



COUNTY COMMISSIONERS

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HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
 FOR THURSTON COUNTY**

In the Matter of the Application of)	
)	
)	NO. 2013101448
)	
Peter and Jennifer Martin)	Stonewell Lodge and Cottages
)	
)	
For a Planned Residential Development)	FINDINGS, CONCLUSIONS, AND DECISION
)	
)	

SUMMARY OF DECISION

The request for approval of a planned residential development comprised of a single-family residence and twelve cottages to be developed as a senior housing community on 1.96 undivided acres in the Olympia Urban Growth Area is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Peter and Jennifer Martin (Applicant) requested approval of a planned residential development comprised of a single-family residence and twelve cottages for a senior housing community on 1.96 undivided acres in the Olympia Urban Growth Area.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on September 15, 2014.

Testimony

At the open record public hearing, the following individuals presented testimony under oath:

- Scott McCormick, Resource Stewardship Department Planning Staff
- Brad Sangston, Environmental Health Department
- Arthur Saint, P.E., Public Works Department
- Chris Merritt, Applicant Representative

Peter Martin, Applicant
Jennifer Martin, Applicant

Exhibits

At the open record public hearing, the following exhibits were admitted in the record:

- Exhibit 1 Resource Stewardship Department Report including the following exhibits:
- Attachment a Notice of Public Hearing
 - Attachment b Thurston County Master Application, dated April 29, 2013
 - Attachment c Thurston County Site Plan Review Application, received April 29, 2013
 - Attachment d Project Narrative
 - Attachment e SEPA Environmental Checklist received April 29, 2013
 - Attachment f Preliminary Site Plans
 - Attachment g Preliminary Landscaping Plans
 - Attachment h Sample Cottage Design Elevations
 - Attachment i Integrated Pest Management Plan
 - Attachment j Level 1 Traffic Impact Analysis by Gregory Heath P.E., dated February 14, 2013
 - Attachment k Engineered Abbreviated Drainage Report by Christopher Merritt PE, dated April 18, 2013
 - Attachment l Geotechnical Engineering Report by South Sound Geotechnical Consulting, dated February 20, 2013
 - Attachment m Notice of Application dated (mailed) November 21, 2013
 - Attachment n Adjacent Property Owners List dated October 31, 2013
 - Attachment o Mitigated Determination of Non-Significance dated June 17, 2014
 - Attachment p Letter from US Department of the Interior, Fish and Wildlife Service dated July 8, 2014 (Mazama pocket gopher ESA clearance letter)
 - Attachment q Letter from the City of Olympia (Project comments) dated October 10, 2013

- Attachment r Letter from the City of Olympia (Parks mitigation comments) dated March 11, 2014
- Attachment s City of Olympia Analysis of Parks Impacts dated October 24, 2013
- Attachment t Memorandum from TC Public Works, Arthur Saint, P.E. (SEPA Recommendation) dated October 16, 2013.
- Attachment u Memorandum from TC Public Works, Arthur Saint, P.E. Recommendation for Preliminary Approval dated July 14, 2014.
- Attachment v Recommendation for Approval from Brad Sangston, Thurston County Environmental Health Department dated August 5, 2013.
- Attachment w Email from Peter Martin (applicant) to Scott McCormick (TC Resource Stewardship) dated August 29, 2014
- Attachment x Letter from the WA Department of Ecology dated July 1, 2014
- Attachment y Email from Peter Martin (applicant) to Scott McCormick (TC Resource Stewardship) dated June 12, 2014
- Attachment z Letter from the WA Department of Ecology dated December 11, 2013
- Attachment aa Email from Chris Merritt, PE to Scott McCormick, TC Resource Stewardship dated August 31, 2014
- Exhibit 2 Color copies of photographs of posted notice of hearing taken by Planning Staff
- Exhibit 3 Full size landscape plans (four sheets)

Based upon the record developed at hearing, the Examiner enters the following findings and conclusions.

FINDINGS

1. Peter and Jennifer Martin (Applicants) requested approval of a planned residential development (PRD) to develop a co-housing retirement community for people age 65 and older. The proposal would build twelve detached cottages and one primary single-family residence and detached garage with living space above. The cottages would be single-story, two bedroom units ranging in size from 900 to 1,600 square feet. The two-story primary residence, with a total 3,614 square foot footprint, would contain a common dining room where cottage residents would be offered shared meals. The proposal does not involve subdivision of the underlying 1.96-acre parcel; final approval would be

through binding site plan review.^{1, 2} A note on the face of the final binding site plan would restrict all future use of the project to an age-restricted co-housing development. *Exhibit 1, pages 1-2; Exhibit 1, Attachments b, c, d, f, and w; Jennifer Martin Testimony.*

2. The Applicants would retain ownership of the PRD, residing in the primary residence and leasing out the cottages. The PRD would not function as any kind of licensed care facility but rather as a family business providing independent living opportunities for eligible applicants. The Applicants, with family members and employees, would provide a high quality lifestyle for those living in the project. Amenities would include communal meals in the primary residence, transportation to the YMCA, activities, and other similar opportunities for cottage residents. The Applicants (or future operators) would be responsible for ensuring preserving and maintaining usable open spaces, the private roads, landscaping, the secured fence and gate, and all other amenities. The roadway, stormwater management for the road, and water and sewer utilities would be built in one phase. Construction of the homes may take place over multiple phases. *Exhibit 1, page 10; Exhibit 1, Attachment d; Jennifer Martin Testimony.*
3. Each co-housing unit would have a one-car garage and one off street parking stall in the driveway. The primary residence would have a two car garage and the detached garage would provide up to four more parking spaces. Four additional open parking spaces would be provided for guests and employee parking. *Exhibit 1, Attachment d.*
4. Surrounding development includes an existing Thurston County storm water pond to the west, single-family residential development to the north, and south, and east. The parcel abutting the northeast corner of the site is currently under review for a six lot preliminary plat. The subject property is relatively flat with slopes from east to west at an average grade of five percent. It is vacant and vegetated with unmaintained pasture grass and scattered maple, cedar, and fir trees. *Exhibit 1, Attachments d and f; Exhibit 1, pages 9, 13.*
5. The subject property is zoned Residential four to eight (R 4-8) in the Olympia Urban Growth Area (UGA). The R 4-8 zone requires at least four but not more than eight residential units per acre. The Olympia-Thurston County Joint Comprehensive Plan designates the area for residential use at a density between four and eight dwelling units per acre. Co-housing, cottage housing, and single-family residences are among the permitted land uses in the R 4-8 zone. *TCC 23.04.040, Table 4.01.* The proposed 13

¹ The legal description of the subject property is a portion of Section 36, Township 18 North, Range 2 West Quarter NW SE BLA-0515 TR B Document 005/546; EXC PTN FOR YELM HWY PER AFN:4041373. The site is addressed as 1839 YELM HWY SE, Olympia, WA 98501 and known as Tax Parcel Number 12836421200. *Exhibit 1, page 2; Exhibit 1, Attachment f.*

² Pursuant to TCC 23.02.180: "Binding site plan" means a drawing made and approved in accordance with the provisions of TCC Title 18, Platting and Subdivisions, and which contains inscriptions and attachments setting forth such appropriate limitations and conditions for the use of the land established by the county, and which contains provisions requiring any development to be in conformance with the site plan.

dwelling units result in a density of 6.6 dwelling units per acre, consistent with the zone. *Exhibit 1, page 3.*

6. The R 4-8 lot dimensional standards do not strictly apply to the project, which would not create any lots. The zone's minimum setbacks and maximum building height standards would apply and would be reviewed through individual building permit review for the proposed residential units. The proposal would provide 20-foot rear yards for all structures. *Exhibit 1, pages 6-8; Exhibit 1, Attachment f.*
7. The R 4-8 zone allows maximum building area coverage 40% and maximum impervious surface coverage of 50% for lots larger than one-quarter acre. TCC 23.04.080. Because the project would not subdivide the site, the impervious surface limit applies to the entire site. The submitted preliminary map depicted 57% impervious surface coverage. At hearing, the Applicants indicated that various forms of pervious pavement would be used in driveways and the private roadway in order to meet the 50% maximum standard. The types, design, and calculations for pervious pavement would be subject to approval of Thurston County Public Works through the individual building permit review and through the project administrative design review. *Exhibit 1, page 7; Exhibit 1, Attachment aa; Merritt Testimony.*
8. The Applicants submitted an engineered abbreviated drainage report addressing stormwater management for the proposal. Stormwater runoff from the new roofs would be tightlined to individual downspout infiltration trenches. Runoff from other new impervious surfaces would be collected, treated, and infiltrated on-site in an underground infiltration trench containing a perforated pipe surrounded by drain rock. Placement of the trenches would be guided by the information from a geotechnical report commissioned by the Applicants, which studied fill that had previously been placed on the site and evaluated site soils for their infiltrative capacity. *Exhibit 1, Attachments k and l; Merritt Testimony.* Thurston County Public Works reviewed and accepted the geotechnical information and the drainage report. *Saint Testimony.*
9. The 13 dwelling units would connect to City of Olympia water and sewer service. *Exhibit 1, Attachment q.*
10. The project would connect to the existing public road network by a gated, private, right-in/right out access from Yelm Highway SE. An emergency vehicle turnaround is proposed outside the gate, and a Knox box would be provided. Internal circulation would be provided by a new private road. *Exhibit 1, Attachments f and k.*
11. Much (if not all) of the site perimeter is currently fenced with sections in wood and in chain link. A new six-foot wood fence would be provided around most (if not all) of the perimeter. Existing landscaping along the site frontage would be retained, but outside the right-of-way, new lawn, groundcover, shrubs, and trees would be planted consistent with Olympia Urban Growth Area standards for multi-family housing. The remainder of the perimeter would be provided with a landscaped buffer and additional landscaping would be provided throughout the site. Planning Staff submitted that the proposed landscaping

would substantially improve and increase vegetative site cover. A bond or irrevocable assignment of savings may be required for the landscaping if it is not completely installed before building permits are requested. *Exhibit 3; Exhibit 1, Attachment f; McCormick Testimony.*

12. The project would be required to go through administrative design review to ensure that the proposed buildings are finished in a style that is compatible with the development as a whole and with neighboring uses. *Exhibit 1, page 14; Exhibit 1, Attachment h.*
13. The Applicant submitted a professionally prepared Level 1 traffic impact analysis (TIA). The TIA reflected reduced trip generation numbers based on the age restricted nature of the project. While 14 single-family units would be expected to generate 133 total and 14 PM peak hour trips daily, the proposed 65 and older co-housing project is projected to produce only 52 total and four PM peak hour trips. The anticipated trip volumes would have an insignificant impact on local traffic conditions. *Exhibit 1, Attachment j.* Thurston County Public Works reviewed and accepted the TIA. *Saint Testimony.*
14. There is no open space requirement for the project. *TCC Chapter 23.04.080, Table 4.04.*
15. The subject property is located in an area mapped as containing potential habitat for the endangered Mazama pocket gopher. US Fish and Wildlife Service (USFW) biologists surveyed the site with Resource Stewardship staff and found no Mazama pocket gophers or mounds on or near the site. USFW issued a letter dated July 8, 2014 indicating that the proposal would not result, or is unlikely to result, in take of the federally listed Mazama pocket gopher. *Exhibit 1, pages 4-5; Exhibit 1, Attachment p.*
16. Pursuant to the State Environmental Policy Act (SEPA), Thurston County acted as lead agency for review of environmental impacts of the proposal. The County's review and threshold determination were based on information included in (but not limited to) the following documents: the PRD application, environmental checklist, site plans, a drainage plan and report, and review comments from Thurston County Public Works and Health Departments. A mitigated determination of non-significance (MDNS) was issued on June 17, 2014, which was not appealed and became final on July 8, 2014. The MDNS includes mitigating conditions regarding traffic and city park impacts, frontage improvements, connection to city water and sewer, erosion control and storm water management, construction noise and hours of construction. Washington State Department of Ecology (DOE) submitted comments on the MDNS. *Exhibit 1, pages 5, 11; Exhibit 1, Attachments o, p and x.*
17. The impact fees as calculated in the MDNS reflect discounted fees based on a legally binding restriction placed on the project that requires non-Applicant residents to be older adults. For parks impacts, the age restriction is 55 years, and for traffic impacts it is 62 years. Planning Staff also noted that the proposal would not be required to pay school impact fees if residency is restricted to older adults by a legally binding mechanism. *Exhibit 1, Attachments o, r, and s; McCormick Testimony.*

18. Thurston County Public Works Department reviewed the proposal for compliance with roads and drainage standards. After reviewing the site plan, the geotechnical information, the drainage report, and the traffic impact analysis, Public Works Staff recommended approval with conditions. *Exhibit 1, Attachments t and u; Saint Testimony.*
19. Thurston County Public Health Department reviewed the proposal for compliance with health codes. The subject property is located within Category I and II aquifer recharge areas protected pursuant to the County's critical areas ordinance and is also within a designated well head protection area in the five year capture zone. To protect these sensitive areas, the Applicant was required to develop an integrated pest management plan (IPMP), which would be distributed to all residents informing them of best management practices for groundwater protection. Health Department Staff recommended approval with conditions. *Exhibit 1, Attachments i and v; Sangston Testimony.*
20. Notice of the PRD application was sent to property owners within 300 feet of the proposed project on November 21, 2013. Notice of the public hearing was sent to all property owners within 300 feet of the site on August 29, 2014, and published in The Olympian and posted on-site on September 5, 2014. *Exhibit 1, Attachments a, m, and n; Exhibit 2.* No public comments were submitted on the proposal. *McCormick Testimony.*
21. Planning Staff submitted that, with the recommended conditions, the project would conform to the Olympia UGA R 4-8 zoning and with the Olympia Joint Plan, and would add unique co-housing opportunities, increasing variety in the available residential market of the Olympia area. Staff indicated that the proposed perimeter improvements and site landscaping are consistent with PRD requirements. *Exhibit 1, page 10; McCormick Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide this planned residential development application pursuant to Thurston County Code 2.06.010 and 23.72.020.

Criteria for Review

Planned Residential Developments in the Olympia Urban Growth Area may be approved if the application complies with the following purpose, requirements, and procedures:

TCC 23.56.020, Purpose

- A. 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, urban village (UV), neighborhood villages (NV), and neighborhood center (NC) and community oriented shopping center (COSC) districts, and co-housing residential areas than generally is possible under conventional zoning regulations.
- B. 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.

- C. 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.
- D. 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 Olympia Joint 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.

TCC 23.56.040, General Requirements

- A. Land Use Districts. Planned residential development may be permitted in R-4, R 4—8, R 6—12, MR 7—13, MR 10—18, NC, NV and UV 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 special use permit in the underlying zone, subject to the requirements of Section 23.56.140F, 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 Thurston County Subdivision Ordinance, Title 18 of the Thurston County Code, 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.

TCC 23.56.060, Preliminary Approval Process

- A. Presubmission Conference. Prior to making application, the developer shall meet with the department for an initial discussion of the proposal.
 - 1. Application for Presubmission Conference. Prior to the submission of the preliminary development plan, the developer or their representative shall present to the department preliminary studies or conceptual sketches which contain in a rough and approximate manner all of the information required on the PRD application (Section 23.56.060B4). The purpose of the preliminary site plan review is to enable the developer presenting the plan to obtain the advice of the department as to the intent, standards and provisions of this chapter.
 - 2. Meeting. At the conference the department shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to

eliminate as many potential problems as possible in order for the preliminary development plan to be processed without delay or undue expense. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as:

- a. The Olympia Joint Plan;
 - b. The street plan;
 - c. The shoreline master program;
 - d. Zoning Ordinance;
 - e. Availability of sewer and water, or need for utility oversizing;
 - f. Storm drainage and erosion control;
 - g. Latecomer charges;
 - h. Features of the development, and the rationale behind them;
 - i. Sidewalk requirements;
 - j. Bike paths;
 - k. Bus stops;
 - l. Phasing of off-site requirements such as sidewalks, street lights, traffic signals, utilities or improvement of adjacent streets;
 - m. The environmental impact of the development;
 - n. Design concepts (architectural goals and themes);
 - o. Other county requirements and permits;
 - p. If the applicant owns adjacent land, the possibilities of future development shall be discussed;
 - q. Process and timelines.
3. At the presubmission conference the department will furnish to the developer comments on how the proposed development conforms to county policies and regulations, and the department's requirements for development approval. The department's comments shall be directly proportional to the information provided by the applicant. The department shall have the right to change its development requirements if changes are necessitated by:
- a. Changes to the plans and information provided by the applicant at the presubmission conference; or
 - b. New policies or regulations adopted by the board of county commissioners subsequent to the presubmission conference.
- B. Application For Preliminary Approval. An application for a PRD may be filed only by a person having a legal interest in the property.
1. The applicant shall complete and submit to the department a PRD application in accordance with the submittal requirements in Section 23.72.060.

2. Each and every PRD application submitted to the department shall comply with the county's SEPA regulations, TCC Chapter 17.09, adopted in compliance with the State Environmental Policy Act, Chapter 43.21C RCW.
 3. Accuracy for all data and information submitted on or with a preliminary development plan shall be the responsibility of the applicant. Any proposed plan found to be inaccurate or misleading as to hamper the decision of the hearing examiner shall be returned to the applicant with a letter stating that the plan or application must be corrected and returned to the department.
 4. An application for preliminary approval shall be reviewed in accordance with the procedures in Section 23.72.040C.
 5. In order to promote development flexibility within large PRDs (e.g., one hundred acres or greater), the hearing examiner may defer review of certain of the preliminary PRD application requirements at the time of PRD approval, provided that an alternative review and information submittal procedure is contractually established and approved by the county.
- C. 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 Section 23.56.120B, Minor and Major Adjustments of the Final Plan.
- D. Permits.
1. Permits. The department may issue permits within a PRD prior to the approval of the final plat, provided that:
 - a. The improvements will be consistent with the approved preliminary PRD.
 - b. The county has reviewed the application and determined that the improvements are to be constructed in conformance with the Thurston County Code.
 - 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.
 - d. Partial or complete construction of improvements shall not relieve the developer from, nor impair county 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 county enforcement of, conditions of PRD approval.
- f. Units may not be rented or sold until final PRD approval.

TCC 23.56.080, 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 by the board of county commissioners shall constitute final development plan approval for the platted portion of the PRD. Application requirements shall be as provided for final plat approval under county 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 department may attach terms and conditions to the approval of the site plan if necessary to ensure compliance with the preliminary PRD. Review of the site plan shall be as provided for site plan review in Chapter 23.72.

B. 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 23.56.100, Expiration and extensions.

TCC 23.56.100, Expiration and Extensions

- A. If a final PRD is not approved within five years from the date of preliminary PRD approval, and an extension of time has not been granted, 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 county shall not be held accountable for notification of expirations. All requests for an extension of time must be submitted to the department at least thirty days prior to expiration of preliminary PRD approval. The department may grant a single extension for no more than one year. If an extension of time is granted, the PRD shall be subject to all new and amended regulations, requirements, policies or standards which are adopted after the original date of approval unless there has been substantial on-site work completed.

TCC 23.56.120, 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 23.56.060E.

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 percent from the original, nor shall they permit development which would conflict with Section 23.56.140.
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 approval of such adjustment by the hearing examiner.

TCC 23.56.140, Development and Design Standards

A. General Criteria.

1. All requirements of the underlying use district and other county 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. For urban villages, neighborhood villages, and neighborhood centers the applicable goals and policies contained within the Olympia Joint Plan shall be applied.
 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 Olympia Joint 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 23.56.140D.
 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 Olympia Joint Plan) and well-head protection areas.
 4. If a plat is involved, the county 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 prosecuting attorney that any improvements made in the common open space will be completed. The county 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 county 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 county staff to ensure that they comply with the requirements of this chapter prior to approval of the final development plan by the county. 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 county. 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:
 - (1) 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
 - (2) Owned in common by the property owners within the PRD or a homeowners' association.

E. Perimeter Treatment.

1. 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.
2. Structures located on the perimeter of the development shall be set back in accordance with the front yard setback of the underlying zone.

F. Nonresidential Uses.

1. Nonresidential uses are permitted in a PRD as specified in Section 23.56.040C, provided that such uses are primarily for the service and convenience of the residents of the development.

2. Uses permitted by special use permit in the underlying zone shall conform to standards as provided in Chapter 23.48, Special 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 completion of one-half 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.

Conclusions Based on Findings

1. The proposed 13 dwelling units resulting in a density of 6.6 units per acre would be consistent with the requirements of the R 4-8 zone. Co-housing is a permitted use in the zone. No subdivision is proposed. The thirteen structures would be required to comply with the R 4-8 setbacks, and this would be ensured at time of building permit, as would maximum lot area by structure (40%), maximum lot coverage by impervious surface (50%), maximum building height. The proposal would go through the complete administrative design review process, which would ensure the applicable design standards of the Olympia UGA are satisfied. While the application materials mention that the building may be constructed in phasing, the site plan shows all contemplated improvements (structures, infrastructure, roads, parking, landscaping, etc.), consistent with TCC 23.56.080.B. With conditions, the project conforms to the Olympia UGA zoning and to the Olympia Joint Plan. *Findings 1, 2, 3, 5, 6, 7, 11, 12, 17, 18, 19, and 21.*
2. Final approval of the project would be done through a binding site plan. Pursuant to TCC 23.56.060.C, approval would restrict the use to co-housing for persons 65 and older, with the exception only of members of the Applicants' family residing on-site who work for the family business. Notes on the face of the final site plan would make this requirement binding. All future use of the improvements on site would be restricted to this use until the Applicants or successors in interest apply for and obtain approval of the necessary permits to change the use to something else. Should any future use of the site not be age restricted, that future proposal would be required to mitigate park, traffic, and school impacts consistent with fee schedules in effect at that time. *Findings 1, 13, 17, 18, and 19.*
3. The proposed co-housing units would connect to the City of Olympia sewer and water utilities. Drainage and private road design have been reviewed and approved by Thurston County Public Works. At the time of civil plan review, the proposed pervious pavement treatments would be reviewed for compliance with County drainage standards. The

USFWS cleared the subject property for the proposed use, concluding that no Mazama pocket gophers would be affected. The project was reviewed for compliance with the requirements of the State Environmental Policy Act and an MDNS was issued. Park and traffic impacts would be mitigated by compliance with the MDNS conditions. *Findings 8, 9, 10, 13, 15, 16, 17, 18, 19, and 21.*

4. Amenities of the co-housing project include gated access, shared living opportunities for tenants 65 and older, communal dining, and landscaped open spaces for residents. The preliminary landscaping plans appear to meet minimum standards, including providing a perimeter buffer. The proposed landscaping would significantly improve and increase vegetation on the site. The Applicants would be responsible for maintaining all landscaping and open space areas. The proposal would add variety to the available residential market of the Olympia area. *Findings 1, 2, 11, 12, 14, and 21.*

DECISION

Based on the preceding findings and conclusions, the requested planned residential development comprised of a single-family residence and twelve cottages to be developed as a senior housing community on 1.96 undivided acres in the Olympia Urban Growth Area is **GRANTED** subject to the following conditions:

Public Works Conditions:

ROADS

1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Olympia standards and development guidelines.
2. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.

TRAFFIC CONTROL DEVICES

3. All traffic control devices shall be designed, located, manufactured, and installed in accordance with the Road Standards, Manual of Uniform Traffic Control Devices and applicable WSDOT Standards & Specifications. A sign and striping plan shall be incorporated into the construction drawings for the project. Please contact Thurston County Public Works – Development Review Section Staff to obtain the most current Thurston County guidelines.
4. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to non-conformance by the applicant shall be transferred to the applicant.

DRAINAGE

5. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.

6. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer, owner and/or the property owners association.
7. Storm water runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.
8. The types, design and allowances for pervious pavement shall be reviewed and approved by Thurston County Public Works.
9. Because proper landscaping is vital to the performance of the stormwater system, the Landscape Plan (if required) shall be signed/sealed by a WA licensed civil engineer (preferably the engineer who designed the stormwater system).
10. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. It is the applicant's responsibility to obtain this permit if required.

UTILITIES

11. The proposed water and sewer system shall be designed in accordance with the standards and specification of the respective utility purveyor. All water and sewer plans are subject to review and acceptance by the respective utility purveyor.
12. Proposed utility work within the Thurston County Right of Way shall conform to the Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific city design requirements but rather only items such as restoration of the County right of way and traffic control.
 - a. Placement of utilities within the County right of way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.
 - b. Please note all utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0.20' of asphalt concrete pavement.

TRAFFIC

13. Payment of the off-site traffic mitigation required in the 6/17/14 Mitigated Determination of Non-significance is required prior to final approval in accordance with Section 2.13 of the Thurston County Road Standards. Timing of such payments to the other jurisdictions may be altered upon agreement with respective jurisdiction and Thurston County

GENERAL CONDITIONS

14. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.

15. Development within the City of Olympia urban growth boundary, requiring review by both Thurston County and the corresponding city jurisdiction, shall be designed to the more stringent standards of the two jurisdictions.
16. The proposed grading or site work shall conform to Appendix J of the International Building Code, Title 14.37 of the Thurston County Code and Drainage Design & Erosion Control Manual.
17. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
18. This approval does not relieve the Applicant from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Applicant.

PROJECT SPECIFIC CONDITIONS

19. Once the planning department has issued the official preliminary approval, a construction permit application shall be submitted along with a complete set of construction drawings and the final drainage and erosion control report to Thurston County Public Works – Development Review Section for review and acceptance.
20. PRIOR to construction, the applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive an erosion and sediment control permit
 - c. Have the erosion and sediment control inspected and accepted
 - d. Receive a construction permit
 - e. Schedule a pre-construction conference with county staff.

* The current fee schedule can be found online at <http://www.co.thurston.wa.us/permitting/fees/fees-home.html> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at (360) 867-2050 or by e-mail at padillr@co.thurston.wa.us.

FINAL REVIEW

21. Prior to receiving final approval from this department, the following items shall be required:
 - a. Completion of all roads and drainage facilities.
 - b. Final inspection and completion of all punch list items.
 - c. Record drawings submitted for review and acceptance. The record drawings shall include street names and block numbers approved by Addressing Official.

- d. Receive and accept Engineer's Construction Inspection Report Form (Appendix I-C, Volume I of the Drainage Design and Erosion Control Manual).
- e. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design and Erosion Control Manual).
- f. Execute an agreement with financial security for the maintenance and operation of the right-of-way improvements in accordance with Thurston County Code 18.24.010.
- g. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
- h. Completion of required signing and striping.
- i. Payment of any required permitting fees.
- j. Payment of any required mitigation fees.

Environmental Health Conditions:

- 22. Prior to final Binding Site Plan approval the City of Olympia public water and sanitary sewer utilities must be extended to and through the subdivision. Confirmation from the City of Olympia must be received by this department that the utilities have been extended and that they meet with all standards and requirements of the City of Olympia.
- 23. Due to the aquifer sensitive nature of this area and the size and scope of this project an Integrated Pest Management Plan (IPMP) has been developed for this subdivision. This IPMP has been reviewed and is approved. Prior to final development approval a written proposal for the method of IPMP distribution to future property owners must be submitted to this department and this distribution method must be approved by the department. Typically this is done by incorporating a copy of the approved IPMP into the subdivision covenants and restrictions (CC&R's); however other proposed methods may also be allowed provided the proposed method of distribution will assure the future property owner will receive a copy of the IPMP at the time of sale.
- 24. If during the construction of infrastructure and utilities any existing septic systems are identified prior to final Planned Residential Development approval all septic systems must be properly abandoned per the requirements of Article IV of the Thurston County Sanitary Abandonment permits are required through this department for each abandoned septic system and must be submitted along with copies of the septic system pumpers' pump and abandonment reports (abandonment permit fees will be waived as this is part of a final Binding Site Plan requirement).

Planning Conditions:

- 25. Prior to final binding site plan approval comply with all conditions of the Mitigated Determination of Non-Significance dated June 17, 2014 (Attachment o).
- 26. Prior to final binding site plan approval evidence that all required traffic and parks mitigation have been paid shall be submitted to Thurston County Resource Stewardship.

27. Per the City of Olympia, Parks, Arts and Recreation Department, parks mitigation is required for the project (Attachment r). If a restrictive covenant is placed upon the subject property stipulating that only residents 55 and over can live in this development, then parks mitigation would equal \$36,542.43. Without the 55 and over restriction, parks mitigation would equal \$67,671.23. Note: The same condition applies if the project is limited to residents 65 and older.
28. Off-site traffic mitigation is required for this project:
 - a. If a permanent restriction is placed on the property limiting residents to 62 or older then to mitigate traffic impacts within the City of Olympia, the proponent will need to contribute \$ 9,783 to the City prior to final project approval, pursuant to County Road Standards. Timing of the contributions may be altered if approved by both the City of Olympia and Thurston County.
 - b. If a permanent restriction is not placed on the property limiting residents to 62 or older then to mitigate traffic impacts within the City of Olympia, the proponent will need to contribute \$ 55,964 to the City prior to final project approval, pursuant to County Road Standards. Timing of the contributions may be altered if approved by both the City of Olympia and Thurston County.

Note: The same conditions apply if the project is limited to residents 65 and older.

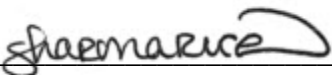
29. Maximum building surface coverage limits (40%) and maximum impervious surface coverage limits (50%) will be reviewed for compliance through individual building permits and the design review for the project.
30. If a final PRD is not approved within five years from the date of preliminary PRD approval, and an extension of time has not been granted, 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.
31. Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The county shall not be held accountable for notification of expirations. All requests for an extension of time must be submitted to the department at least thirty days prior to expiration of preliminary PRD approval. The department may grant a single extension for no more than one year. If an extension of time is granted, the PRD shall be subject to all new and amended regulations, requirements, policies or standards which are adopted after the original date of approval unless there has been substantial on-site work completed.
32. Before approval of the final development plan may be granted, the developer shall submit to the county 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 county staff to ensure that they comply with the requirements of this chapter prior to approval of the final development plan by the county. 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.
33. A bond or irrevocable assignment of savings may be required for site landscaping if all landscaping is not completed before building permits are requested.
 34. Encroachment into setbacks: Required setback (yard) areas shall be kept free of any building or structure taller than thirty inches in height, except as otherwise provided by TCC 23.04.080.H.5.
 35. Prior to residential construction, Administrative Design Review approval is required (TCC 23.50.080.E.1.d).
 36. Where design review is required, no county permit shall be issued nor work begun until the department has approved the proposed activity, and no substantial changes shall be made after such approval until the department has approved the proposed changes.
 37. Street addresses, lot size and dimensions for each lot shall be shown on the final map.
 38. A note on the face of the recorded Binding Site Plan shall state that approval is granted only for a co-housing project for residents 65 years and older. Any future change in ownership scheme of the dwellings or in the tenant population intended to be served would require future land use approvals.
 39. The final design of the PRD shall conform to all applicable minimum standards of the Zoning Ordinance (i.e. setbacks, etc.).
 40. If the project is modified in the future to allow children to reside on site, school mitigation may be required as a condition of altering the PRD. Such a change will require a public hearing before the Thurston County Hearing Examiner.
 41. If contamination is currently known or suspected during construction, testing of potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by testing, The Washington State Department of Ecology must be notified (Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300).
 42. Provisions shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.
 43. In the event that archaeological deposits or skeletal material or features of a burial/interment situation are encountered, all work in the vicinity of the discovery area

must stop immediately and contact made with the Washington State Historic Preservation Officer.

44. The following notes shall be shown on the final binding site plan:
 - A. This PRD was reviewed through project number 2013101448 and approved based on standards and allowances of the Residential four to eight (R 4-8) zoning district in the Olympia Urban Growth Area (TCC 23.04 – Residential Districts).
45. All development on the site shall be in substantial compliance with the approved PRD. Any alteration of this site plan will require approval of a new or amended PRD. The Planning and Environmental Section will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.
46. On April 8, 2014, the U.S. fish and Wildlife Service listed the Mazama Pocket Gopher under the Endangered Species Act. The subject parcel contains potential pocket gopher habitat. It is the responsibility of the landowner to comply with applicable federal regulations. Approval of this and other County permits may be superseded by federal law. Note: The U.S. fish and Wildlife Service has approved work on site through October 31, 2015 (Attachment p).

DECIDED September 29, 2014.



Sharon A. Rice
Thurston County Hearing Examiner

THURSTON COUNTY
PROCEDURE FOR RECONSIDERATION AND APPEAL
OF HEARING EXAMINER DECISION TO THE BOARD

NOTE: THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030).

If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).

A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the Resource Stewardship Department **within fourteen (14) days of the date of the Examiner's written decision**. The form is provided for this purpose on the opposite side of this notification.
3. An Appeal filed within the specified time period will stay the effective date of the Examiner's decision until it is adjudicated by the Board of Thurston County Commissioners or is withdrawn.
4. The notice of Appeal shall concisely specify the error or issue which the Board is asked to consider on Appeal, and shall cite by reference to section, paragraph and page, the provisions of law which are alleged to have been violated. The Board need not consider issues, which are not so identified. A written memorandum that the appellant may wish considered by the Board may accompany the notice. The memorandum shall not include the presentation of new evidence and shall be based only upon facts presented to the Examiner.
5. Notices of the Appeal hearing will be mailed to all parties of record who legibly provided a mailing address. This would include all persons who (a) gave oral or written comments to the Examiner or (b) listed their name as a person wishing to receive a copy of the decision on a sign-up sheet made available during the Examiner's hearing.
6. Unless all parties of record are given notice of a trip by the Board of Thurston County Commissioners to view the subject site, no one other than County staff may accompany the Board members during the site visit.

C. STANDING All Reconsideration and Appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the Reconsideration or Appeal should be granted.

D. FILING FEES AND DEADLINE If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$638.00** for a Request for Reconsideration or **\$846.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Permit Assistance Center on the second floor of Building #1 in the Thurston County Courthouse complex no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable.** If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



Project No. _____ Appeal Sequence No.: _____

Check here for: RECONSIDERATION OF HEARING EXAMINER DECISION

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

Check here for: APPEAL OF HEARING EXAMINER DECISION

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW _____
 on this _____ day of _____, 20___, as an APPELLANT in the matter of a Hearing Examiner's decision rendered on _____, 20___, by _____ relating to _____

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance _____
2. Platting and Subdivision Ordinance _____
3. Comprehensive Plan _____
4. Critical Areas Ordinance _____
5. Shoreline Master Program _____
6. Other: _____

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

STANDING

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

 APPELLANT NAME PRINTED

 SIGNATURE OF APPELLANT

Address _____

 Phone _____

Please do not write below - for Staff Use Only:

Fee of \$638.00 for Reconsideration or \$846.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Resource Stewardship Department this _____ day of _____, 20___.