



**GENERAL GOVERNMENT COMMITTEE  
MEETING AGENDA**

**Online via Zoom**

**Wednesday, May 11, 2022  
2:00 PM**

1. Call to Order
2. Roll Call
- [3.](#) Approval of Minutes: General Government Committee, April 13, 2022
- [4.](#) Ordinance No. O2022-004, Binding Site Plans (Brad Medrud)
5. Additional Items
6. Adjourn

**Remote Meeting Information**

To comply with Governor Inslee's Proclamation 20-28, the City of Tumwater meetings will be conducted remotely, not in-person, using a web-based platform. The public will have telephone and online access to all meetings.

**Watch Online**

<https://us02web.zoom.us/j/86007153977?pwd=V2VZekh3ekh1d3VsSmNmMWxDdHNCUT09>

**Listen by Telephone**

Call (253) 215-8782, listen for the prompts and enter the Webinar ID 860 0715 3977 and Passcode 906668.

**Post Meeting**

Audio of the meeting will be recorded and later available by request, please email [CityClerk@ci.tumwater.wa.us](mailto:CityClerk@ci.tumwater.wa.us)

**Accommodations**

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**TUMWATER GENERAL GOVERNMENT COMMITTEE  
MINUTES OF VIRTUAL MEETING  
April 13, 2022 Page 1**

**CONVENE:** 2:01 p.m.

**PRESENT:** Chair Michael Althaus and Councilmembers Joan Cathey and Leatta Dahlhoff.

Staff: City Attorney Karen Kirkpatrick, Community Development Director Michael Matlock, and Planning Manager Brad Medrud.

Others: Councilmember Eileen Swarthout and Consultant Gary Cooper, Local Planning Solutions.

**APPROVAL OF MINUTES  
MARCH 9, 2022:**

**MOTION:** Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to approve the General Government Committee meeting minutes of March 9, 2022 as published. A voice vote approved the motion unanimously.

**ORDINANCE NO. O2022-001, ELEVEN COUNTY ISLAND ANNEXATIONS:** Manager Medrud reviewed processes completed to date in preparation for consideration of two ordinances for annexation of 12 county islands. He introduced consultant, Gary Cooper who is assisting the City with the annexation process.

Mr. Cooper reviewed details of the annexations, processes completed to date, next steps, and final action/outcome:

- Today, the City of Tumwater surrounds 12 unincorporated County “islands”
- The 12 unincorporated islands are comprised of:
  - 160 parcels
  - 161 acres
  - 7 islands have 2 lots or less
  - Trosper Lake Island represents 111 parcels and 132 acres

The first 11 islands will be annexed by one ordinance and the Trosper Lake Island will be annexed by a second ordinance.

Thurston County has and is responsible for providing the following services to the 12 county islands:

- County and Local Fire District Services
- Police and Fire
- Roads and Stormwater
- Building and Land Use Permits
- Code Enforcement
- Separate voter pamphlets

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Revised Code of Washington (RCW) 35A.14.296 recognized that county islands cause inefficiencies for the delivery of public services. In 2020, the Legislature passed a new law enabling cities and counties to annex islands through a jointly approved Interlocal Agreement (ILA). The McLane Black Lake Fire Department elected not to participate in the interlocal agreement.

The legislation deemed city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory.

Key milestones include:

- September 5, 2021 – McLane Black Lake Fire Department did not object to the proposed annexations.
- December 1, 2021 – Tumwater and Thurston County host a joint open house on the proposed annexations.
- November and December 2021 & January 2022 – The City issued public notices to inform residents and others of:
  - The Open House
  - How to obtain a copy of the draft Interlocal Agreement
  - How to participate in the public hearing on the Interlocal Agreement
- January 18, 2022 – The City Council and the Board of County Commissioners hosted a joint public hearing on the Interlocal Agreement.
- January 18, 2022 – The City Council approved the Interlocal Agreement.
- January 25, 2022 – The Board of County Commissioners approved the Interlocal Agreement.
- February 16, 2022 – Notices of Intent to Annex applications were forwarded to the Thurston County Boundary Review Board for a state mandated review for each annexation area.
- March 7, 2022 – The Boundary Review Board returned nine of the annexations to the City for final action after completing its 21-day review period.
- April 4, 2022 – The Boundary Review Board returned the remaining three annexations to the City for final action after completing its 45-day review period.

Final action occurs when and if the City Council adopts the proposed annexation ordinances. After the effective date of the adopted ordinances, the annexations will be complete.

Next steps include:

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- April 26, 2022 – City Council worksession to review Ordinance No. O2022-001 to annex the first 11 islands.
- May 17, 2022 – City Council considers and approves Ordinance No. O2022-001 to annex the first 11 islands.
- The larger Trosper Island Annexation will be annexed separately from the first 11 islands:
  - May 11, 2022 – General Government Committee briefing on Trosper Island annexation Ordinance No. O2022-002.
  - May 24, 2022 – City Council worksession to review Ordinance No. O2022-002 to annex the Trosper Lake Island.
  - June 7, 2022 – City Council considers and approves Ordinance No. O2022-002 to annex the Trosper Lake Island.

Manager Medrud added that as part of the approval process, a public hearing is not required; however, the City plans to issue public notices when the ordinances are considered by the City Council.

Chair Althausen noted that during each regular Council meeting, the public will have an opportunity to provide comments on the proposed annexations during the public comment segment.

Director Matlock added that the Council has the option of including the annexations as a Council Consideration because of the number of public meetings held to date.

Chair Althausen recommended combining the ordinances for review during one Council worksession.

Manager Medrud suggested retaining two regular Council meetings to consider each ordinance separately, as well as the committee recommending a consolidated Council worksession for both ordinances with removal of the Trosper Lake Island annexation from the committee's next meeting agenda. The committee supported the recommendation.

Committee members and staff discussed how islands were created and efforts by legislators to change laws to enable municipalities to annex islands to create cohesive boundaries and better delivery of services.

**CONSENSUS:**

**The General Government Committee recommended the Council conduct a one worksession on both ordinances on April 26, 2022 with the Council establishing dates for Council Considerations of both ordinances.**

**URBAN FORESTRY  
MANAGEMENT PLAN –**

Manager Medrud reported the City is updating three different policies/regulations based on the adoption of the Urban Forestry

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**LANDSCAPING  
 REGULATION UPDATE,  
 SCOPE OF WORK:**

Management Plan. The first update is to the Tree Protection Ordinance. Staff released a Request for Proposal (RFP) requesting consultant assistance with technical updates and a public process. The City received two responses to the RFP with both responders indicating they did not plan to submit a proposal because of the lack of capacity. Staff is considering whether to reduce the RFP scope of work or re-release the RFP. Additionally, the City received a funding award of \$20,000 from the Department of Natural Resources for efforts on the Street Tree Plan effective July 1, 2022 through June 30, 2023. The initial intent in terms of order of review was the Tree Protection Ordinance, Landscaping Ordinance, and the Street Tree Plan.

Manager Medrud noted that the Arbor Day celebration on Saturday, April 23, 2022 at Tumwater Historical Park includes a giveaway of 100 tree seedling and giveaway bags of various tree/plant related materials.

Manager Medrud outlined the scope of the update to landscaping regulations. Landscaping regulations are implemented when a development application is received for new development on a greenfield site or expansion of an existing use or an addition to an existing use. Landscaping regulations are intended to provide some minimum requirements and standards to buffer incompatible uses and to improve aesthetics of the City and of the development and the environment.

The update process will begin with identifying stakeholders, needs, and the role of the update process. Included within landscaping regulations is irrigation to ensure sufficient water is available to grow and maintain plants. The update includes meeting with professional consultants responsible for designing larger landscapes for commercial, industrial, and residential developments, as well as environmental interests and Puget Sound Energy, Chamber of Commerce, neighborhoods, and with Development Review staff.

The update will cover ongoing maintenance and code enforcement and ensure the update and the regulations address equity and environmental justice.

Chair Althaus asked about including other neighborhoods with no formal neighborhood association to receive input. Manager Medrud said it likely would be possible; however staff has encountered some difficulty in contacting homeowner associations because the City's list is neither current nor complete. However, staff can contact other informal neighborhood groups. He added that staff would also outreach groups and business owners involved in the Brewery District and the Capitol Boulevard Corridor projects.

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Councilmember Dahlhoff recommended utilizing the resources of TOGETHER, Boys and Girls Club, and Big Brothers Big Sisters as a conduit to distribute information about the update.

Councilmember Cathey asked whether it would be possible to use tree mitigation funds for developments that remove large trees to create buffers. Manager Medrud said it is possible to explore; however, the landscaping ordinance pertaining to buffers includes two tiers of buffers. Level 1 screening is considered solid landscaping in an area of approximately 10 feet wide. Level 2 is a narrower requirement of an 8' width screen. The planting of trees can be a component of the buffer but in many cases tree canopies prevent the development of a solid visual screen within the buffer. He added that the retention of trees often overlap tree preservation and landscaping requirements and it would be important to consider ways to incorporate the preservation of existing trees in larger areas as part of the landscaping ordinance.

The next stage of the process is development of the ordinance with reviews by the Tree Board, Planning Commission, and briefings to the Council on the status of efforts and the direction of the update. Joint meetings between the Tree Board and the Planning Commission will be scheduled as well. A joint meeting with the City Council and the two advisory bodies will also be scheduled.

The public participation plan includes social media outreach and news media efforts. The scope of work and work products include an update to the Tumwater Municipal Code 18.47 *Landscaping* and any other sections to the code that have been identified during the update process. Potential changes to the Tumwater Development Guide will be reviewed by the Public Works Committee. The update process will also consider any changes to the Citywide Design Guidelines to ensure coordination with the TMC, as well as any potential changes to the Comprehensive Plan as part of the eight-year update process.

The proposed schedule will be revised with the first step releasing the RFP to initiate the consultant process followed by meetings with the Tree Board, Planning Commission, and the Council.

Manager Medrud invited feedback and any suggestions members they have or have received from the community on requested changes or improvements to the code. Members offered the following comments and suggestions:

- Consider natural play spaces
- Encourage cohabitation of people and animals
- Partner with local businesses to incentivize the diversity of vegetation species

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- Update the City’s website on tree removal requirements
- Ensure the update incorporates actions within the Climate Action Mitigation Plan to improve the environment and plant and wildlife species
- Consider unintended consequences when planting trees
- Consider the research on emotional, mental, and physical health of people who live with access to parks, shade, and areas with trees
- Consider rain gardens and landscaping beneficial for retaining moisture to reduce irrigation need
- Consider the lack of visual buffers between large complexes and other uses
- Consider the balance between vegetation and wildlife

Manager Medrud responded to questions about the consultant and seeking examples of other ordinances from other jurisdictions. He emphasized the importance of focusing the update from the community’s perspective and values to create a draft with the understanding other examples could serve as reference material to aid in the update process.

**ADJOURNMENT:**

**With there being no further business, Chair Althausen adjourned the meeting at 3:00 p.m.**

Prepared by Valerie L. Gow, Puget Sound Meeting Services, [psmsoly@earthlink.net](mailto:psmsoly@earthlink.net)

TO: General Government Committee  
 FROM: Brad Medrud, Planning Manager  
 DATE: May 11, 2022  
 SUBJECT: Ordinance No. O2022-004, Binding Site Plans

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1) Recommended Action:

Conduct a briefing on Ordinance No. O2022-004 and schedule a worksession with the City Council for May 24, 2022 on Ordinance No. O2022-004

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2) Background:

The intent of the ordinance is to clarify requirements for binding site plans in Tumwater Municipal Code (TMC) Titles 15 *Buildings and Construction* and 17 *Land Division*.

The current regulations for binding site plans have not been substantially updated since 1996. The regulations in TMC 17.08 *Binding site plans* do not clearly relate to the requirements for binding site plans found elsewhere in TMC Title 17 *Land Division* or to the vesting requirements contained in TMC Chapter 15.44 *Vesting of development rights*.

Binding site plans are an alternative method of land division authorized in RCW 58.17.035. Binding site plans may only be used for land divisions for:

- Industrial or commercial uses
- Lease of manufactured homes or travel trailers – typically a manufactured home park
- Condominiums

A binding site plan provides exact locations and detail for the type of information appropriately addressed as a part of land division, such as infrastructure and other requirements typical of subdivisions.

The Planning Commission conducted a public hearing on the ordinance on March 22, 2022 and left the record open for staff to review and respond to public comments received at the hearing at their April 11, 2022 meeting. The Planning Commission recommended approval of the ordinance at their April 11, 2022 meeting.

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3) Policy Support:

Economic Development Plan Goal 1: “Establish a development climate that stimulates economic activity and desirable investment.”

Economic Development Plan Strategy 1.D: “Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater.”

Land Use Element Implementation Policy 11 of Section 3.3: “Modify the land use regulatory review, permitting, and approval system for consistency with the Growth Management Act and adopted plans to ensure predictability and allow processing of development permits in



a timely and fair manner.”

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4) Alternatives:

☐ None

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5) Fiscal Notes:

This is an internally funded work program task.

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4) Attachments:

- A. Staff Report
- B. Binding Site Plans (Ordinance No. O2022-004)
- C. Presentation



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## BINDING SITE PLAN AMENDMENTS (ORDINANCE NO. O2022-004)

### STAFF REPORT

### GENERAL GOVERNMENT COMMITTEE BRIEFING

#### Issue

The City's current regulations for binding site plans have not been substantially updated since 1996. The regulations in TMC 17.08 *Binding site plans* do not clearly relate to the requirements for binding site plans found elsewhere in TMC Title 17 *Land Division* or to the vesting requirements contained in TMC Chapter 15.44 *Vesting of development rights*.

#### Summary

The proposed amendments are intended to establish clear requirements for the type of development that can utilize a binding site plan, the list of submittal requirements for a binding site plan application, and the criteria and process for review and approval of a binding site plan.

#### Background

Binding site plans are an alternative method of land division authorized in RCW 58.17.035 *Alternative method of land division—Binding site plans*. Binding site plans may only be used for land divisions for:

- Industrial or commercial uses
- Lease of manufactured homes or travel trailers – typically a manufactured home park
- Condominiums

A binding site plan provides exact locations and detail for the type of information appropriately addressed as a part of land division, such as infrastructure and other requirements typical of subdivisions.

The amendments are a part of the approved 2022 Long Range Planning work program.

#### Binding Site Plan Amendments

The following is a summary of the proposed binding site plan amendments found in Ordinance No. O2022-004:

1. Table 14.08.030 (Decision process)

In response to public comment received at the public hearing on March 22, 2022 concerning phasing in TMC 17.14.090, staff added the process for phased binding site plan approval to the decision process table. Staff's recommendation is that approval of binding site plans without phasing would be administrative, but phased binding site plan approval would require Hearing Examiner approval.

2. TMC Chapter 15.44 Vesting of Development Rights

Added "binding site plan" to sections that specify the type of land division that is vested to clarify how and when binding site plan applications are vested.

3. 17.08.010 Binding site plan

Added an "Intent" section which mentions the differences between binding site plans and the traditional platting process. Clarified that binding site plans can be utilized for manufactured home parks. The code already states that condominium and commercial and industrial developments are allowed to utilize binding site plans. State law allows manufactured home parks to use this method of land division as well. Also added references to the land division processes addressed in the other portions of TMC Title 17 Land Division.

4. 17.14.045 Review criteria for binding site plans

Added new section for criteria specific to binding site plans that deal with the following:

- Building envelopes and land uses
- Parking lot plans
- Access, roads, and utilities
- Previously approved uses
- Open space tracts, critical areas and buffers, and utility easements
- Uses allowed in the underlying zone district
- Development of the entire parcel or lot
- Adjacent properties and future development

Staff reviewed the public comment received at the public hearing on March 22, 2022 on new section TMC 17.14.045(H). Staff determined that new section TMC 17.14.045(H) does not create an obligation to develop a property or phasing when it is not proposed by the applicant, but proposes the following change to the section for clarification:

*H. If there is adjacent property that is under the same ownership as the property being divided, then the location and sizing of shared and public*

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**BINDING SITE PLANS (O2022-004)**

*amenities such as streets, access, utilities, and open space and recreation areas shall be taken into account so the development ~~is congruent with~~ does not preclude future adjacent development.*

5. 17.14.050 Administrative consideration

Required findings for approval are added that are specific to binding site plans and include the following:

- Consistency with the Comprehensive Plan, the Tumwater Development Guide, the Tumwater Municipal Code, and state laws
- A statement that uses approved for the property and the conditions under which they are allowed are binding to the property
- A statement that a binding site plan may not create new nonconforming uses or structures or increase the nonconformity of existing nonconforming uses or structures
- A reference to the criteria in TMC 17.14.040 was also added

6. 17.14.080 Duration of approval

“Binding site plan” was added to the section to clarify that it applies to binding site plans. Like other land divisions, such as plats, short plats, etc., the initial period of approval is for five years with up to three additional one-year extensions are allowed.

7. 17.14.090 Phasing of development

Phasing of a residential binding site plan is allowed if it contains ten or more residential dwellings. This is consistent with the SEPA exemption threshold that Tumwater has adopted for short plats. Commercial or industrial binding site plans over 20 acres in size are allowed to phase development. Non-phased binding site plans are administratively approved whereas phased binding site plans require approval of the Hearing Examiner.

### **Public Approval Process**

The Planning Commission held a briefing on the proposed amendments on February 8, 2022 and a worksession on February 22, 2022.

An Environmental Checklist for a non-project action was prepared on February 1, 2022 under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC and a Determination of Non-Significance was issued on February 17, 2022.

The ordinance was sent to the Washington State Department of Commerce on January 6, 2022 for the required 60-day review before the proposed text amendments were adopted, in accordance with RCW 36.70A.106.

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### **BINDING SITE PLANS (O2022-004)**

A Notice of Public Hearing for the Planning Commission was issued on March 11, 2022 prior to a public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*.

The Planning Commission held a public hearing for the proposed amendments on March 22, 2022. The public hearing was continued on April 12, 2022, to allow staff to review and respond to public comments and for further deliberations. Following the public hearing and deliberations, the Planning Commission made a recommendation that Council consider the proposed amendments in Ordinance No. O2022-004.

The General Government Committee is scheduled to review the proposed amendments in a briefing on May 11, 2022 and recommend that the ordinance be discussed at a City Council worksession. The City Council is scheduled to review the amendments at a worksession on May 24, 2022 and consider the amendments on June 7, 2022.

### **Public Notification**

A Notice of Public Hearing for the Planning Commission was issued, posted, mailed to interested parties, and published in *The Olympian* on March 11, 2022, after the Planning Commission set the public hearing date on February 22, 2022.

### **Staff Conclusions**

1. The proposed text amendments are consistent with the goals of the Washington State Growth Management Act.
  - a. This ordinance is consistent with Goal 7 of the Growth Management Act which states:

*“Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.”*

The Ordinance establishes concise requirements for the application, review process, and approval of binding site plans.

2. The proposed amendments are consistent with the Economic Development Plan because the proposed amendments improve the clarity and specificity of the regulations for submittal, review, and approval of binding site plans.
  - a. Goal #1 of the Economic Development Plan states:

*“Establish a development climate that stimulates economic activity and desirable investment.”*

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### **BINDING SITE PLANS (O2022-004)**

- b. The text of the Economic Development Plan states that one of the ways to support Goal #1 is:

*“...by making ongoing improvements to existing development regulations, systems, and processes.”*

- c. Action item 1.D. of the Economic Development Plan states:

*“Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater.”*

This Ordinance improves the existing regulations for the application, review process, and approval of binding site plans.

3. Based on the above review and analysis, staff concludes that the proposed text amendments are consistent with the requirements of the Washington State Growth Management Act and the Tumwater Comprehensive Plan.

### **Planning Commission Recommendation**

The Planning Commission recommends approval of the proposed amendments as shown in Ordinance No. O2022-004.

### **Effects of the Proposed Amendments**

The proposed text amendments would necessitate changes to the Tumwater Municipal Code as shown in Ordinance No. O2022-004.

### **Staff Contact**

Brad Medrud, Planning Manager  
City of Tumwater Community Development Department  
360-754-4180  
bmedrud@ci.tumwater.wa.us

**ORDINANCE NO. O2022-004**

**AN ORDINANCE** of the City Council of the City of Tumwater, Washington updating binding site plan requirements by amending Tumwater Municipal Code (TMC) Titles 15, *Buildings and Construction*, and 17, *Land Division*, as more particularly described herein.

**WHEREAS**, TMC Title 17 *Land Division* contain the requirements for binding site plans; and

**WHEREAS**, TMC Chapter 17.08 *Binding site plans* has not been substantially updated since 1996; and

**WHEREAS**, TMC Chapter 17.08 *Binding site plans* does not clearly relate to the requirements for binding site plans found elsewhere in TMC Title 17 *Land Division*; and

**WHEREAS**, TMC Chapter 15.44 *Vesting of development rights* contains the requirements for vesting for preliminary plat or preliminary short plat applications but needs to be updated to address binding site plan applications; and

**WHEREAS**, TMC Chapter 15.44 *Vesting of development rights* has not been substantially updated since it was adopted in 2010; and

**WHEREAS**, the City is required to plan under Chapter 36.70A RCW, the Growth Management Act; and

**WHEREAS**, Goal #7 of the Growth Management Act states "...applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability"; and

**WHEREAS**, this ordinance establishes concise requirements for the application, review process, and approval of binding site plans; and

**WHEREAS**, this ordinance meets the goals and requirements of the Growth Management Act; and

**WHEREAS**, the City has adopted a Comprehensive Plan, in accordance with the Growth Management Act; and

**WHEREAS**, the Economic Development Plan and the Land Use Element are elements of the Comprehensive Plan; and

**WHEREAS**, Goal 1 of the Economic Development Plan is “Establish a development climate that stimulates economic activity and desirable investment”; and

**WHEREAS**, the Economic Development Plan mentions that one of the ways to support Goal 1 is “...by making ongoing improvements to existing development regulations, systems, and processes”; and

**WHEREAS**, Strategy 1.D of the Economic Development Plan is “Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater”; and

**WHEREAS**, clear and consistent development regulations support Goal 1 and Strategy 1.D of the Economic Development Plan; and

**WHEREAS**, the proposed amendments to TMC Titles 15, *Buildings and Construction*, and 17, *Land Division*, improve the clarity and specificity of the regulations for the submission, review process, decision making, and approval for binding site plans; and

**WHEREAS**, the proposed amendments to TMC Titles 15, *Buildings and Construction*, and 17, *Land Division*, are consistent with the Economic Development Plan; and

**WHEREAS**, Implementation Policy 11 of Section 3.3 of the Land Use Element states, “Modify the land use regulatory review, permitting, and approval system for consistency with the Growth Management Act and adopted plans to ensure predictability and allow processing of development permits in a timely and fair manner”; and

**WHEREAS**, this ordinance is consistent with Implementation Policy 11 of Section 3.3 of the Land Use Element because it clarifies and refines the process for reviewing and approving binding site plans; and

**WHEREAS**, this ordinance is consistent with the Comprehensive Plan; and

**WHEREAS**, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent to the State of Washington Department of Commerce and to other state agencies on January 6, 2022 to allow for a sixty-day review and comment period, which comment period ended prior to adoption of this ordinance; and

**WHEREAS**, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW) on



February 1, 2022, pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance (DNS) was issued on February 17, 2022; and

**WHEREAS**, the Attorney General *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (September 2018) was reviewed and utilized by the City in objectively evaluating the proposed amendments; and

**WHEREAS**, the Planning Commission received a briefing on the proposed code amendments on February 8, 2022 and held a worksession on February 22, 2022; and

**WHEREAS**, a Notice of Public Hearing for the Planning Commission was issued on March 11, 2022 prior to the public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*; and

**WHEREAS**, the Planning Commission held a public hearing on March 22, 2022 and continued the discussion on April 12, 2022; and

**WHEREAS**, following the public hearing and deliberations, the Planning Commission recommended the proposed code amendments to the Tumwater Municipal Code to the City Council; and

**WHEREAS**, the General Government Committee held a briefing on the proposed code amendments on May 11, 2022; and

**WHEREAS**, the City Council discussed the proposed code amendments in a worksession on May 24, 2022; and

**WHEREAS**, the City Council considered the proposed code amendments June 7, 2022; and

**WHEREAS**, the City Council finds that the provisions of this ordinance are in the best interest of and protect the health, safety, and welfare of the residents of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** Table 14.08.030 of the Tumwater Municipal Code is hereby amended to read as follows:

Table 14.08.030

**Key: R = Recommendation to Higher Review Authority; D = Decision;  
A = Appeal Decision; C = Closed Record Appeal Hearing;  
OP = Open Record Predetermination Hearing**

|  | HISTORIC<br>COMMISSION | COMMUNITY<br>DEVELOPMENT<br>DEPARTMENT<br>STAFF | DEVELOPMENT<br>REVIEW<br>COMMITTEE | HEARING<br>EXAMINER | PLANNING<br>COMMISSION | CITY<br>COUNCIL |
|--|------------------------|---|------------------------------------|---------------------|------------------------|-----------------|
| <b>ZONING</b>  |                        |   |                                    |                     |                        |                 |
| CONDITIONAL USE<br>PERMITS   |                        |   | R                                  | D(OP)               |                        |                 |
| VARIANCE   |                        |   | R                                  | D(OP)               |                        |                 |
| SITE-SPECIFIC<br>REZONES<br>REQUIRED AS A<br>RESULT OF A<br>COMPREHENSIVE<br>PLAN CHANGE |                        |   |                                    |                     | R(OP)                  | D(OP)           |
| SITE-SPECIFIC<br>REZONES NOT<br>REQUIRING A<br>COMPREHENSIVE<br>PLAN<br>AMENDMENT        |                        | R   |                                    | D(OP)               |                        |                 |
| ZONING TEXT<br>AMENDMENT<br>(DEV. REG.<br>CHANGES)                                       |                        |   |                                    |                     | R(OP)                  | D(OP)           |
| AREA WIDE MAP<br>AMENDMENT   |                        |   |                                    |                     | R(OP)                  | D(OP)           |
| HOME<br>OCCUPATION   |                        | D   |                                    | A(OP)               |                        |                 |
| CERTIFICATE OF<br>APPROPRIATENES<br>S  | D                      | R   |                                    | A(C)                |                        |                 |
| <b>COMPREHENSIVE PLAN</b>  |                        |   |                                    |                     |                        |                 |
| <del>COMPREHENSIVE</del><br>-PLAN- TEXT<br>AMENDMENT                                     |                        |   |                                    |                     | R(OP)                  | D(OP)           |
| <del>COMPREHENSIVE</del><br>-PLAN- MAP<br>AMENDMENT                                      |                        |   |                                    |                     | R(OP)                  | D(OP)           |
| <b>LAND DIVISION</b>   |                        |   |                                    |                     |                        |                 |
| REPLAT   |                        |   | R                                  | D(OP)               |                        |                 |
| PLAT VACATION  |                        |   | R                                  | D(OP)               |                        |                 |
| BLA  |                        | D   |                                    | A(OP)               |                        |                 |
| LOT<br>CONSOLIDATION   |                        | D   |                                    | A(OP)               |                        |                 |
| PRELIMINARY<br>PLAT  |                        |   | R                                  | D(OP)               |                        |                 |
| SHORT PLAT   |                        | D   |                                    | A(OP)               |                        |                 |
| FINAL PLAT   |                        | D   |                                    | A(OP)               |                        |                 |

|  | HISTORIC<br>COMMISSION | COMMUNITY<br>DEVELOPMENT<br>DEPARTMENT<br>STAFF | DEVELOPMENT<br>REVIEW<br>COMMITTEE | HEARING<br>EXAMINER    | PLANNING<br>COMMISSION | CITY<br>COUNCIL |
|--|------------------------|---|------------------------------------|------------------------|------------------------|-----------------|
| PUD  |                        |   | R                                  | D(OP)                  |                        |                 |
| BINDING SITE<br>PLAN                           |                        |   | D                                  | A(OP)                  |                        |                 |
| <a href="#">BINDING SITE<br/>PLAN - PHASED</a> |                        |   | <a href="#">R</a>                  | <a href="#">D (OP)</a> |                        |                 |
| PLAT TIME<br>EXTENSION                         |                        | D   |                                    | A(OP)                  |                        |                 |
| PLAT ALTERATION<br>W/ HEARING                  |                        | R   |                                    | D(OP)                  |                        |                 |
| PLAT ALTERATION<br>W/O HEARING                 |                        | D   |                                    | A(OP)                  |                        |                 |
| <b>ENVIRONMENTAL</b>                           |                        |   |                                    |                        |                        |                 |
| WETLAND PERMIT                                 |                        | D   |                                    | A(OP)                  |                        |                 |
| TREE PLANS                                     |                        | D   |                                    | A(OP)                  |                        |                 |
| SEPA DET.                                      |                        | D   |                                    | A(OP)                  |                        |                 |
| <b>SHORELINES</b>                              |                        |   |                                    |                        |                        |                 |
| SUB. DEV. PERMIT                               |                        |   | R                                  | D(OP)                  |                        |                 |
| CONDITIONAL USE<br>PERMIT                      |                        |   | R                                  | D(OP) (1)              |                        |                 |
| VARIANCE                                       |                        |   | R                                  | D(OP) (1)              |                        |                 |
| EXEMPT   |                        | D   |                                    | A(OP)                  |                        |                 |
| <b>OTHER</b>                                   |                        |   |                                    |                        |                        |                 |
| DEV. CODE<br>INTERPRETATIONS                   |                        | D   |                                    | A(OP)                  |                        |                 |
| BUILDING PERMIT<br>PER IBC                     |                        | D   |                                    | A(OP)                  |                        |                 |
| ADMINISTRATIVE<br>ORDERS                       |                        | D   |                                    | A(OP)                  |                        |                 |
| CIVIL PENALTIES                                |                        | D   |                                    | A(OP)                  |                        |                 |
| REASONABLE USE<br>EXCEPTIONS                   |                        | R   |                                    | D(OP)                  |                        |                 |
| BUILDING MOVING<br>PERMIT                      |                        | D   |                                    | A(OP)                  |                        |                 |
| GRADING PERMIT<br>PER IBC                      |                        | D   |                                    | A(OP)                  |                        |                 |
| IMPACT FEE<br>DETERMINATIONS                   |                        | D   |                                    | A(OP)                  |                        |                 |
| CONCURRENCY<br>DETERMINATIONS                  |                        | D   |                                    | A(OP)                  |                        |                 |

Table 14.08.030 Explanatory Notes:

1. Decisions on shoreline conditional use permits are issued by the city and the local decision can be appealed. The city's decision is sent to the Washington State Department of Ecology for further review and approval or disapproval. After the city appeal process and Ecology's review processes are complete, appeals may be made to

the Shorelines Hearings Board within twenty-one days of the “date of filing” as defined in RCW 90.58.140(6).

**Section 2.** Section 15.44.020 of the Tumwater Municipal Code is hereby amended to read as follows:

**15.44.020 Intent.**

It is the intent of the city of Tumwater to comply with RCW 19.27.095 and 58.17.033 by defining when a valid and fully complete building permit application for a structure and a valid and fully complete binding site plan, preliminary plat, or preliminary short plat application exists for the purpose of establishing the point of vesting of development rights.

(Ord. O2010-017, Amended, 12/21/2010; Ord. 1332, Added, 07/07/1992)

**Section 3.** Section 15.44.030 of the Tumwater Municipal Code is hereby amended to read as follows:

**15.44.030 Definition.**

A. For the purpose of this code, a “valid and fully complete building permit application” means the following information has been provided for any construction project:

1. The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor.

2. The property owner’s name, address and phone number.

3. The prime contractor’s business name, address, phone number, and current state contractor registration number.

4. Either:

- a. The name, address and phone number of the office of the lender administering the interim construction financing, if any; or

- b. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project.

5. If any of the information required by subsection (A)(4) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

6. Plans, specifications and reports, as required by this title.

7. A completed environmental checklist for applicable projects.

8. Accompanying the building permit application, a completed application and all information required to be filed for:

- a. Preliminary site plan review application;
- b. Zoning conditional use permit;
- c. Zoning variance;
- d. Zoning planned unit development;
- e. Zoning certificate of appropriateness;
- f. Shoreline permit, conditional use permit or variance;
- g. Site development/grading permit;
- h. Land clearing permit;
- i. Wetland permit;
- j. Wireless communications facility permit;
- k. Wetland or fish and wildlife habitat protection reasonable use exception;
- l. Any other land use or environmental permit in effect on the date of application.

9. Payment of all fees, including but not limited to items listed in subsections (A)(7) and (8) of this section, plan check fees required under the provisions of the Tumwater Municipal Code, and resolutions setting forth fees.

B. For the purpose of this code, a valid and fully complete binding site plan, preliminary plat, or preliminary short plat application requires at a minimum that the following information has been provided:

1. Submittal of all plans, reports, and other materials required by the city's development guide, TMC Title 17, Land Division, and other applicable development regulations, and shall include the following general information:

- a. A completed binding site plan, preliminary plat, or preliminary short plat application form and intake checklist;
- b. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all the owners of the affected property;
- c. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
- d. The application fee;
- e. Evidence of adequate water supply as required by RCW 19.27.097;
- f. Evidence of sewer availability, or approval and authorization to construct a community or individual sewer or septic system.

(Ord. O2010-017, Amended, 12/21/2010; Ord. 1332, Added, 07/07/1992)

**Section 4.** Section 15.44.040 of the Tumwater Municipal Code is hereby amended to read as follows:

**15.44.040 Vesting of development rights.**

A. A valid and fully complete building permit application for a structure that is allowable under TMC Title 18, Zoning, or other land use control ordinances in effect on the date of the application shall be vested under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

B. A valid and fully complete binding site plan, preliminary plat, or preliminary short plat application that is allowable under TMC Title 17, Land Division, and TMC Title 18, Zoning, or other land use control ordinances in effect on the date of the application shall be vested under binding site plan, subdivision, or short subdivision ordinances and zoning or other land use control ordinances in effect on the date of application; provided, that the provisions of RCW 58.17.170 shall dictate the development regulations applicable to a preliminary plat application for development or use of land subject to an unexpired subdivision approval (this provision shall not apply to land subject to an unexpired short subdivision approval).

(Ord. O2010-017, Amended, 12/21/2010; Ord. 1332, Added, 07/07/1992)

**Section 5.** Section 17.08.010 of the Tumwater Municipal Code is hereby amended to read as follows:

**17.08.010 Binding site plans.**

A. The intent of this section is to provide an alternative method of land division for the sale or lease of commercial or industrial zoned properties, condominiums, and manufactured home parks that is more flexible than traditional land division procedures. Binding site plans allow for shared access, parking, streets and other required aspects of development such as park and open space areas. Binding site plans promote orderly and efficient growth and expedite the land use review process.

AB. Divisions of land into lots, parcels, or tracts zoned for industrial and/or commercial use or specifically intended for condominiums or manufactured home parks may be processed as a binding site plan. The city shall approve a binding site plan following the process in TMC Title 17, Land Division, when it has been shown to conform to the requirements of the zoning code; provided, that said lots, parcels or tracts shall not be sold or transferred unless the binding site plan and a record of survey map, which is prepared in compliance with Chapter 58.09 RCW, and which includes a legal description of each lot, parcel or tract being created, is approved by the department of community development and filed for record in the county auditor's office.

C. The department of community development shall certify that the survey map conforms to the requirements of the zoning code, land division code, and development standards, and affix its signature to the survey prior to recording; provided further, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel or tract; and provided further, that sale or transfer of such a lot, parcel or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of this title and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O96-004, Amended, 04/16/1996; Ord. 1308, Added, 10/15/1991)

**Section 6.** Section 17.14.045 of the Tumwater Municipal Code is hereby created and is to read as follows:

**17.14.045 Review criteria for binding site plans.**

In addition to the review criteria of TMC 17.14.040, binding site plans shall meet the following:

- A. A binding site plan shall depict building envelopes and all existing and proposed land uses if known.
- B. A parking lot plan is required for the binding site plan. The plan shall allocate parking to each lot or condominium unit or specify joint use parking. Proposed lots containing legally existing structures and uses need not meet current parking regulations. Proposed lots without legally existing structures or uses must meet current parking regulations.
- C. Access to each lot or condominium unit within the binding site plan shall be depicted. Existing access to legally existing structures and uses need not meet emergency vehicle access standards. Access to proposed lots and new development without legally established structures or uses shall meet current standards.
- D. Binding site plans shall be reviewed for storm drainage, roads, water supply, existing sanitary sewage disposal, access or easement for vehicles, survey requirements, utilities, and fire protection for any lot, tract, parcel or site, and for zoning requirements, previous decisions, accuracy of legal description, ownership, lot dimensions, and improvements on the lots.
- E. A binding site plan cannot amend or conflict with previously granted use permit approvals or conditions of approval.
- F. A binding site plan shall depict any open space tract, required recreational areas, critical area buffers, and utility easements.
- G. Proposed uses must be as allowed in the underlying zone district. Should the proposed use require a conditional use permit, said permit shall be requested and

reviewed concurrently or prior to approval of the binding site plan. Binding site plan approval does not constitute approval for other required use permits.

H. If there is adjacent property that is under the same ownership as the property being divided, then the location and sizing of shared and public amenities such as streets, access, utilities, and open space and recreation areas shall be taken into account so the development does not preclude future adjacent development.

I. Binding site plans shall account for the development of all of the land of a parcel or lot or parcels or lots under the same ownership.

**Section 7.** Section 17.14.050 of the Tumwater Municipal Code is hereby amended to read as follows:

**17.14.050 Administrative consideration.**

A. All preliminary short plats, binding site plans, and large lot subdivisions shall be reviewed by the development review committee based on the standards contained in this title and any other applicable ordinances or policies. If the proposed division is determined to meet the applicable standards and only if written findings that are appropriate, as provided in RCW 58.17.110, are made, it shall be approved.

B. Additional findings required for binding site plan approval.

1. The limitations and conditions for the uses depicted on the binding site plan are consistent with applicable ordinances, plans, and policies, including but not limited to, the comprehensive plan, the development guide, the municipal code, and state laws;

2. Specific use types and conditions shall be binding on the property and shall remain in effect for all future owners of the site unless altered in accordance with TMC 17.14.110;

3. The binding site plan does not create a nonconforming use or structure or increase the nonconformity of any nonconforming uses or structures on the site in accordance with TMC 18.54; and

4. The criteria contained in TMC 17.14.040 have been met.

(Ord. 1308, Added, 10/15/1991)

**Section 8.** Section 17.14.080 of the Tumwater Municipal Code is hereby amended to read as follows:

**17.14.080 Duration of approval.**

Approvals under RCW 58.17.140 are valid for a period of seven years if the date of preliminary plat approval is on or before December 31, 2014; five years if the preliminary plat or binding site plan approval is issued on or after January 1, 2015; and ten years if the project is located within city limits, not subject to the Shoreline



Management Act, and the preliminary plat is approved on or before December 31, 2007.

A. An initial one-year extension, which has been filed at least thirty days prior to the expiration of the period of approval, may be granted by the community development director or his/her designee upon a finding that the applicant has attempted in good faith to submit the final plat or binding site plan within the period of approval. Submittal of complete engineering plans for the land division plat prior to the expiration of the approval period time limit shall constitute a good faith effort.

B. Two additional one-year extensions may be administratively granted, which shall be reviewed for compliance with the following:

1. The applicant has pursued submitting the final plat or binding site plan in good faith. Submittal of complete engineering plans for the plat-land division prior to the expiration of the approval period time limit shall constitute a good faith effort on the part of the applicant;

2. There have been no changes to the comprehensive plan, zoning ordinance, development standards or other applicable codes which are inconsistent with the approved preliminary plat or binding site plan, unless such changes can be incorporated into the existing plat-land division without significantly altering the plat as originally approved by the hearing examiner or binding site plan as originally approved administratively or by the hearing examiner; and

3. There are no other significant changed conditions that would render filing of the preliminary plat or recording of the binding site plan contrary to the public health, safety, or general welfare.

C. For preliminary plats approved prior to January 1, 2008, which are affected by the United States Fish and Wildlife Service's requirement for a habitat conservation plan protecting federally listed species, the community development director or his/her designee may issue time extensions in one-year increments until a citywide or individual habitat conservation plan is approved by the U.S. Fish and Wildlife Service, but in no case shall time extensions exceed three years. During such extensions granted pursuant to this subsection, the plat shall continue to be subject to the conditions of approval and vested rights that applied to the approved phased preliminary plat prior to the extension, with the exception of storm drainage standards, design guidelines and building and fire codes, unless it would significantly alter the plat as approved by the hearing examiner.

(Ord. O2016-022, Amended, 01/03/2017; Ord. O2016-010, Amended, 08/02/2016; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-004, Amended, 05/04/2010; Ord. O2000-004, Amended, 07/18/2000; Ord. O96-004, Amended, 04/16/1996; Ord. 1308, Added, 10/15/1991)

**Section 9.** Section 17.14.090 of the Tumwater Municipal Code is hereby amended to read as follows:

#### 17.14.090 Phased development.

A. Residential ~~developments~~ preliminary plats containing more than one hundred dwelling units and commercial or industrial ~~developments~~ preliminary plats covering more than twenty acres are eligible to attain final plat approval in phases. Residential binding site plans containing ten or more dwelling units and commercial or industrial binding site plans covering more than twenty acres are eligible to attain approval in phases. Phased approval of final plats and binding site plans is limited to developments with at least two but not more than four phases.

Upon receipt of the recommendation from the development review committee, the hearing examiner shall hold a public hearing and shall review the phased land division in accordance with this title, the recommendations of the development review committee, reports of other agencies and officials, if any, and the hearing testimony. At the hearing, the hearing examiner shall consider and may alter any part of the proposed phased development. The hearing examiner may approve, approve with conditions, or disapprove the phasing plan. The phasing of binding site plans shall follow the procedures for *Binding Site Plan-Phasing* approval in Table 14.08.030.

The preliminary plat or binding site plan for a phased development shall show the number of phases, the area each phase encompasses, and the sequence for submission for recording of the various phases. A submittal for a phased development shall demonstrate how transportation, access, traffic, stormwater, parks and open space, critical areas, and utilities will be addressed for all phases of the development.

The period of time between the date of the preliminary approval of the phased land division by the hearing examiner and the date of filing for final plat approval for the first phase shall be consistent with TMC 17.14.080. The period of time between the date of preliminary approval of the phased land division by the hearing examiner and the completion of the first phase of a phased binding site plan, and the recording of such document(s) shall be consistent with TMC 17.14.080.

Construction plans for each phase of a phased development shall include stormwater management facilities that comply with all state and local requirements in effect at the beginning of the time period allotted for that phase.

Applications for final plat or binding site plan approval for each successive phase must be submitted within three years of the submittal for final plat or binding site plan approval on the previous phase, except as provided below.

B. For phased preliminary plats approved prior to January 1, 2008, which are affected by the United States Fish and Wildlife Service's requirement for a habitat conservation plan protecting federally listed habitat and/or species, the community development director or his/her designee may issue time extensions in one-year increments until a citywide or individual habitat conservation plan is completed, but in no case shall time extensions exceed three years. During such extensions granted pursuant to this subsection, the plat shall continue to be subject to the conditions of approval and vested rights that applied to the approved phased preliminary plat prior to the extension, with the exception of storm drainage standards, design guidelines

and building and fire codes, unless it would significantly alter the plat as approved by the hearing examiner.

C. Time extensions that are granted pursuant to these regulations shall continue to be subject to the conditions of approval and vested rights that applied to the approved phased preliminary plat or binding site plan prior to the extension, with the exception of stormwater management regulations and building and fire codes, except as provided under subsection B of this section. If time extensions are granted pursuant to these regulations, subsequent phases shall meet current stormwater management regulations and building and fire codes. The director's decision shall be a final decision of the city of Tumwater and not subject to administrative appeal.

(Ord. O2016-022, Amended, 01/03/2017; Ord. O2016-010, Amended, 08/02/2016; Ord. O2011-015, Amended, 12/20/2011; Ord. O2010-004, Amended, 05/04/2010; Ord. O2000-004, Added, 07/18/2000)

**Section 10. Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 11. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 12. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

**Section 13. Effective Date.** This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF TUMWATER

\_\_\_\_\_  
Debbie Sullivan, Mayor

ATTEST:

\_\_\_\_\_  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen Kirkpatrick, City Attorney

Published:\_\_\_\_\_

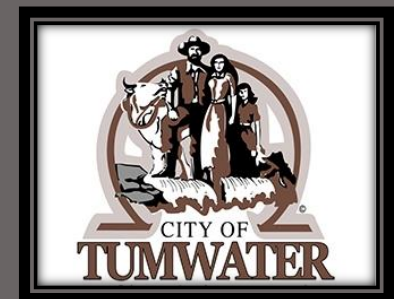
Effective Date:\_\_\_\_\_

# Binding Site Plans

## Ordinance No. O2022-004

May 11, 2022

General Government Committee Briefing



# Background

- Amendment work approved by City Council as part of the 2022 Long Range Planning Work Program
- A binding site plan provides exact locations and detail for the type of information appropriately addressed as a part of land division, such as infrastructure and other requirements typical of subdivisions

# Background

RCW 58.17.035 authorizes binding site plans as an alternative method of land division for:

1. Industrial or commercial uses
2. Manufactured home parks
3. Condominiums

# Background

## TMC 17.08 *Binding Site Plans*:

1. Section has not been substantially updated since 1996
2. Does not clearly relate to the requirements found elsewhere in Title 17 *Land Division*
3. Does not clearly relate to the requirements for vesting found in Chapter 15.44 *Vesting of Development Rights*



# Proposed Amendments

1. Table 14.08.030 (Decision process)
  - In response to public comment received at the public hearing on phasing in TMC 17.14.090, added process for phased binding site plan approval to the decision process table
  - Approval of binding site plans without phasing would be administrative, but phased binding site plan approval would require Hearing Examiner approval

# Proposed Amendments

## 2. TMC 15.44 *Vesting of Development Rights*:

Added “binding site plan” to sections that specify the type of land division that is vested to clarify how and when binding site plan applications are vested

# Proposed Amendments

## 3. TMC 17.08.010 *Binding site plan*:

- Added language regarding the benefits of binding site plans and their differences from traditional land division processes
- Clarified that binding site plans can be utilized for manufactured home parks
- Also added references to the land division processes addressed in the other portions of TMC Title 17  
*Land Division*

# Proposed Amendments

4. TMC 17.14.040 *Review Criteria* (Existing for all land divisions)
- Public health, safety and general welfare
  - Utilities - water, sewer, stormwater, etc.
  - Infrastructure - Streets, sidewalks, bike lanes, etc.
  - Schools, school grounds, and safe walking conditions
  - Parks and open space
  - Fire protection and other public services
  - Environment - Shoreline areas, flood hazards, etc.

# Proposed Amendments

5. TMC 17.14.045 *Review criteria for binding site plans* (Additional new review criteria specific to binding site plans):
- Building envelopes and land uses
  - Parking lot plans
  - Access, roads and utilities
  - Previously approved uses, open space tracts, critical areas and buffers, and utility easements
  - Uses allowed in the underlying zone district
  - Addressing development of an entire lot
  - Adjacent properties and future development

# Proposed Amendments

## 6. TMC 17.14.050 *Administrative consideration* (Added findings for approval of binding site plans):

- Consistency with the Comprehensive Plan, the Tumwater Development Guide, the Tumwater Municipal Code, and state laws
- A statement that uses approved for the property and the conditions under which they are allowed are binding to the property

# Proposed Amendments

## 7. TMC 17.14.050 *Administrative consideration* (Added findings for approval of binding site plans):

- A statement that a binding site plan may not create new nonconforming uses or structures or increase the nonconformity of existing nonconforming uses or structures
- Added reference to review criteria in TMC 17.14.040

# Proposed Amendments

## 8. TMC 17.14.080 *Duration*:

- “Binding site plan” was added to the section to clarify that it applies to binding site plans
- Like other land divisions, such as plats, short plats, etc., the initial period of approval is for five years and up to three additional one-year extensions are allowed



# Proposed Amendments

## 9. TMC 17.14.090 *Phasing of development*:

- Residential binding site plan phasing allowed there are ten or more residential dwellings consistent with the SEPA exemption threshold for short plats
- Commercial or industrial binding site plans over 20 acres in size are allowed to phase development
- Phased binding site plans require Hearing Examiner approval
- Non-phased binding site plans are administrative approval

# Next Steps

## City Council Review and Approval Process:

- May 24, 2022 – City Council Worksession
- June 7, 2022 – City Council Consideration