

Ordinance No. 7106

AN ORDINANCE RELATED TO ZONING, SPECIFICALLY TO PLANNED RESIDENTIAL DEVELOPMENTS AND IN PARTICULAR THE WOODARD LANE CO-HOUSING PLANNED RESIDENTIAL DEVELOPMENT, CP&D FILE NOS. 05-0121 and 17-1387; ADOPTING COUNCIL FINDINGS OF FACT AND CONCLUSIONS OF LAW APPROVING AND ADOPTING THE WOODARD LANE CO-HOUSING PLANNED RESIDENTIAL DEVELOPMENT R05-0121; AUTHORIZING AND DIRECTING AMENDMENT OF THE CITY'S ZONING MAP TO DESIGNATE THE WOODARD LANE CO-HOUSING PLANNED RESIDENTIAL DEVELOPMENT; AND AMENDING CHAPTER 18.56 OF THE OLYMPIA MUNICIPAL CODE.

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

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

WHEREAS, on April 15, 2014, the City Council passed Resolution No. M-1804, which adopted findings of fact and conclusions of law and amended the Woodard Lane Co-Housing BSP by granting preliminary approval of an amendment increasing the number of approved residential units from 16 to a maximum of 18 housing units, CP&D File No. 13-0024; and

WHEREAS, on February 28, 2017, the City Council passed Resolution No. M-1866, which adopted findings of fact and conclusions of law, and amended the Woodard Lane Co-Housing PRD by granting preliminary approval of an amendment increasing the number of available off-street vehicle parking spaces from 26 to 32 and construction of approximately 2,000 square feet of additional asphalt pavement area subject to certain conditions recommended by the Olympia Hearing Examiner, CP&D File No. 16-0061; and

WHEREAS, the Woodard Lane Co-Housing Tenants in Common have applied for final approval of the PRD; and

WHEREAS, for the reasons set forth in the Findings of Fact and Conclusions of Law and Decision below, the Council has determined that the Woodard Lane Co-Housing Planned Residential Development should be approved;

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

SECTION 1. Adoption of Council Findings of Fact and Conclusions of Law. The following Council Findings of Fact and Conclusions of Law in the Woodard Lane Co-Housing Planned Residential Development CPD File No. 16-0061 are hereby adopted:

FINDINGS

1. Olympia Municipal Code Chapter 18.56 sets out the process for review of Planned Residential Developments.
2. On August 16, 2006, the Woodard Lane Co-Housing Tenants in Common submitted a Planned Residential Development Application to the Olympia Community Planning & Development Department (CP&D) for preliminary approval of a planned residential development (PRD) located within the city limits of Olympia, to be known as Woodard Lane Co-Housing.
3. The City of Olympia issued a SEPA Determination of Non-Significance on December 28, 2007.

4. On February 11, 2008, a public hearing was conducted by the Olympia Hearing Examiner who subsequently issued a decision on April 17, 2008, recommending that the City Council approve the preliminary PRD.
5. The Olympia City Council on July 15, 2008, in regular session, considered a staff report and the recommendations of the Olympia Hearing Examiner, as subsequently clarified by staff, and passed Resolution No. M-1709, granting preliminary approval of the Woodard Lane Co-Housing PRD.
6. The preliminary binding site plan for the Woodard Lane Co-Housing PRD was recorded with the Thurston County Auditor in April 29, 2010 under Auditor's File No. 4148173.
7. On February 20, 2013, Woodard Lane Co-Housing Tenants in Common applied for an amendment to the previously approved preliminary Woodard Lane Co-Housing 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).
8. The Olympia City Council on April 15, 2014, in regular session, considered a staff report and the recommendations of the Olympia Hearing Examiner and passed Resolution No. M-1804, granting approval of an amendment to the previously approved preliminary Woodard Lane Co-Housing PRD to increase the number of approved residential units from 16 to 18 pursuant to the acquisition of two Transferable Development Rights.
9. On May 11, 2016, Woodard Lane Co-Housing Tenants in Common applied for an amendment to the previously approved preliminary Woodard Lane Co-Housing PRD to increase the number of total off-street vehicle parking spaces from 26 to 32 spaces and construct approximately 2,000 square feet of asphalt pavement area.
10. The Olympia City Council on February 28, 2017, in regular session, considered a staff report and the recommendations of the Olympia Hearing Examiner and passed Resolution No. M-1866, granting approval of an amendment to the previously approved preliminary Woodard Lane Co-Housing PRD to increase the number of total off-street vehicle parking spaces from 26 to 32 spaces and construct approximately 2,000 square feet of asphalt pavement area.
11. On April 10, 2017, Woodard Lane Co-Housing Tenants in Common submitted an application for final PRD approval.
12. This Ordinance is adopted pursuant to Chapter 18.56 of the Olympia Municipal Code and Article 11, Section 11, of the Washington Constitution and any other legal authority.
13. This Ordinance is supported by the staff report, attachments, and documents on file with the Office of the Hearing Examiner and Department of Community Planning and Development.
14. Any finding of fact more properly deemed a conclusion of law shall be considered as such.

Based on its consideration of the foregoing, the Olympia City Council enters the following:

CONCLUSIONS OF LAW

1. Pursuant to Olympia Municipal Code 18.56.080, the Olympia City Council determines that:
 - a. The final Woodard Lane Co-Housing PRD has been completed in accordance with the provisions of the approved preliminary PRD, as amended.

- b. All required improvements have been completed and the interests of the City are fully protected.
- c. The final Woodard Lane Co-Housing PRD consists of a binding site plan.
- d. The final Woodard Lane Co-Housing PRD shall constitute a limitation on the use and design of the site.

BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE OLYMPIA CITY COUNCIL HEREBY ENTERS THE FOLLOWING:

DECISION

Section 2. Pursuant to Olympia Municipal Code 18.56.080, the Olympia City Council hereby approves and adopts the final Woodard Lane Co-Housing Planned Residential Development.

Section 3. The City Manager or their designee is hereby authorized and directed to modify the Official City of Olympia Zoning Map to designate the area of the Woodard Land Co-Housing Planned Residential Development as set forth in Section 4 of this Ordinance. The Mayor is authorized to sign the map reflecting this Ordinance.

Section 4. Amendment of OMC 18.56. Olympia Municipal Code Chapter 18.56 is hereby amended to read as follows:

Chapter 18.56
PRD - PLANNED RESIDENTIAL DEVELOPMENT

18.56.000 Chapter Contents

Sections:

- 18.56.020 Purpose.
- 18.56.040 General requirements.
- 18.56.060 Preliminary approval process.
- 18.56.080 Final PRD approval.
- 18.56.100 Expiration and extensions.
- 18.56.120 Administration and enforcement.
- 18.56.140 Development and design standards.
- 18.56.160 Woodard Lane Co-Housing Planned Residential Development.

18.56.020 Purpose

The intent of the PRD regulations is to permit greater flexibility and, consequently, more creative and imaginative design as required for the development within the MR 7-13, MR 10-18, and certain other residential areas than generally is possible under conventional zoning regulations. It is further intended to promote urban infilling and more economical and efficient use of the land, while providing a development which is compatible with the surrounding neighborhood, a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural topography, unique geological features, and open space. It is also intended to encourage

the provision of more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.

Additionally, it is the purpose of this Chapter to enable clustering of development in order to preserve the significant wildlife habitat located in certain land use districts as depicted in the Comprehensive Plan and take the greatest possible advantage of existing topography and other natural features to promote environmental and aesthetic goals by optimizing siting, orientation, layout and design of structures to protect natural vegetation, wetlands, drainage areas, slopes and other natural features.

18.56.040 General requirements

- A. Land Use Districts. Planned Residential Development may be permitted in R4, R 4-8, R 6-12, MR 7-13 and MR 10-18 zoning districts.
- B. Minimum Site Area. None
- C. Permitted Uses. Permitted uses are as follows:
 - 1. Residential uses and other permitted uses within the underlying use district.
 - 2. Accessory uses to the above.
 - 3. Uses that may be allowed by conditional use permit in the underlying zone, subject to the requirements of Subsection 18.56.140(F), Nonresidential Uses.
- D. Density. The density requirements of the underlying use district shall apply.
- E. Platting Requirements. When any parcel of land in a PRD is intended for individual ownership or sale, the platting and procedural requirements of the Olympia Subdivision Ordinance and applicable State laws pertaining to the subdivision and conveyancing of land and the preparation of maps shall be followed. Applications for preliminary or short plat approval should be submitted simultaneously, and processed concurrently, with applications for PRD approval.

18.56.060 Preliminary approval process

- A. Pre-submission Conference. Prior to making application, the developer may meet with the Director or his/her designee for an initial pre-submission discussion of the proposal.
- B. Application For Preliminary Approval. An application for a PRD may be filed only by a person having a legal interest in the property. The applicant shall complete a PRD application and environmental checklist, together

with preliminary development plans and other required supplementary material. Accuracy for all data and information submitted on or with a preliminary development plan shall be the responsibility of the applicant.

C. Hearing Examiner. A preliminary PRD shall be submitted to the Hearing Examiner with an application for PRD approval for review and recommendation to the City Council. Prior to the approval of a preliminary PRD application, the Hearing Examiner shall hold a public hearing thereon, and notices thereof shall be given as provided in Chapter 18.78, Public Notification. The Hearing Examiner shall not recommend approval of a PRD unless s/he determines that said plan complies with all policies of the Comprehensive Plan, the requirements of the Unified Development Code, the purposes of Section 18.56.020, Purpose and the provisions of this Chapter. The Hearing Examiner may recommend terms and conditions of approval, and further public review of additional information and analyses in order to insure such compliance. The Hearing Examiner shall forward a recommendation to the City Council.

D. City Council. The Council shall schedule a meeting to consider the Hearing Examiner's recommendation. Such consideration shall be based upon the record which was established at the hearing held by the Hearing Examiner, provided that new evidence which was not available at the time of hearing may be included. The term "new evidence" shall mean only evidence discovered after the hearing held by the Hearing Examiner and shall not include evidence which was available or which could reasonably have been available and was simply not presented at the hearing for whatever reason. The Council may:

1. Remand the matter back to the Hearing Examiner for another hearing;
2. Continue to a future date to allow for additional staff analysis desired by the Council;
3. Deny the PRD application;
4. Modify the Hearing Examiner's decision based on applicable criteria and adopt their own findings and conclusions and approve the PRD; or
5. Adopt the findings of the Hearing Examiner and accept the recommendation, findings and conclusion of the Hearing Examiner as their own.

An approved PRD, or subsequent revision thereto, shall be binding as to the general intent and apportionment of land for buildings, stipulated use and circulation pattern. The terms and conditions upon which approval was given shall not be changed except as provided in Subsection 18.56.120(B), Minor and Major Adjustments.

E. Permits.

1. Engineering Permits. Engineering permits may be issued for development within a PRD prior to the approval of the final PRD, provided that:

- a. The improvements will be consistent with the approved preliminary PRD;
 - b. The City has reviewed the application and determined that the improvements are to be constructed in conformance with Olympia Municipal Code and City Development Standards;
 - c. All required improvements have been completed or arrangements or contracts have been entered into to guarantee that such required improvements will be completed for the phase of the project involved; and
 - d. Partial or complete construction of improvements shall not relieve the developer from, nor impair City enforcement of, conditions of preliminary PRD approval.
2. Building Permits. Building permits may be issued for any structure within a PRD prior to the approval of the final PRD, provided that:
- a. The construction will be consistent with the approved preliminary PRD;
 - b. The building permit application must identify the location and dimensions of the proposed building in relation to all lot lines for the site and must provide proposed building elevations;
 - c. No vertical construction may take place until the necessary fire flow and emergency vehicle access have been provided to the building(s);
 - d. All required improvements have been completed or arrangements or contracts have been entered into to guarantee that such required improvements will be completed for the phase of the project involved;
 - e. Partial or complete construction of structures shall not relieve the developer from, nor impair City enforcement of, conditions of PRD approval; and
 - f. Units may not be rented or sold until final PRD approval.

18.56.080 Final PRD approval

A. Application. Application for final PRD approval:

1. For any portion of the PRD which is to be platted, approval of the final plat shall constitute final development plan approval for the platted portion of the PRD. Application requirements shall be as provided for final plat approval under City Ordinance.

2. For any portion of the PRD which is not to be platted, approval of a binding site plan shall constitute final development plan approval. The Director may attach terms and conditions to the approval of the site plan if necessary to insure compliance with the preliminary PRD. Review of the site plan shall be as provided in Chapter 18.60, Site Plan Review.

B. City Council. Within five (5) years of the date of the preliminary PRD approval, the applicant shall submit a final PRD for the proposed development for approval by the City Council. After finding that the final PRD has been completed in accordance with the provisions of the approved preliminary PRD, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the City are fully protected, the City Council shall approve the final PRD, accepting the dedications and easements which are included thereon. The final PRD shall consist of a final plat, binding site plan, or any combination thereof. The approved final PRD shall constitute a limitation on the use and design of the site.

C. Phasing. If a proposed PRD is to be developed in phases, the project as a whole shall be portrayed on the preliminary PRD, and each phase shall individually receive final development plan review and approval according to the procedures established herein. Those portions of the PRD which have received preliminary approval but which have not yet received final approval shall be subject to the provisions of Section 18.56.100, Expiration and Extensions.

D. Rezone. A PRD resulting from the application of the provisions of this Chapter shall be referenced on the official zoning map by adoption of an ordinance amending the map to include a reference to the relevant final plat or binding site plan. Such plat or binding site plan shall include on its face or by reference any continuing conditions of PRD approval. Once the development plan receives final site plan approval, all persons and parties, their successors, heirs or assigns, who own, have or will have by virtue of purchase, inheritance or assignment, any interest in the real property within the PRD, shall be bound by the conditions attending the approval of the development and the provisions of this Development Code.

18.56.100 Expiration and extensions

A. If a final PRD is not approved within five (5) years from the date of preliminary PRD approval, the preliminary PRD approval shall expire and the land and the structures thereon shall be used only for a lawful purpose permissible within the underlying zone.

B. Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The City shall not be held accountable for notification of expirations.

18.56.120 Administration and enforcement

A. Building Permit. Building permits and other permits required for the construction or development of property under the provisions of this Chapter shall be issued only when the work to be performed meets the requirements of the final plan and program elements of the PRD, except as provided in Section 18.56.060(E).

B. Minor and Major Adjustments of the Final Plan.

1. Minor adjustments may be made and approved when a building permit is issued. Any such alteration must be approved by the Department. Minor adjustments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks); but which do not affect the basic character or arrangement and number of buildings approved in the preliminary or final plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than ten (10) percent from the original, nor shall they permit development which would conflict with Section 18.56.140. The applicant shall submit five (5) copies of a revised or adjusted Final Development Plan of the applicable portions(s) of the PRD to the City for the completion of its files.

2. Major adjustments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the Planned Residential Development. When a change constitutes a major adjustment, no building or other permit shall be issued without prior review of such adjustment by the Hearing Examiner and approval by the City Council.

18.56.140 Development and design standards

A. General Criteria.

1. All requirements of the underlying use district and other city ordinances, including but not limited to urban design guidelines, connecting streets, tree protection and drainage design and erosion control shall apply within the PRD unless specifically modified pursuant to the provisions of this chapter.

2. Any action to approve a preliminary development plan for a proposed PRD shall be based upon the following findings:

a. That the proposed development is in conformance with the Comprehensive Plan;

b. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program;

c. That the system of ownership and means of developing, preserving and maintaining open space are suitable, as provided in Section 18.56.140(D).

3. The Department may require the proposed development to be clustered on a portion of the site in order to preserve significant wildlife habitat (see Map 2-4 in the Comprehensive Plan) and well-head protection areas.

4. If a plat is involved, the City shall issue no building permit for vertical construction for a multifamily structure in a PRD until final plat approval has been granted for the single-family lots in the PRD, if any. If the PRD is to be built in phases, this requirement shall apply to the development in each phase.

B. Minimum Lot Size. The Hearing Examiner may allow lot sizes to be reduced (provided that the applicable setback requirements are met) to enable creation of common open space or allow preservation of significant wildlife habitat or a wellhead protection area.

C. Maximum Coverage. Building coverage and development coverage of individual parcels may exceed the percentage permitted by the underlying zone, provided that the overall coverage of the project as a whole does not exceed the percentage permitted by the underlying zone.

D. Open Space.

1. Common open space, if any, may contain such structures and improvements as are necessary and appropriate for the out-of-doors enjoyment by residents of the PRD.

2. The developer shall provide a bond or other assurance acceptable to the City Council that any improvements made in the common open space will be completed. The City shall release the bond or other assurance when the improvements have been completed in accordance with the development plan.

3. Before approval of the final development plan may be granted, the developer shall submit to the City covenants, deeds and/or homeowners' association bylaws and other documents guaranteeing maintenance, construction, common fee ownership, if applicable, of open space, community facilities, stormwater facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and approved by the City staff to insure that they comply with the requirements of this chapter prior to approval of the final development plan by the City. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the County Auditor as a condition of any final development plan approval.

4. All common open space shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the City. Natural landscape features which are to be preserved, such as existing trees, drainage ways, rock outcroppings, etc., may be accepted as part of the landscaping plan.

5. That portion of the open space which is to be available for the common use of the residents of the PRD shall be either:

- a. Conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it; or
- b. Owned in common by the property owners within the MPD or a Homeowners' Association.

E. Perimeter Treatment. Relationship of PRD Site to Adjacent Area. The design of a PRD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PRD shall be so designed as to minimize undesirable impact of the PRD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PRD.

F. Nonresidential Uses.

1. Nonresidential uses are permitted in a PRD as specified in Section 18.56.040(C).
2. Uses permitted by conditional use permit in the underlying zone shall conform to standards as provided in Chapter 18.48, Conditional Uses.
3. Permitted uses shall conform to the standards of that use district, and to the following additional requirements:
 - a. Building permits or occupancy permits for such uses shall not be issued until building permits have been issued for one-half (1/2) of the total dwelling units.
 - b. Screening and landscaping shall be provided adequate to protect all neighboring uses from potential adverse effects.
 - c. All sides of the proposed buildings shall be finished in a style which is harmonious with the development as a whole and with neighboring uses.
4. Accessory uses such as storage of boats, campers and recreational vehicles shall be permitted only if visual screening is provided. This same provision shall apply to garbage storage, recycling and collection areas.

18.56.160 Woodard Lane Co-Housing Planned Residential Development

On November 14, 2017, the Olympia City Council approved and adopted the Woodard Lane Co-Housing Planned Residential Development, the details and regulations of which are found in Ordinance No. 7106, on file with the City Clerk.

Section 5. Codification. Only Section 4 of this Ordinance shall be codified.

Section 6. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, to include the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 7. 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, shall be unaffected.

Section 8. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 9. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR
ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: