



**PLANNING COMMISSION
MEETING AGENDA**

Online via Zoom

**Tuesday, March 22, 2022
7:00 PM**

1. Call to Order
2. Roll Call
3. Changes to Agenda
4. Approval of Minutes
 - [a.](#) Tumwater Planning Commission March 8 2022 Minutes
5. Commissioner's Reports
6. Manager's Report
 - [a.](#) Ongoing 2022 Planning Commission Meeting Schedule
7. Public Comment
- [8.](#) Ordinance No. O2022-004, Binding Site Plans
9. Next Meeting Date - 04/12/2022
10. Adjourn

Remote Meeting Information

To comply with Governor Inslee's Proclamation 20-28, Tumwater Planning Commission 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

Go to <http://www.zoom.us/join>, and enter the Webinar ID 816 0942 4387 and Passcode 820218.

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The public is invited to attend the hearing and offer comment. The public may register in advance for this webinar to provide comment:

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After registering, you will receive a confirmation email containing information about joining the webinar.

The public may also submit comments prior to the meeting by sending an email to:

cdd@ci.tumwater.wa.us. Please send the comments by 1:00 p.m. on Tuesday, March 22, 2022.

Comments are submitted directly to the Planning Commissioners and will not be read individually into the record of the meeting.

If you have any questions, please contact Planning Manager Brad Medrud at (360) 754-4180 or bmedrud@ci.tumwater.wa.us.

Accommodations

The City of Tumwater takes pride in ensuring that people with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the City. To request an accommodation or alternate format of communication, please contact the City Clerk by calling (360) 252-5488 or email CityClerk@ci.tumwater.wa.us. For vision or hearing impaired services, please contact the Washington State Relay Services at 7-1-1 or 1-(800)-833-6384. To contact the City's ADA Coordinator directly, call (360) 754-4128 or email ADACoordinator@ci.tumwater.wa.us.

Post Meeting

Audio of the meeting will be recorded and later available by request, please email CityClerk@ci.tumwater.wa.us.

What is the Planning Commission?

The Tumwater Planning Commission is a citizen advisory commission that is appointed by and advisory to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Actions by the Planning Commission are not final decisions; they are Commission recommendations to the City Council who must ultimately make the final decision. If you have any questions or suggestions on ways the Commission can serve you better, please contact the Community Development Department at (360) 754-4180.

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CONVENE: 7:00 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Terry Kirkpatrick, Nam Duc Nguyen, Meghan Sullivan, and Michael Tobias.

Excused: Commissioners Grace Edwards and Nathan Peters.

Staff: Planning Manager Brad Medrud.

CHANGES TO AGENDA: There were no changes to the agenda.

**APPROVAL OF
MINUTES –
FEBRUARY 22, 2022:**

MOTION: Commissioner Kirkpatrick moved, seconded by Commissioner Tobias, to approve the minutes of February 22, 2022 as presented. Motion carried unanimously.

COMMISSIONER REPORTS: There were no reports.

MANAGER'S REPORT: Mayor Sullivan is planning to attend the April 11, 2022 meeting for a question and answer session with the Commission.

The City hired the new Sustainability Coordinator. Alyssa Jones-Wood will join the City in May. Ms. Jones-Wood is from south Florida where she currently works as a Sustainability Coordinator for the City of Hallandale Beach, Florida. She has a master's degree in geoscience with a focus on human environment and sustainability. Her responsibilities in the new position include coordinating the implementation of the Thurston Climate Mitigation Plan and providing support to the Tree Board and implementation of the Urban Forestry Management Plan.

The City has received applications for the two open Commission positions. Interviews are scheduled at the end of March for the first vacant position.

The City is advertising to fill the Economic Development Manager and Habitat Conservation Coordinator positions serving in the Community Development Department.

PUBLIC COMMENT: There were no public comments.

URBAN FORESTRY MANAGEMENT Manager Medrud reported the next step in the implementation of the Urban Forestry Management Plan is the preparation of an update to the

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**PLAN – TREE
 PRESERVATION
 REGULATION
 UPDATE, SCOPE OF
 WORK:**

City's tree preservation regulations. The process will involve hiring a consultant to work with staff, stakeholders, and the Tree Board, Planning Commission, and City Council to update the City's tree and vegetation preservation regulations (Tumwater Municipal Code (TMC) 16.08 Protection of Trees and Vegetation), as well as review and update other relevant regulations, plans, and handouts. The draft scope of work for the consultant will be included in a Request for Proposals (RFP) that the City will be issuing later in March 2022 for a consultant to work on the regulation update.

The update will be an extensive process. Staff received substantial input and interest with respect to the update. Another update closely following this update is the City's landscaping and buffering codes within the zoning code.

Manager Medrud requested feedback on the scope of work for the RFP. The RFP includes a description of the project, goals of the project, and a general scope of work to guide the consultant's RFP submission. The consultant's expertise will be focused on community engagement and engagement with the Tree Board, Planning Commission, and City Council. Staff is also seeking more expertise on trees and vegetation to help inform any of the updates to the ordinances.

Chair Robbins asked about the possibility of including the formation and management of a stakeholder group. Manager Medrud responded by reviewing the staff report outlining next steps. The issuance of the RFP is scheduled within the next several weeks with the draft RFP under review by the Commission and the General Government Committee at its next meeting. The scope of work outlines general project administration involving the coordination of the consultant with City staff and required meetings and other coordinating activities/meetings. The scope of work includes the preparation of a public engagement plan with the consultant to work with City staff to identify all stakeholders. Several comments received by staff earlier and forwarded to the Commission are indicative of the need to expand the list of stakeholders. Manager Medrud reviewed the draft list of stakeholders and described why particular stakeholders were included.

Commissioner Kirkpatrick said he visited the City's website and was unable to locate a listing of homeowner associations in the City. The City of Lacey has an extensive list of homeowner associations as well as staff meetings with neighborhood associations on a regular basis. He does not believe the City has pursued a similar direction with respect to outreach to homeowner associations.

Commissioner Sullivan added that the City of Olympia also maintains a list of homeowner associations.

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Manager Medrud said the City has a list of homeowner associations, although it may be outdated. The update might offer an opportunity to initiate some discussions on ways to reach out to homeowner associations for a variety of reasons. He agreed developing a list beyond the existing list is important to include within the scope of work.

Staff identified the following stakeholders:

- Residential property owners
- Homeowner associations
- Commercial, industrial, and institutional property owners
- Residential, commercial, industrial, and institutional developers
- Professional consultants, such as landscape architects, foresters, and arborists
- Tree cutting/landscape maintenance companies
- City development review staff, including planning, building and development engineering staff
- City maintenance staff
- City code enforcement staff
- Environmental interests

Chair Robbins recommended including private utility companies, such as Puget Sound Energy because those companies work in the right-of-way. Commissioner Kirkpatrick suggested including the Tumwater Area Chamber of Commerce. Manager Medrud affirmed the recommendations.

Commissioner Tobias asked about the cost-sharing for sidewalk repairs between the City and homeowner associations for those instances where tree roots are breaking through the sidewalk. Manager Medrud said those situations can vary and would be subject to more conversations when the Commission reviews housekeeping ordinances later in the year. If sidewalks are along a public street, abutting homeowners are responsible for repairs to the sidewalk. The City has participated with homeowner associations or a larger group of homeowners to replace some sections of sidewalks. However, in practical terms, the City relies on adjacent property owners. For sidewalks located off private lanes and roads, property owners are responsible for sidewalk maintenance and repairs.

Manager Medrud reported the public engagement plan will also explicitly address how to promote equity and environmental justice. The RFP draft stresses the importance of treating all areas in the City equally with all community members having the same level of access to improvements and benefits. In terms of a stakeholder group either externally or internally, the draft defers to the consultant to provide feedback on the best process to pursue. The plan also requires the development of a

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project schedule to accommodate stakeholder and community meetings as part of the update process, as well as identifying deliverables to the Tree Board, Planning Commission, and the City Council in sufficient time to engage in thorough discussions. Public worksessions will initiate the process of reviewing the ordinance. Materials will be identified for posting on the website and through the City's social media accounts.

Commissioner Kirkpatrick encouraged staff to consider adding a resident of Tumwater as an environmental representative rather than a national environmental organization as the update speaks to the importance of participation by community members.

Commissioner Sullivan commented that in terms of applying equity within the process, some experience she has gained from her professional career on reaching hard to reach populations such as low-income communities or communities of color has been by considering some form of compensation for their time especially if they are requested to participate in a stakeholder group. Manager Medrud affirmed that the topic was also reviewed during conversations on the tenant protection ordinance.

Manager Medrud said public engagement would likely include a public open house for community-wide outreach followed by stakeholder group meetings.

Work products for the project in addition to materials for public engagement include:

- a. Amendments to the following, as needed, in the final form of an ordinance:
 - 1) Municipal Code in Title 16 Environment (TMC 16.08 Protection of Trees and Vegetation)
 - 2) Other relevant sections of the Tumwater Municipal Code as identified during the process
 - 3) Tumwater Development Guide, text and details as needed
 - 4) Citywide Design Guidelines, text and details as needed
 - 5) Comprehensive Plan and Subarea Plans as needed
 - 6) Littlerock Road Subarea Plan, Chapter 5 Implementation as needed Capitol Boulevard Community Zone Design Guidelines as needed
- b. The ordinance should be assessed for compliance with the Growth Management Act (GMA) requirement to comply with the Attorney General's Guidance regarding takings

Manager Medrud reviewed the schedule for the update. At its March 9, 2022 meeting, the General Government Committee is scheduled to provide input on the draft scope of work. The RFP process and consultant

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selection process will begin in March through April 2022 followed by the consultant starting work in May 2022.

Manager Medrud shared information on the professional background of Tree Board members. Tree Board Chair Trent Grantham is a landscape architect for a local firm and works closely with developers to design landscaping for projects, Brent Chapman serves as the Arborist for Capitol Campus, Michael Jackson is a professional forester and owns a firm specializing in that type of work, another member serves as a geologist, and Jim Sedore is a former forester and landscape consultant. The remaining two members have environmental backgrounds. The Mayor recommends appointments to the Tree Board based on appropriate representation within the industry.

Manager Medrud reviewed a proposed schedule for the Planning Commission beginning with a Commission worksession transitioning to joint meetings with the Tree Board. The Commission will conduct a public hearing and forward a recommendation to the City Council. A joint worksession is scheduled with the City Council to review the update process and introduce the consultant. The schedule will likely change over time as the schedule is aggressive and will likely require more time.

The Urban Forestry Management Plan was reviewed for guidance in developing the scope of work. Staff asked Permitting Division staff to provide recent asbuilt plans and landscaping plans for recent projects such as Skyview for review by the Planning Commission and Tree Board. During a worksession, staff will walk the Planning Commission and Tree Board through the development review process. Staff also reviewed materials related to the scope of work provided by Ben Thompson and his staff at the Washington State Department of Natural Resources.

Chair Robbins suggested including representatives engaged in urban agriculture, such as community gardens, orchards, or the Thurston County Conservation District within the public engagement process. Another consideration is the area of historically or culturally significant trees in the City that could include the tribes or others engaged in historical research.

PUBLIC COMMENT: **JJ Lindsey** said she is a homeowner who lives off 4th Avenue Southwest in Tumwater. The Thurston Climate Mitigation Plan mandates the City and the county to mitigate carbon and to save as many trees as possible. She emphasized the importance of using that criteria when considering the type of urban forestry the City should be protecting. She supports the protection of heritage trees while also using the size of trees as a metric that is just as important as heritage trees. Typically, heritage trees are large and have value for many different reasons. Large trees are being mowed down for large warehouses in Tumwater and many residents in

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the City are concerned by the disappearance of large tracts of trees for large warehouses with impervious surface resulting in the loss of carbon mitigation, stormwater mitigation, energy savings of shade trees, loss of beauty in the City, and the loss of habitat. Those values should be considered. Additionally, the listed stakeholders on the list does not include an environment-oriented stakeholder, which is concerning as the list includes arborists with competing interests because many are in the business to remove trees. She has had experience with arborists through her neighbors when trees were removed that were not diseased but were removed for suspicious reasons. She is an owner of a very large cedar tree on her property and someone wants her to remove to improve views of Mt. Rainier. She has retained the tree because of its value on many levels for shade, energy savings, mitigation of carbon, and stormwater mitigation. Trees are important for many different reasons and she does not want them viewed as a measurement in a metric that are not valued as a living creature. She suggested the process should include stakeholders who reflect those values. In response to Commissioner Kirkpatrick's comments regarding the recommendation to exclude external environmentalists, those organizations know more about the value of trees than anyone else and she would trust membership representing the Sierra Club or the Black Hills Audubon or other groups as specialists that have the knowledge as to why trees should be retained and preserved in Tumwater. She asked whether the Commission plans to address the membership list.

Valerie Krull said she lives in Olympia. She echoed the comments of Ms. Lindsey and was also surprised the Tree Board lacks environmental members. Although foresters were referred to as environmentalists, they are not necessarily environmentalists because they can be focused on a specific outcome. Although not a citizen of Tumwater, she believes trees in Tumwater are just as important as trees in Olympia as all trees are important to habitat and the environment. She has spoken to similar groups about the importance of trees for the last 40 years. Forty years ago, she was one of the lone speakers about the environment whereas today, most people understand how natural habitat is the most important thing. The community does not need more huge blocks of concrete preventing the natural environment from functioning as it should. The City should be doing everything it can to save the planet while the planet still exists. She is hopeful the suggestion of including members on the stakeholder group who represent a broader scope is considered.

Melinda Hughes, Executive Director, Thurston Climate Action Team (TCAC), said she lives on the border of west Olympia and Tumwater. She supports previous comments that speak to the importance of including experts. In terms of the Thurston Climate Mitigation Plan, climate change recognizes no boundaries. Impacts to one area affect all areas. She has approximately 25 years of forest management experience

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and natural resource conservation management, as well as an environment law degree. Seeking experts is definitely a must for the process because not only is the plan to be implemented soon, it likely will be included in the Comprehensive Plan that spans the next 30 years. She thanked the Commission for considering climate change and equity.

Manager Medrud advised that based on the feedback, he would revise the scope of work and release the RFP for consultant proposals.

**URBAN FORESTRY
MANAGEMENT
PLAN –
LANDSCAPING AND
BUFFERING
REGULATION
UPDATE, SCOPE OF
WORK:**

Manager Medrud said the scope of work for landscaping and buffering regulations is similar to the tree preservation update with a similar process and stakeholders. The goal of the update is to achieve a desired outcome of a project. Landscaping codes serve multiple purposes ranging from environmental benefits, improving aesthetics, and buffering the impacts of one use from another use. Buffering is required for uses adjacent to other types of uses to mitigate impacts of noise, visual, or other issues. Landscaping and buffering regulations address required plants in specific areas of a specific size, maintenance responsibilities, and other landscaping and buffering requirements. Landscaping is required in multifamily developments, commercial and industrial developments, and manufactured home parks to maintain and protect property values and enhance appearance and sense of place. Landscaping requirements are not required for single-family residences other than for open spaces established as part of a plat.

Commissioner Kirkpatrick said it appears the code does address single-family housing. He cited a section that addresses single-family low and single-family medium within a chart on stormwater ponds and buffers. Manager Medrud clarified that the code does not apply to individual single-family lots. Codes do apply to open spaces within a subdivision plat, for instance.

Manager Medrud explained that the update would include a similar set of stakeholders. The focus will be specific to those users who rely on the code to help them understand the code and that the code is enforceable. He invited comments and suggestions as to other stakeholders who should be included. With no additional feedback, Manager Medrud confirmed he would make the changes previously discussed for the tree preservation update.

Manager Medrud reviewed the scope of work and the schedule. The update will follow the tree preservation update to afford time for staff to complete work with the consultant and to serve as an opportunity to improve the stakeholder process from the tree preservation update. The General Government Committee is scheduled to review the proposal at its meeting in April. The schedule calls for the issuance of an RFP in June 2022 for a consultant.

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Chair Robbins asked about the possibility of any overlap between the stakeholder groups for the two updates to ensure clarity as to which codes are under review as it appears there could be some concurrency of the updates. Manager Medrud advised that it would be dependent upon the consultants who respond to the RFPs. It is possible staff would consider one consultant working on both updates. The conversation with the consultant will cover how work on one update might inform the other update. However, it is likely the consultant would not have the capacity to manage both updates. The responses from consultants will assist in determining the process moving forward. His concern is to avoid overwhelming stakeholders while recognizing the importance of not extending the process.

**NEXT MEETING
DATE:**

The next meeting on March 22, 2022 includes a public hearing on the binding site plan ordinance. The Commission's initial discussion on the planned unit development chapter is scheduled in April.

Commissioner Kirkpatrick conveyed his appreciation for receiving a copy of what appears to be an internal newsletter. The information was helpful as it included a listing of development activities occurring in the City. He asked to be placed on the distribution list for future newsletters. Manager Medrud said he would forward future newsletters to the Commission regularly.

ADJOURNMENT:

Commissioner Tobias moved, seconded by Commissioner Sullivan, to adjourn the meeting at 8:04 p.m. A voice vote approved the motion unanimously.

Prepared by Puget Sound Meeting Services, psmsoly@earthlink.net

DRAFT TUMWATER PLANNING COMMISSION - 2022 MEETING SCHEDULE

Note: Schedule is tentative and subject to change; Updated 3/15/22

<u>MEETINGS</u>	<u>AGENDA ITEMS</u>
January 11, 2022	<u>Briefing</u> : Preliminary Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Discussion</u> : Open Public Meetings Act Training – Brad
January 25, 2022	<u>Worksession</u> : Preliminary Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments –Street Tree Standards Scope Update (O2021-016) – Brad
February 8, 2022	<u>Briefing</u> : Binding Site Plan Amendments (O2022-004) – David <u>Discussion</u> : Planning Commissioner Training – Brad
February 22, 2022	<u>Worksession</u> : Binding Site Plan Amendments (O2022-004) – David <u>Discussion</u> : Planning Commissioner Training – Brad
March 8, 2022	<u>Briefing</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements– Brad <u>Briefing</u> : Urban Forestry Amendments – Tree Preservation Regulation Update – Brad
March 22, 2022	<u>Hearing</u> : Binding Site Plan Amendments (O2022-004) – David
April 12, 2022	<u>Discussion</u> : Mayor Sullivan Meet and Greet and Q&A with Advisory Boards and Commissions – Brad <u>Briefing</u> : Planned Unit Development Chapter Update (O2022-006) – David
April 26, 2022	<u>Briefing</u> : 2022 General Development Code Housekeeping Amendments (O2022-0XX) – David <u>Worksession</u> : Planned Unit Development Chapter Update (O2022-006) – David <u>Discussion</u> : Development Review Case Study - Brad
May 10, 2022	<u>Worksession</u> : 2022 General Development Code Housekeeping Amendments (O2022-0XX) – David <u>Hearing</u> : Planned Unit Development Chapter Update (O2022-006) – David
May 24, 2022	<u>Hearing</u> : 2022 General Development Code Housekeeping Amendments (O2022-0XX) – David <u>Briefing</u> : Housing Action Plan - Development Code Amendments (O2022-0XX) – David
June 14, 2022	<u>Worksession</u> : Housing Action Plan - Development Code Amendments (O2022-0XX) – David <u>Worksession</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements (O2022-0XX) - Brad
June 28, 2022	<u>Hearing</u> : Housing Action Plan - Development Code Amendments (O2022-0XX) – David
July 12, 2022	<u>Worksession</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements (O2022-0XX) – Brad <u>Worksession</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-0XX) – Brad (Joint Meeting with Tree Board)
July 26, 2022	<u>Briefing</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Hearing</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements (O2022-0XX) – Brad <u>Worksession</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-0XX) – Brad
August 9, 2022	<u>Worksession</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-0XX) – Brad (Joint Meeting with Tree Board)
August 23, 2022	<u>Public Hearing</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-0XX) – Brad <u>Worksession</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments –Street Tree Standards Update (O2021-016) – Brad

<u>MEETINGS</u>	<u>AGENDA ITEMS</u>
September 13, 2022	<u>Hearing</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments –Street Tree Standards Update (O2021-016) – Brad
September 27, 2022	<u>Hearing</u> : Urban Forestry Amendments –Street Tree Standards Update (O2021-016) – Brad
October 11, 2022	<u>Briefing</u> : Thurston Climate Mitigation Plan - Related Development Code Amendments (O2022 – 0XX) – Brad
October 25, 2022	<u>Worksession</u> : Thurston Climate Mitigation Plan - Related Development Code Amendments (O2022 – 0XX) – Brad
November 8, 2022	<u>Discussion</u> : Election of New Planning Commission Chair and Vice Chair <u>Hearing</u> : Thurston Climate Mitigation Plan - Related Development Code Amendments (O2022 – 0XX) – Brad
November 22, 2022	
December 13, 2022	
December 27, 2022	[May Cancel Meeting]

January 10, 2023 –

Notes:

The following will need to be rescheduled on the 2022 Planning Commission meeting schedule:

Discussion: Equity Toolbox Scope – Brad

TO: Planning Commission
FROM: David Ginther, Senior Planner
DATE: March 22, 2022
SUBJECT: Ordinance No. O2022-004, Binding Site Plans

1) Recommended Action:

Conduct a public hearing on Ordinance No. O2022-004 and forward a recommendation of approval to the City Council

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.

3) Alternatives:

☐ None

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
PLANNING COMMISSION HEARING**

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. 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.

2. 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 condominiums and commercial/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.

3. 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

4. 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

BINDING SITE PLANS (O2022-004)

5. 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.

6. 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 in February 2022, 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.

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 will hold a public hearing for the proposed amendments on March 22, 2022. Following the public hearing and deliberations, the Planning Commission will make a recommendation that Council on the proposed amendments.

The General Government Committee is scheduled to review the proposed amendments in a briefing on April 13, 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 April 26, 2022 and consider the amendments on May 17, 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.”

- 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.

Staff Recommendation

Staff recommends approval of the proposed amendments as shown in Ordinance No. O2022-004.

BINDING SITE PLANS (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

David Ginther, Senior Planner
City of Tumwater Community Development Department
360-754-4180
dginther@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, held a worksession on February 22, 2022, and conducted a public hearing on March 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

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 April 13, 2022; and

WHEREAS, the City Council discussed the proposed code amendments in a worksession on April 26, 2022; and

WHEREAS, the City Council considered the proposed code amendments May 17, 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. 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 2. 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 3. 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 4. 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 5. 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.
- 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 is congruent with 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 6. 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 7. 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 8. 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 plat 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 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 9. 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 10. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 11. 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 12. 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:_____

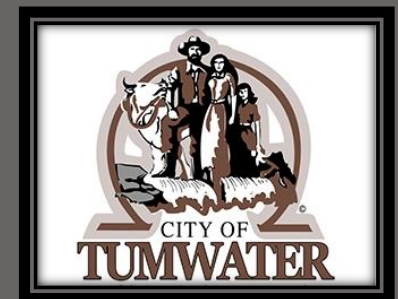
Effective Date:_____

Binding Site Plans

Ordinance No. O2022-004

March 22, 2022

Planning Commission Hearing



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. 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

2. 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

3. 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

3. 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

4. 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

4. 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

5. 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

6. 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

Spring 2022:

- March 22 Planning Commission Public Hearing
- April 13 General Government Committee
- April 26 Council Worksession
- May 17 Council Consideration



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Fax: 360-754-4138

CITY OF TUMWATER NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Tumwater Planning Commission will hold a public hearing at or about 7:00 p.m. on Tuesday, March 22, 2022, for the purpose of considering a recommendation that the Tumwater City Council adopt Binding Site Plans Ordinance No. O2022-004. To comply with Governor Inslee's Proclamation 20-28, the meeting and public hearing 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

Go to <http://www.zoom.us/join>, and enter the Webinar ID 816 0942 4387 and Passcode 820218.

LISTEN by Telephone

Call (253) 215-8782, listen for the prompts, and enter the Webinar ID 816 0942 4387 and Passcode 820218.

The public is invited to attend the hearing and offer comment. The public may register in advance for this webinar to provide comment:

https://us02web.zoom.us/webinar/register/WN_DSV-x2V7TkaXkKtGIIdDmNg

After registering, you will receive a confirmation email containing information about joining the webinar.

The public may also submit comments prior to the hearing by sending an email to: cdd@ci.tumwater.wa.us. Please send the comments by 1:00 p.m. on Tuesday, March 22, 2022. Comments are submitted directly to the Planning Commissioners and will not be read individually into the record of the meeting.

If you have any questions, please contact Senior Planner David Ginther at (360) 754-4180 or dginther@ci.tumwater.wa.us.

Copies of the draft ordinance (O2022-004) are available for review in the Community Development Department at Tumwater City Hall during regular business hours.

Audio of the meeting will be recorded and later available on demand.

TUMWATER PLANNING COMMISSION

A handwritten signature in black ink, appearing to read 'Brad Medrud', written over a horizontal line.

Brad Medrud, Planning Manager

PUBLISHED: Friday, March 11, 2022

POSTED: Friday, March 11, 2022