT
STATE OF WASHINGTON)
COUNTY OF _____) SS

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared the within and foregoing instrument and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2013.

Notary Public in and for the State of Washington
Name Printed: _____
Residing at: _____
My Commission Expires: _____

ACKNOWLEDGMENT
STATE OF WASHINGTON)
COUNTY OF _____) SS

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Liv V. Monroe to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2013.

Notary Public in and for the State of Washington
Name Printed: _____
Residing at: _____
My Commission Expires: _____

ACKNOWLEDGMENT
STATE OF WASHINGTON)
COUNTY OF _____) SS

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Jean State of to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2013.

Notary Public in and for the State of Washington
Name Printed: _____
Residing at: _____
My Commission Expires: _____

ACKNOWLEDGMENT
STATE OF WASHINGTON)
COUNTY OF _____) SS

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Heather Saunders to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2013.

Notary Public in and for the State of Washington
Name Printed: _____
Residing at: _____
My Commission Expires: _____

ACKNOWLEDGMENT
STATE OF WASHINGTON)
COUNTY OF _____) SS

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Marjorie Schubert to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2013.

Notary Public in and for the State of Washington
Name Printed: _____
Residing at: _____
My Commission Expires: _____

ACKNOWLEDGMENT
STATE OF WASHINGTON)
COUNTY OF _____) SS

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Jim Anest to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2013.

Notary Public in and for the State of Washington
Name Printed: _____
Residing at: _____
My Commission Expires: _____

ACKNOWLEDGMENT
STATE OF WASHINGTON)
COUNTY OF _____) SS

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me John Terranova to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2013.

Notary Public in and for the State of Washington
Name Printed: _____
Residing at: _____
My Commission Expires: _____

A portion of The Dickerson Donation Land Claim in the Northeast Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 West, WM, in Thurston County, Washington.
(Page 2 of 5 Pages)



City of Olympia Binding
Site Plan No. 10-0022 OL
(REVISED)

Assessor's Current Parcel Number
BUTLER SURVEYING INC.
476 NW CHEHALAIS AVENUE
P.O. BOX 140, CHEHALAIS, WA 98522
360/746-8003

Drawn C. Butler	Date 12-20-13
Checked CB	Job No. 05-67
Scale none	Sheet 2 of 5

ACKNOWLEDGMENT
 STATE OF WASHINGTON)
) SS
 COUNTY OF _____)
 On this ____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Jason [Name Redacted] to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

ACKNOWLEDGMENT
 STATE OF WASHINGTON)
) SS
 COUNTY OF _____)
 On this ____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Katherine Parker to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

A portion of The Dickerson Donation Land Claim in the Northeast Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 West, W.M. in Thurston County, Washington.
 (Page 3 of 5 Pages)

Notary Public in and for the State of Washington
 Name Printed: _____
 Residing at: _____
 My Commission Expires: _____

ACKNOWLEDGMENT
 STATE OF WASHINGTON)
) SS
 COUNTY OF _____)
 On this ____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Peter J. Vennewitz to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Notary Public in and for the State of Washington
 Name Printed: _____
 Residing at: _____
 My Commission Expires: _____

ACKNOWLEDGMENT
 STATE OF WASHINGTON)
) SS
 COUNTY OF _____)
 On this ____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Joshua Parker to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Notary Public in and for the State of Washington
 Name Printed: _____
 Residing at: _____
 My Commission Expires: _____

ACKNOWLEDGMENT
 STATE OF WASHINGTON)
) SS
 COUNTY OF _____)
 On this ____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me David Lerner to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Notary Public in and for the State of Washington
 Name Printed: _____
 Residing at: _____
 My Commission Expires: _____

ACKNOWLEDGMENT
 STATE OF WASHINGTON)
) SS
 COUNTY OF _____)
 On this ____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Peter J. Vennewitz and Liv V. Monroe to be the individual described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as the free and voluntary act and deed of said trust for the uses and purposes therein mentioned.

Notary Public in and for the State of Washington
 Name Printed: _____
 Residing at: _____
 My Commission Expires: _____

ACKNOWLEDGMENT
 STATE OF WASHINGTON)
) SS
 COUNTY OF _____)
 On this ____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me Eve Penobscot to be the individual described in and who executed the within and foregoing instrument and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

Notary Public in and for the State of Washington
 Name Printed: _____
 Residing at: _____
 My Commission Expires: _____

ACKNOWLEDGMENT
 STATE OF WASHINGTON)
) SS
 COUNTY OF _____)
 On this ____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, duly and commissioned and sworn, personally appeared before me _____ (TITLE) of Olympia Federal Savings and Loan Association, a Washington State Chartered Commercial Bank, for the uses and purposes therein mentioned, and on said stated that _____ is authorized to execute the said instrument and that the seal affixed (if any) is the official seal of said Bank.

WITNESS my hand and official seal the day and year above written.

Witness my hand and official seal the day and year above written.

Notary Public in and for the State of Washington
 Name Printed: _____
 Residing at: _____
 My Commission Expires: _____

Notary Public in and for the State of Washington
 Name Printed: _____
 Residing at: _____
 My Commission Expires: _____



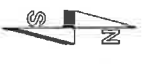
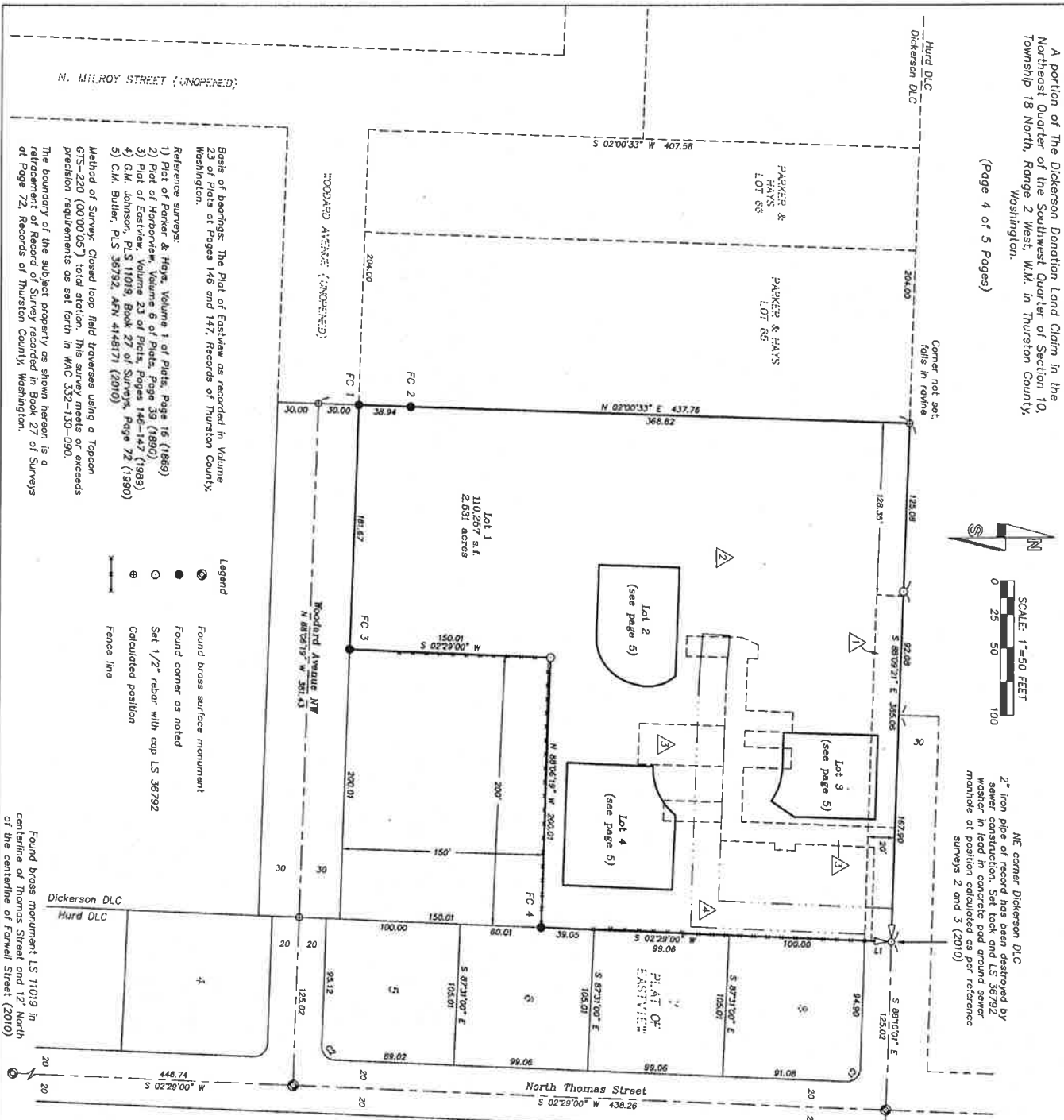
City of Olympia Binding
 Site Plan No. 10-0022 OL
 (REVISED)
 Assessor's Current Parcel Number
 67400006300

BUTLER SURVEYING, INC.
 470 NW CLEVELAND AVENUE
 SUITE 100
 SEASIDE, WA 98682
 360-726-4800

Drawn C. Butler Date 12-20-13
 Checked CDS Job No. 05-67
 Scale none Sheet 3 of 5

A portion of The Dickerson Donation Land Claim in the Northeast Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 West, W.M. in Thurston County, Washington.

(Page 4 of 5 Pages)



NE corner Dickerson DLC
2" iron pipe of record has been destroyed by sewer construction. Set lock and LS 36792 washer in lead in concrete pad ground sewer manhole at position calculated as per reference surveys 2 and 3 (2010)

LINE TABLE			
LINE NO.	BEARING	DISTANCE	
L1	S 02°29'00" W	20.01	
CURVE TABLE			
NO	DELTA	RADIUS	LENGTH
C1	90°39'01"	10.00	15.82
C2	89°24'41"	10.00	15.61

- Found corners (FC)
- 1) Found 1/2" rebar with cap LS 7397 bearing S51°47'W 0.29' from calculated position (2010)
 - 2) Found 1/2" rebar with cap LS 5154 bearing S81°39'W 0.43' from calculated position. (2010)
 - 3) Found 1/2" rebar with cap LS 7397 bearing N61°48'E 0.13' from calculated position (2010)
 - 4) Found 1/2" rebar with cap LS 7397 at calculated position (2010)

- ▲ Water main easement as per AFN 804265
- ▲ Electric transmission and distribution easement as per AFN 4064718. Not surmountable.
- ▲ Water main easement as per AFN 4136263
- ▲ Sewer main easement as per AFN 4136264

Site Address
1620 Woodard Avenue NW
Olympia, WA 98502



City of Olympia Binding
Site Plan No. 10-0022 OL
(REVISED)

Assessor's Current Parcel Number
67400006300
BUTLER SURVEYING, INC.
700 N.W. CEDARLEAF AVENUE
SUITE 200
SEASIDE, WA 98832
360/746-4803

Drawn C. Butler Date 12-20-13
Checked CB Job No. 05-67C
Scale 1" = 50' Sheet 4 of 5

- Legend
- Found brass surface monument
 - Found corner as noted
 - Set 1/2" rebar with cap LS 36792
 - Calculated position
 - Fence line

Grade of bearings: The Plat of Eastview as recorded in Volume 23 of Plats of Pages 146 and 147, Records of Thurston County, Washington.

Reference surveys:

- 1) Plat of Parker & Hays, Volume 1 of Plats, Page 16 (1869)
- 2) Plat of Harborview, Volume 6 of Plats, Page 39 (1890)
- 3) Plat of Eastview, Volume 23 of Plats, Pages 146-147 (1989)
- 4) G.M. Johnson, PLS 11019, Book 27 of Surveys, Page 72 (1990)
- 5) G.M. Butler, PLS 36792, AFN 4148171 (2010)

Method of Survey: Closed loop field traverses using a Topcon GTS-220 (000005) total station. This survey meets or exceeds precision requirements as set forth in WAC 352-150-090.

The boundary of the subject property as shown herein is a retracement of Record of Survey recorded in Book 27 of Surveys at Page 72, Records of Thurston County, Washington.

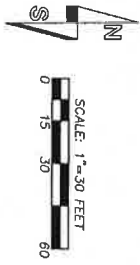
Found brass monument LS 11019 in centerline of Thomas Street and 12' North of the centerline of Farwell Street (2010)



- ▲ Water main easement as per AFN 804285
- ▲ Electric transmission and distribution easement as per AFN 4064718. Not surmountable.
- ▲ Water main easement as per AFN 4135663
- ▲ Sewer main easement as per AFN 4135284

A portion of The Dickerson Donation Land Claim in the Northeast Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 West, W.M. in Thurston County, Washington.

(Page 5 of 5 Pages)



- Found corner as noted
- Set 1/2" rebar with cap LS 38792
- ⊕ Calculated position
- Fence line
- Sewer manhole
- Sewer cleanout
- Sewer line
- Water valve
- Water meter
- Hydrant
- Water line
- Storm manhole
- Storm cleanout
- Catch basin
- Storm line
- Walking path
- Gravel area

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CHORD	CHORD BEG.	CHORD END.
C1	60°18'52"	30.00	31.59	30.14	S 11°47'02" E	4.70
C2	60°18'52"	30.00	31.59	30.14	S 11°47'02" E	4.70
C3	32°30'36"	47.50	27.05	26.70	S 47°54'54" E	20.29
C4	52°08'13"	45.00	40.95	39.55	S 65°42'02" W	32.00

LINE TABLE

NO.	BEARING	DISTANCE
L1	S 02°29'00" W	20.00
L2	N 02°29'00" E	150.01
L3	S 02°29'00" W	80.00
L4	S 88°13'51" E	20.29
L5	N 54°24'54" E	20.59
L6	N 87°31'00" W	32.00



BUTLER SURVEYING INC.
 475 NW CHEWALAS AVENUE
 P.O. BOX 146 CHEWALAS WA 98032
 509/748-8800

Assessor's Current Parcel Number
 67400006300
 Drawn C. Butler
 Checked *CS*
 Scale 1" = 30'
 Date 12-20-13
 Job No. 05-67C
 Sheet 5 of 5