



**PLANNING COMMISSION
MEETING AGENDA**

Online via Zoom

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

1. Call to Order
2. Roll Call
3. Recognition of Commissioner Doty Catlin
4. Changes to Agenda
5. Approval of Minutes
 - a. Tumwater Planning Commission February 8, 2022 Meeting Minutes
6. Commissioner's Reports
7. Manager's Report
8. Public Comment
9. Ordinance No. O2022-004, Binding Site Plans
10. Planning Commission Training Program Discussion
11. Next Meeting Date - 03/08/22
12. 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.

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LISTEN by Telephone

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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:

https://us02web.zoom.us/webinar/register/WN_qMpALXlqQQekIQmAP7BM0A

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, February 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: 7:01 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Doty Catlin, Grace Edwards, Terry Kirkpatrick, Nam Duc Nguyen, Nathan Peters, Meghan Sullivan, and Michael Tobias.

Staff: Planning Manager Brad Medrud and Senior Planner David Ginther.

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

APPROVAL OF MINUTES - DECEMBER 14, 2021, JANUARY 11, 2022, AND JANUARY 25, 2022 The following correction was requested to the minutes of January 11, 2022:

- On page 1, under *Commissioners' Reports*, revise the second sentence to reflect, "Mayor Sullivan met with members from the Squaxin Island Tribe. The totem pole will be gifted to the family of the carver, a former City employee."

Commissioners Catlin and Nguyen joined the meeting.

MOTION: **Commissioner Peters moved, seconded by Commissioner Edwards, to approve the minutes of December 14, 2021 and January 25, 2022 as published and the minutes of January 11, 2022, as amended. Motion carried unanimously.**

COMMISSIONER REPORTS: There were no reports.

MANAGER'S REPORT: Manager Medrud reported the City Council is considering an interlocal agreement for Phase 4 of the Thurston Climate Mitigation Plan. The agreement is scheduled for consideration by the City Council on February 15, 2022. The interlocal agreement is the governing document for the next three years and includes the work program through April 2023.

The City is processing a series of unincorporated island annexations. The process was initiated last year with Thurston County under a new state law enabling the City and Thurston County to work together and conduct a joint public hearing to approve an interlocal agreement as part of the process for annexing county islands. The joint public hearing was held in January and the Commissioners and the City Council approved the interlocal agreement in January. The next step is the Boundary Review Board process to consider each of the 12 annexations to determine whether an additional public hearing would be required. Following the completion of that process, the Council will consider

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adoption of an ordinance to approve the annexation of 11 islands followed by consideration of another ordinance for the larger Trosper Lake annexation.

Chair Robbins asked whether the properties would retain existing zoning after annexation to the City. Manager Medrud explained that under state law existing zoning stays intact for a number of years. Additionally, the Thurston County–Tumwater Joint Plan acknowledges current zoning of the properties.

Commissioner Sullivan inquired about the status of the City providing computers/tablets for Commissioners. Manager Medrud advised that the City purchased tablets for the Commission in early 2020; however, with the advent of the pandemic, the Council began meeting remotely and required additional tablets to participate in virtual meetings while having the ability to access agendas/reports during the meeting. Staff is working with the City Administrator to identify a funding source to purchase tablets this year. If not possible during 2022, the tablets will be included in the 2023 budget.

PUBLIC COMMENT: There were no public comments.

ORDINANCE NO.
O2022-004, BINDING
SITE PLANS:

Planner Ginther reported state law authorizes binding site plans as an alternative method for land division. The provision is typically utilized by mobile home parks, condominiums, and industrial and commercial uses. The process is not used for residential subdivisions.

A binding site plan is essentially a comprehensive site plan containing details of the development and is binding to the property, such as circumstances where there are shared amenities, such as stormwater, parking, or access, etc. The City’s existing code governing the use of binding site plans is minimal and was added to the code following the adoption of the Growth Management Act and the first zoning code. The provision is unclear as to how binding site plans correlate to other sections in Title 17 governing land use divisions and approvals, as well as vesting provisions in the code.

Planner Ginther reviewed proposed changes addressing binding site plans:

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 - Clarified that binding site plans can be utilized for manufactured home parks. The code already states condominiums and commercial/industrial developments

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are allowed to utilize binding site plans. State law allows manufactured home parks to use this method of land division as well. Added references to the land division processes addressed in the other portions of TMC Title 17 Land Division.

3. In Section 17.14.040 Review Criteria, added several review 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
 - Adjacent properties and future development
4. 17.14.050 Administrative Consideration - Required findings for approval were added that are specific to binding site plans and include the following:
 - Consistency with the Comprehensive Plan, Tumwater Development Guide, 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 added
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 allowed.
6. 17.14.090 Phasing of development - Phasing of a residential binding site plan is allowed if it contains 10 or more residential dwellings. This is consistent with the SEPA exemption threshold that Tumwater adopted for short plats. Commercial or industrial binding site plans over 20 acres in size are allowed to phase development.

Planner Ginther invited questions and comments to address at the next meeting. He asked the Commission to schedule a worksession on February 22, 2022 followed by a public hearing on March 8, 2022. In April, the proposed changes will be reviewed by the General Government Committee and the City Council during a worksession with

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the Council's consideration following in May.

Chair Robbins asked how a binding site plan fits within the overall planning process for a development proposal. Planner Ginther explained that since a binding site plan is a land division, the applicant submits all documents and applications to the City's permit staff for review and possible scheduling of a hearing examiner public hearing if required.

Chair Robbins referred to a mechanism that enables multiple properties within a specific location to undertake one planning and SEPA process. As long as the conditions are adhered to as specified, development can occur without the necessity of securing permits. She asked whether a binding site plan is connected to that form of development. Manager Medrud replied that it can be somewhat related as there are several options, such as a development agreement similar to the one the City and the Port of Olympia are attempting to develop for the development of Port properties in exchange for specific actions, such as vesting. Another form is a planned action which includes both the environmental review and some level of determination for building sizes and parking requirements. A binding site plan and the subdivision process occur later in the development process while having similar functions, such as a SEPA review or transportation or stormwater issues as part of the whole plat or binding site plan. When the developer secures building permits, the developer accounts for percentages of required parking or stormwater facilities, etc.

Chair Robbins asked for additional clarification regarding information in the staff report that speaks to an Environmental Checklist for a non-project action prepared under the State Environmental Policy Act in February 2022, and a Determination of Non-Significance to be issued in February 2022. Planner Ginther described the process for an ordinance. During reviews by the Commission, staff initiates the SEPA process on a proposed ordinance. The ordinance is reviewed by the state and the City Attorney. Typically, the state does not forward comments. The City Attorney also reviews the ordinance for any recommended changes and together with any comments from the state and the City Attorney, the Commission receives the comments for review. The ordinance also is reviewed by the General Government Committee and the City Council during a worksession. Following adoption of the ordinance, the ordinance is forwarded to the state for record-keeping purposes. Manager Medrud added that the environmental review process is completed prior to the public hearing at the Planning Commission to ensure any public comments generated are part of the record.

Commissioner Tobias asked about those circumstances where a binding site plan is approved and the developer experiences funding issues or a

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change of ownership occurs and the development does not move forward. He asked whether the initial site plan is binding for any future development on the site. Planner Ginther explained that once a developer submits a complete application, the developer receives preliminary approval to begin construction. However, if the developer does not fulfill the requirements specified in the site plan within five years, the developer is eligible to apply for a one-year extension up to a total of eight years to complete the improvements. If the developer fails to complete the required improvements within the eight-year period, the site plan become invalid and is no longer binding to the property.

Chair Robbins acknowledged the next step of referring the ordinance to the Commission's February 22, 2022 meeting for a worksession.

**PLANNING
COMMISSION
TRAINING
PROGRAM
DISCUSSION:**

Manager Medrud reported the conversation is a continuation of a discussion by the Commission in 2019 during finalization of amendments to the Commission's Rules and Procedures. In early 2020, the Commission discussed a potential training program for both new and ongoing educational programming. During the pandemic, the discussions were deferred with some discussions beginning in early 2021 with some suggestions offered by Commissioner Peters. Following that period, the City experienced staffing resource issues and the discussions on training were deferred again.

Today, the proposal is to review staff suggestions and receive input from the Commission on the materials for a follow-up session to review and discuss a draft training outline during the Commission's meeting on February 22, 2022. Additionally, the 2022 Work Program includes development of an equity toolbox. Based on additional work required by staff on the equity toolbox, the Commission's presentation on the toolbox has been delayed.

Commissioner Sullivan thanked staff for the update on the process for the equity toolbox. She agreed the toolbox is relevant to the City Council and other advisory boards and commissions. She is hopeful that within the toolbox, a component is included unique to the Commission because of the overlay of zoning and historical redlining and other policies that were forms of structural or systemic racism that continue today to disenfranchise people of color.

Manager Medrud agreed the issues are part of planning efforts that will pertain to a range of planning tools from zoning, housing, and in the allocation of public funds that are relevant to the Commission's future discussions.

Manager Medrud reviewed a list of attachments provided in the agenda packet:

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- *Amended Planning Commission rules of Procedure*
- *Land Use Planning and the Art of Planning Commission Maintenance* – Joe Tovar, a long-time planner in the state has served in many roles locally and at the state level. His audience for his article is staff supporting a planning commission, which serves as a reminder of what makes a good commission work.
- *Jurassic Parliament – Essential Guidelines for Planning Commissions*. The Jurassic Parliament in Seattle developed the guidelines. The guidelines are a short summary of important things to consider as a commission.
- *Planning Short Course – Legal and Practical Objectives of Planning from A Short Course on Local Planning Resource Guide*. The Department of Commerce sponsors Planning Short Course, which is a summary of the legal basis for planning in the state. The sessions are offered online.
- *Planning Short Course – New Planning Commissioner FAQs from A Short Course on Local Planning* – The course is an introduction to planning and includes a list of things a new commissioner should know.
- *MRSC – Parliamentary Procedure – A Brief Guide to Robert's Rules* – Offers an overview of important aspect of Robert's Rules of Order that govern meetings.
- *New Councilmember Orientation Presentation 2019 Version* – The lengthy presentation provides an orientation for new councilmembers. The range of topics is also pertinent to planning commissioners.

Commissioner Peters offered a suggestion of including a list of common planning terms. He thanked Manager Medrud for providing the resources.

Chair Robbins added that many self-study opportunities exist, such as the Department of Commerce website and the MRSC website, which offers a session by a group of practitioners and lawyers answering questions.

Manager Medrud explained that Municipal Research and Service Center (MRSC) is funded by the state and is staffed with knowledgeable employees familiar with all aspects of municipal government.

Chair Robbins noted that she has also suggested inviting the Department of Commerce to provide the Commission or other local commissions with training on the Short Course. Manager Medrud noted that prior to COVID-19, the Department of Commerce hosted a course in the City of Winlock in Lewis County. He was invited as a panelist to discuss long

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range planning. The class attracted 60 participants from across the Lewis County region.

Manager Medrud reviewed some general training topics of benefit to Commissioners:

1. Legal basis for planning and the role of the Planning Commission. Most states have adopted a planning and enabling act outlining the boundary of a planning commission's role:
 - Washington State Law
 - Tumwater Municipal Code
 - Planning Commission Rules of Procedure
 - Open Government Training
 - Other legal training
2. Meeting management – Fundamentals of Commission's ongoing planning work and engaging meaningful public participation
3. Specific long range planning topics such as the Comprehensive Plan, Housing Issues, and Equity Toolbox
4. Opportunities of internal training and coordination could include:
 - a. Annual meetings with the City Council to coordinate long range work programs and address specific long range topics
 - b. Meetings with other City boards or commissions to coordinate specific long range topics
 - c. Field trips to support review of specific long range topics
 - d. Retreats to discuss special Planning Commission topics
 - e. Annual individual Planning Commission discussions with staff

Commissioner Tobias recommended providing an historical timeline of annual recurring Commission actions to benefit new and existing Commissioners.

Commissioner Peters said he is approached with questions from community members quite frequently about the City. He often cannot provide an answer. He suggested the Commission could forward topics to staff to follow-up with a report to the Commission. Some of the questions were on the status of the old brewery and the permitting process. Manager Medrud encouraged Commissioners to contact him or Planner Ginther with any questions. Additionally, the City has numerous resources for receiving information.

Commissioner Sullivan referred to the City's Community Survey. She recommended that in those instances, the Commission could serve as ambassadors for the City to support surveying or other department

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goals. Similar to the recommendation by Commissioner Tobias, a high-level summary of different forms of planning frequencies, such as the comprehensive review of the Comprehensive Plan and the Capital Facilities Plan could be color-coded either based on a Council priority or planning schedule.

Commissioner Kirkpatrick commented that over the years he has learned a tremendous amount about the City by attending the Tumwater University sessions. The sessions provide an overview of the City's operations and current issues. The Commission could be better informed by learning about the maintenance and operations of the City and the operations of the permitting department. Manager Medrud agreed Tumwater University has been very valuable to attend. As an employee he has found the sessions to be informative. He offered to follow up on the status of the next session of Tumwater University.

Chair Robbins suggested affording access to Commissioners to attend the Short Course prior to the City's update of the Comprehensive Plan. She recommended that during updates on regional efforts involving the City, it would be important to include references to different regional resources, such as the Thurston Regional Planning Council and other regional entities that are an important part of the process.

5. Opportunities for external training could include:

- a. Washington State Department of Commerce Short Course for Planners
- b. American Planning Association (APA) – Washington Chapter and South Sound and Planning Association of Washington (PAW) annual conferences and trainings
- c. Municipal Research and Service Center (MRSC) trainings
- d. Other trainings on special topic – one example is the *Tumwater on Tap* newsletter providing access to Citywide information.

Manager Medrud added that related to the development of a training program for the Commission is the importance of developing ways to recognize the work completed by volunteers comprising the Planning Commission. He suggested including recognition of the Commission as a topic within the training discussion.

Manager Medrud reported he would provide a package of materials for new commissioners for the Commission's review. He encouraged members to review the materials provided in the agenda packet.

Manager Medrud reviewed other sources of information of benefit to the Commission:

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- City of Tumwater website – <http://www.ci.tumwater.wa.us/> contains links to:
 - Tumwater Municipal Code (TMC). The Planning Commission typically focuses on regulations in TMC Titles 16 – Environment, 17 – Land Division, and 18 – Zoning.
 - Tumwater Development Guide is the City’s development engineering standards for constructing road and utilities.
 - Citywide Design Guidelines.
 - Planning Commission meeting minutes and agendas.
 - Long-range planning documents:
 - Comprehensive Plan, Shoreline Master Program, Subarea Plans and other Citywide plans
- MRSC Website contains a range of information on what a city in the state of Washington has to address, including planning specific topics such as growth management, zoning, comprehensive planning, housing, development, environmental protection, and the legal basis for planning. It is a good source for finding out what other jurisdictions in the state are doing to address planning issues and it includes links to other websites, Comprehensive Plans, and Municipal Codes.
- MRSC Planning Commission Page provides information related to planning commission resources.
- MRSC Legal Resources (RCW, WAC, and Court Decisions) provides links to state regulations and court decisions.
- Thurston County GeoData Center – provides general map data and links to assessor property data, etc.
- Department of Commerce Growth Management Related Documents and Resources has links to a number of useful guides including A Short Course on Local Planning Resource Guide.

Manager Medrud invited feedback on information that could be included on the department’s pages.

Manager Medrud reviewed the roles of City government:

- City Council – Policy makers for the City
- Planning Commission – Research and fact-finding advisors to the City Council on policies and regulations
- Planning Commission Chair – Facilitator
- Planning Commission Vice Chair – Fills in for Chair
- Long Range Planning Manager/Staff – Policy administrators of the plans and codes adopted by the City Council
- Individual Commissioners – Listen to neighbors and the public, discuss issues, make recommendations to the City Council

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Manager Medrud reported the City has added an Economic Development Coordinator position this year responsible for enacting actions within the City's Economic Development Plan updated in 2019 encompassing redevelopment of the brewery, supporting existing businesses, and expanding businesses in the Warehouse District, etc. The position will be responsible for implementing the Habitat Conservation Plan.

Manager Medrud reviewed the top 10 ways for Commissioners to avoid trouble:

1. Not getting involved in the permit review process
2. Not communicating with rezone/plan amendment applicants outside of the public process
3. Not missing too many meetings
4. Not being prepared for meetings
5. Not accepting gifts
6. Not disclosing a conflict of interest
7. Considering only the loudest voice(s)
8. Making issues political
9. Jeopardizing relationship with fellow Commissioners
10. Jeopardizing relationship with staff

Manager Medrud invited suggestions for additional informational needs or any questions related to training resources or topics.

Commissioner Peters suggested contacting local cities for information on continuing education programs they may be offering.

NEXT MEETING:

The next meeting is on February 22, 2022. The agenda includes a worksession on the binding site plans and a discussion on training. Following adoption of changes to binding site plans, the Commission is scheduled to begin the review of the chapter on Planned Unit Development (PUD), which is an overlay of a development project. A PUD is essentially an exchange for flexibility in regulations; the developer provides additional benefits for the City.

ADJOURNMENT:

Commissioner Sullivan moved, seconded by Commissioner Tobias, to adjourn the meeting at 8:20 p.m. Motion carried unanimously.

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

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

1) Recommended Action:

Read materials, be prepared to discuss as part of a worksession on the ordinance, and schedule public hearing for March 22, 2022 meeting.

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 use
- 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)



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**BINDING SITE PLAN AMENDMENTS
 (ORDINANCE NO. O2022-004)
 STAFF REPORT
 PLANNING COMMISSION WORKSESSION**

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 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. Binding site plans may only be used for land divisions for:

- Industrial or commercial use
- 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

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. 17.14.040 Review Criteria

Added several review 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
- Adjacent properties and future development

4. 17.14.050 Administrative consideration

Required findings for approval are being 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

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 10 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 the Planning Commission is scheduled to hold 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 will be issued prior to a public hearing. The notice will be 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 is scheduled to 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. The City Council is scheduled to consider the amendments on May 17, 2022.

Public Notification

A Notice of Public Hearing for the Planning Commission will issued, posted, mailed to interested parties, and published in *The Olympian* after the Planning Commission sets the public hearing date.

EMERGENCY SHELTERS AND HOUSING (O2021-019)

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.

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 amending Tumwater Municipal Code (TMC) Titles 15 *Buildings and Construction* and 17 *Land Division*.

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

WHEREAS, TMC Chapter 17.08 *Binding site plans* contains some 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; and

WHEREAS, TMC Chapter 15.44 *Vesting of development rights* needs updating 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, TMC Chapter 17.08 *Binding site plans* does not clearly relate to the vesting requirements in TMC Chapter 15.44 *Vesting of development rights*; 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 held a public hearing on March 22, 2022; and

WHEREAS, a Notice of Public Hearing for the Planning Commission was issued on March _____, 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.

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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. 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.

B. 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 17.14.040 of the Tumwater Municipal Code is hereby amended to read as follows:

17.14.040 Review criteria.

A. Hearing Examiner and/or Community Development Department Inquiry into Public Use and Interest. The hearing examiner and/or community development department shall inquire into the public use and interest proposed to be served by the establishment of the proposed land division and dedication. The hearing examiner and/or staff shall determine: if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, other grounds, transit stops, potable water supplies, sanitary wastes, parks and recreation playgrounds, schools and school grounds, fire protection and other public facilities, and shall consider all other relevant facts, including the physical characteristics of the site, and determine whether the public interest will be served by the land division and dedication. Further, consideration shall be given for sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school. If the hearing examiner and/or staff find that the proposed division of land makes appropriate provisions for the above, and makes written findings to that effect, then it shall be approved. If the hearing examiner and/or staff find that the proposed land division does not make such appropriate provisions or that the public use and interest will not be served, then the hearing examiner or staff shall disapprove the proposed division of land.

B. Dedication. Dedication of land, provision of public improvements to serve the land division, and/or payment of impact fees allowed by state law, to any public body, may be required as a condition of land division approval. Evidence of such dedication and/or payment shall accompany final land division approval. No dedication, provision of public improvements, or impact fees imposed in conformance with state law shall be allowed that constitutes an unconstitutional taking of private property.

C. Release from Damages from Other Property Owners. The hearing examiner and/or staff shall not, as a condition of approval, require an applicant to obtain a release from damages from other property owners.

D. Flood Hazard Areas. The hearing examiner and/or staff shall consider the physical characteristics of a proposed land division site, and may disapprove a proposed division because of flood, inundation, or wetland conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final land division.

E. Health Department. As a condition of preliminary land division approval, the health department may require plan modifications in those instances where topography, soils, water table, or other conditions are such that the changes are necessary in order to prevent possible health hazards due to ground or surface water contamination or sewage disposal system malfunction.

F. School District. When a proposed division wholly or partially contains a school site proposed in the comprehensive plan or other officially adopted plans, as a mitigation measure in an environmental document or determination or when the school district finds a reasonable foreseeable need for such a site, the applicant may be required to dedicate a portion of the division or reserve it for future purchase by the school district. The city shall require evidence of need from the school district as a prerequisite to requiring dedication or reservation. The hearing examiner and/or staff may recommend a time limit on the effective period of any reservation.

G. Fire Department. When the affected fire department finds a reasonably foreseeable need for a site wholly or partially contained within the preliminary land division, the applicant may be required to dedicate a portion of the site or reserve it for future dedication. Evidence of need from the fire department is a prerequisite to requiring dedication or reservation. The hearing examiner and/or staff may recommend a time limit on the effective period of any reservation.

H. Parks. When a preliminary division includes the area of a trail or open space network which is indicated in the park plan element of the comprehensive plan or other officially adopted plan, an area encompassing such trail or open space network may be required to be set aside for its intended purpose. It may be provided by the granting of a trail or open space easement to the city, dedication, or reservation for future purchase by the public. The hearing examiner and/or staff may determine a reasonable time or specify the event, limiting the effective period of the reservation.

Where land is set aside in accordance with this provision, the area of such land may be counted toward satisfaction of open space/park requirements of TMC 17.12.210.

I. Shoreline Management. Whenever a preliminary division of land is wholly or partially located within an area subject to the jurisdiction of the Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended, the applicant shall comply with the Shoreline Master Program for the Thurston Region, Chapter 90.58 RCW, as amended.

J. Binding site plans. In addition to the review criteria of subsections A-I above, binding site plans shall meet the following:

1. A binding site plan shall depict building envelopes and all existing and proposed land uses.

2. 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.

3. 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.

4. 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.

5. A binding site plan cannot amend or conflict with previously granted use permit approvals or conditions of approval.

6. A binding site plan shall depict any open space tract, required recreational areas, critical area buffers, and utility easements.

7. 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 permits.

8. 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.

9. Binding site plans shall account for the development of all of the land of a parcel and parcels under the same ownership.

(Ord. O2017-022, Amended, 12/05/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O96-021, Amended, 12/02/1997; Ord. 1308, Added, 10/15/1991)

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:_____

TO: Planning Commission
FROM: Brad Medrud, Planning Manager
DATE: February 22, 2022
SUBJECT: Planning Commission Training Program Discussion

1) Recommended Action:

Review attached materials and be prepared to discuss.

2) Background:

In January and February 2020, the Planning Commission started discussion of a scope for a training program for Planning Commissioners to help orient new Planning Commissioners as well as continuing education for current Planning Commissioners. The discussion included scheduling a Planning Commission retreat later in 2020, but the COVID-19 pandemic interrupted that work. Efforts to work on a training program in 2021 were delayed by staffing issues.

The attached memorandum outlines the items that could make up a Planning Commission Training Program for new Planning Commissioners as well as continuing education for current Planning Commissioners.

3) Alternatives:

None.

4) Attachments:

- A. Planning Commission Training Program Memorandum
- B. City of Lacey Planning Commission Rules of Procedure
- C. City of Tumwater and Planning Terms Glossary



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CITY OF TUMWATER PLANNING COMMISSION TRAINING OPPORTUNITY MEMORANDUM FEBRUARY 22, 2022

Introduction

In January and February 2020, the Planning Commission started discussion of a training program scope to help orient new Planning Commissioners as well as provide continuing education for current Commissioners. A follow up was scheduled for early 2021, but staff changes postponed that discussion.

At their February 8, 2022 meeting, the Planning Commission reviewed an initial training proposal and asked for additional information to be provided.

The memorandum outlines the items that could make up a Planning Commission training program for new Commissioners and a continuing education program for current Commissioners.

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Training Topics

While there would be a different emphasis for training new Commissioners compared to continuing training for current Commissioners, it is likely that the general topics of the training would remain the same:

1. Legal basis for planning and the Planning Commission – state and local
2. Organization of the Planning Commission and its relationship to the City government
3. Meeting management – Robert’s Rules and other materials
4. Open Public Meetings Act (OPMA) and records training – required for new Commissioners and then every four years as continuing education
5. The City’s long range planning work program
6. Specific long range planning topics such as Comprehensive Plans, housing, or other topics that are current

Trainings in the topics above could include both internal and external training opportunities.

Planning Commissioner Training in Other Cities

At the request of the Planning Commission at their February 8, 2022 discussion, staff reached out to the Cities of Lacey and Olympia to find out what they currently do for Planning Commissioner training.

The City of Lacey has a new Commissioner training that consists of the following:

1. Introduction and discussion by staff with the new member that usually lasts about an hour to go over Planning Commission roles and current projects
2. New Commissioners are provided with the Lacey’s Planning Commission Policies and Procedures manual, which consists primarily of the Planning Commission Rules of Procedure (see Attachment B) and some other informational items
3. OPMA training

They do not have any formal training programs for existing members but do try to hold continuing education meetings when the schedule allows.

The City of Olympia has a new Commissioner training that consists of some on-boarding materials in addition to the required OPMA training.

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Suggested New Planning Commissioner Training Focus

While there would be different emphasizes for training new Commissioners versus continuing training for current Commissioners, it is likely that the general training topics would remain the same.

1. Legal basis for planning and the role of the Planning Commission
2. Organization of the Planning Commission and its relationship to the City government
3. Open Public Meetings Act (OPMA) and Records training
4. Meeting management
5. Specific long range planning topics

Building on the list above and in preparation for discussion on February 22, 2022, staff would like the Planning Commission to think about what a new Planning Commissioner needs to know in order to work on the Commission.

As a start, staff suggests that a new Commissioner would need to be provided with the following:

1. Information on the legal basis for planning and the role of the Planning Commission, which would include:
 - a. Washington State Law (See Appendix B)
 - b. Tumwater Municipal Code (See Appendix A)
 - c. Open Government Training
 - d. Other legal training as identified
2. Organization of the Planning Commission and its relationship to the City government, which would include:
 - a. Planning Commission Rules of Procedure
3. Meeting management
 - a. Robert's Rules and other materials that discuss what makes productive meetings
4. Open Public Meetings Act (OPMA) and Records training
 - a. Required for new Commissioners
5. Support for Commissioners
 - a. How much time to expect to spend on Planning Commission meetings and preparation
 - b. Continuing education opportunities
 - c. List of materials/websites for information (Appendix C and D)

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- d. City of Tumwater and Planning Terms Glossary (Attachment C)
- e. Schedule for regular updates of Plans and code, color coded over next ten years
- f. Relationships with other organizations – Department of Commerce, Municipal Research Service Center (MRSC), Regional Housing Council (RHC), Thurston Regional Planning Council (TRPC), and others
- g. How to be better ambassadors for the City by knowing who to ask and where to look for more information:
 - i. Who to contact if you have questions, including:
 - 1. City Staff (Appendix G)
 - 2. Planning Commission chair and vice chair
 - ii. Structure of the City website
 - iii. How to access City Records
 - iv. City social media outlets
 - v. Frequently Asked Questions (FAQs) for Planning Commissioners, including:
 - 1. Meeting agenda structure (Appendix I)
- 6. The City's Long Range Planning Work Program (Appendix H)
- 7. Specific long range planning topics (Appendix C), addressing:
 - a. Growth Management
 - b. The Comprehensive Plan and subarea plans and policies
 - c. Development regulations, including:
 - i. Tumwater Municipal
 - ii. Tumwater Development Guidelines
 - iii. Citywide Design Standards
 - d. Housing and other topics that are of current interest

Suggested Planning Commissioner Continuing Education Focus

While there would be different emphasizes for training new Commissioners versus continuing training for current Commissioners, it is likely that the general training topics would remain the same.

- 1. Legal basis for planning and the role of the Planning Commission, which would include:

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- a. Washington State Law (See Appendix B)
 - b. Tumwater Municipal Code (See Appendix A)
 - c. Planning Commission Rules of Procedure
 - d. Open Government Training
 - e. Other legal training as identified
2. Organization of the Planning Commission and its relationship to the City government
3. Meeting management – Robert’s Rules and other materials
4. Open Public Meetings Act (OPMA) and Records training (required for new Commissioners and then every four years as continuing education)
5. The City’s Long Range Planning Work Program, including discussions about:
 - a. What should be on upcoming work programs
 - i. Annual Joint City Council/Planning Commission meetings to set work programs
 - ii. Reflections on how the previous work program: What went well? What did not? What can be learned and applied to the next year’s work?
 - iii. Preparations for the new work program:
 1. What will help the Commissioners to prepare to take on the issues, manage the magnitude of information, have healthy deliberations, and achieve well thought out decisions?
 2. Confirming the amount of time each Commissioner spends preparing for the meetings.
6. Specific long range planning topics such as Comprehensive Plans, housing, or other topics that are current
7. Information on the development review process
8. Potential annual individual meetings with Commissioners and staff to determine what is working and what is not

Trainings in the topics above could include both internal and external training opportunities:

9. Opportunities of internal training and coordination could include:
 - a. Annual meetings with the City Council to coordinate long range work programs and address specific long range topics

TRAINING OPPORTUNITY

- b. Meetings with other City boards or commissions to coordinate specific long range topics
 - c. Field trips to support review of specific long range topics
 - d. Retreats to discuss special Planning Commission topics
 - e. Annual individual Planning Commission discussions with staff
10. Opportunities for outside training could include:
- a. Washington State Department of Commerce Short Course for Planners
 - b. American Planning Association (APA) – Washington Chapter and South Sound and Planning Association of Washington (PAW) annual conferences and trainings
 - c. Municipal Research and Service Center (MRSC) trainings
 - d. Other trainings on special topics
11. Receiving regular updates on City activities from City monthly newsletters, Tumwater on Tap
12. Some other information that may be useful to consider:
- a. What information do the Commissioners find is key in coming to decisions for items on the work program?
 - b. How do the Commissioners access information
 - c. What framework is helpful to the Commissioners in understanding the issues on the work program?
 - d. What information would the Commissioners like to see in an executive summary?
 - e. What is policy and what is technical?
 - f. How do the Commissioners know when they have received sufficient and balanced information needed to make decisions?

Recognition of Work by the Planning Commission

Related to the development of a training program for the Planning Commission is developing ways to recognize the work done by the volunteers who make up the Planning Commission. It is suggested that this be a topic for a discussion as part of this process.

TRAINING OPPORTUNITY

Staff Contacts

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TRAINING OPPORTUNITY

Appendix A – TMC 2.56 Planning Commission**Chapter 2.56****PLANNING COMMISSION**

Sections:

2.56.010 Created – Composition – Terms of office.

2.56.020 Vacancies.

2.56.030 Powers – Subject to state statute.

2.56.040 Quorum.

2.56.010 Created – Composition – Terms of office.

There is hereby created, in accordance with Chapter 35.63 RCW, a planning commission for the city, which will consist of nine members to be appointed by the mayor, with the consent of the majority of the city council, from citizens of recognized fitness for such position. Members must be residents of the city except at any given time one member may qualify for membership by residing in the city's urban growth area as an alternative to actual residency. The terms of office for the members appointed to such commission shall be designated from one to four years, in such a manner as to provide that the fewest possible terms will expire in any one year. Of the two positions that expire on November 1, 2012, the new term of office for one shall be a three-year term, and one shall be a two-year term. Thereafter, the term of office for each appointive member shall be four years.

(Ord. O2016-001, Amended, 02/02/2016; Ord. O2012-001, Amended, 05/15/2012; Ord. O2006-004, Amended, 02/07/2006; Ord. 1383, Amended, 05/18/1993; Ord. 1303, Amended, 08/20/1991; Ord. 992, Added, 07/01/1984)

2.56.020 Vacancies.

Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after public hearing by the appointing official, with the approval of the city council, for inefficiency, neglect of duty, or malfeasance in office. The members shall be selected without respect to political affiliations and they shall serve without compensation.

(Ord. 992, Added, 07/01/1984)

2.56.030 Powers – Subject to state statute.

The planning commission shall have the powers and shall conduct its business and shall be subject to the provisions and in accordance with the provisions set forth in Chapter 35.63 RCW as such chapter now exists or as it may be hereafter amended.

(Ord. 992, Added, 07/01/1984)

2.56.040 Quorum.

A simple majority of the currently appointed membership of the planning commission shall constitute a quorum for the transaction of business.

TRAINING OPPORTUNITY

Memorandum

February 22, 2022

(Ord. O99-010, Added, 04/20/1999)

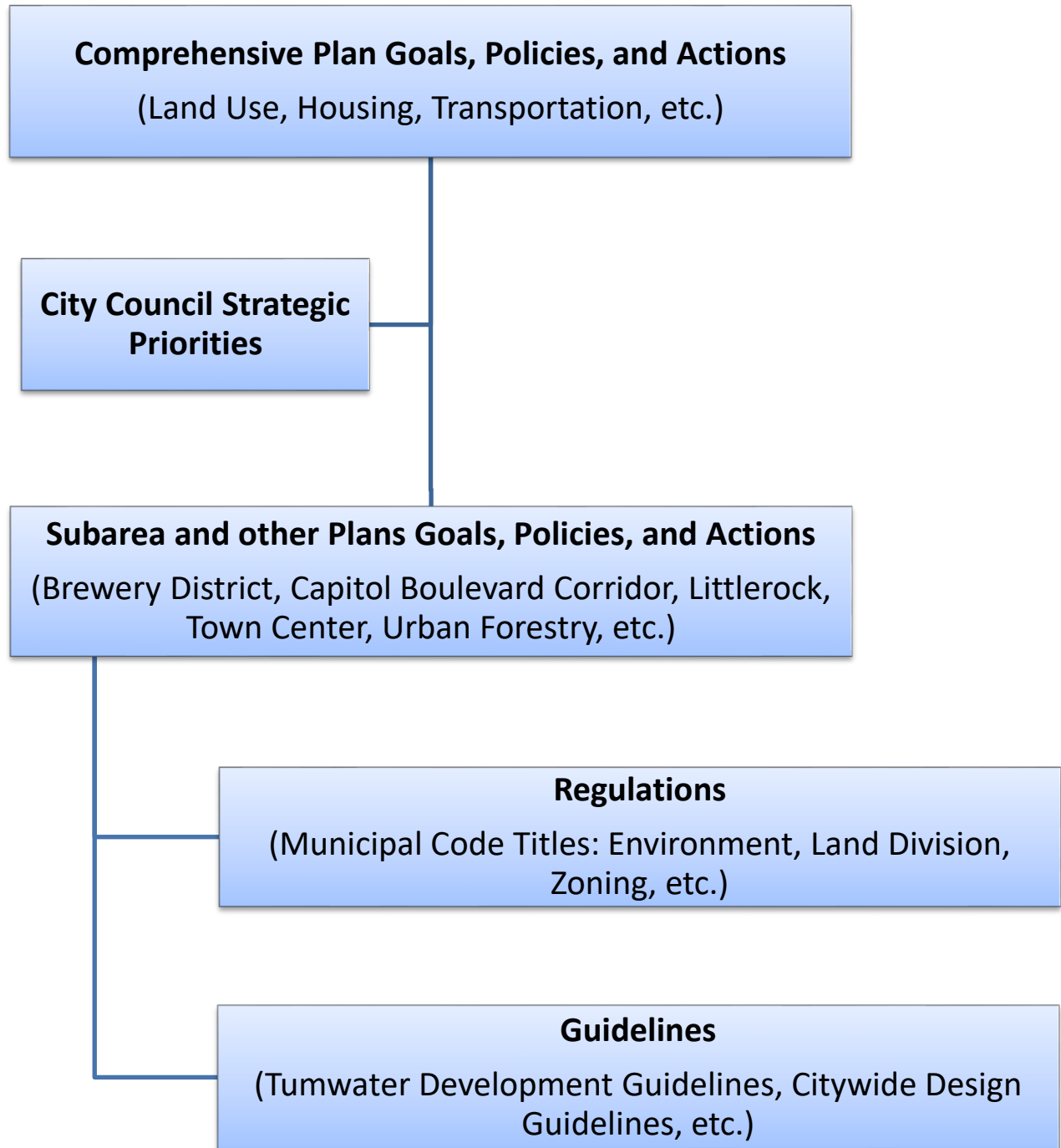
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Appendix B – RCW 35.63.090 Restrictions—Purposes of

All regulations shall be worked out as parts of a comprehensive plan which each commission shall prepare for the physical and other generally advantageous development of the municipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to encourage and protect access to direct sunlight for solar energy systems; and to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements, including protection of the quality and quantity of groundwater used for public water supplies. Each plan shall include a review of drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound.

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Appendix C – Basis for Planning Commission Decision Making

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Appendix D – Sources of Information

Good sources of information related to the Commission's work:

- City of Tumwater website – <http://www.ci.tumwater.wa.us/> contains links to:
 - Tumwater Municipal Code (TMC) ([Tumwater Municipal Code \(codepublishing.com\)](http://www.ci.tumwater.wa.us/codepublishing.com)) The Planning Commission typically focuses on regulations in TMC Titles 16 – *Environment*, 17 – *Land Division*, and 18 – *Zoning*, although other Titles may be reviewed depending on the topic.
 - Tumwater Development Guide ([Development Guide | City of Tumwater, WA](http://www.ci.tumwater.wa.us/development)), which are the City's development engineering standards for constructing road and utilities.
 - Citywide Design Guidelines ([Citywide Design Guidelines | City of Tumwater, WA](http://www.ci.tumwater.wa.us/design))
 - Planning Commission meeting minutes and agendas ([Planning Commission | City of Tumwater, WA](http://www.ci.tumwater.wa.us/planning))
 - Long-range planning documents: <http://www.ci.tumwater.wa.us/departments/community-development/long-range-planning>, such as the Comprehensive Plan, Shoreline Master Program, Subarea Plans and other citywide plans
 - City Record Center contains the City's archive of historical records, including meeting agendas, minutes, hearing examiner decisions, and copies of past ordinances and resolutions: <https://weblink.ci.tumwater.wa.us/public/Welcome.aspx?cr=1&cc=1>
- MRSC – <http://mrsc.org/Home.aspx> contains a very good range of information on what a City in the state of Washington has to address, including planning-specific topics such as growth management, zoning, comprehensive planning, housing, development, environmental protection, and the legal basis for planning. It is also a very good source for finding out what other jurisdictions in the state are doing to address planning issues and it includes links to their websites, Comprehensive Plans, and Municipal Codes.
- MRSC Planning Commission Page – <http://mrsc.org/getdoc/8ea977c9-fbd2-43a0-9ae1-fbb4d675a5f4/Planning-Commission.aspx> provides information related to Planning Commission resources.
- MRSC Legal Resources (RCW, WAC, Court Decisions) – <http://mrsc.org/Home/Research-Tools/Washington-State-Legal-Resources.aspx> provides links to state regulations and court decisions.
- Thurston County GeoData Center – <http://www.geodata.org/> is a good place to go for general map data and links to assessor property data, etc.

TRAINING OPPORTUNITY

- Department of Commerce Growth Management Related Documents and Resources – <http://www.commerce.wa.gov/serving-communities/growth-management/guidebooks-and-resources/> has links to a number of useful guides including *A Short Course on Local Planning Resource Guide*. The *Short Course* includes a “New to the Planning Commission: Frequently Asked Questions” section that is very helpful, but the entire Guide is a good way to understand the basics of planning in the state. The Department of Commerce Growth Management Services division holds Short Courses on Local Planning that are useful and the Planning Manager will let the Commissioners know when those are coming up.
- Department of Commerce Short Course on Local Planning – <https://www.commerce.wa.gov/serving-communities/growth-management/short-course/>

TRAINING OPPORTUNITY

Appendix E – Materials to Consider as Part of Training Packet

As a new Planning Commissioner training package the developed, the following items should be considered:

Amended Planning Commission Rules of Procedure: The Planning Commission reviewed and updated its Rules of Procedure in 2020. The Rules of Procedure address meetings, election and duties of officers, absences, vacancies, the order of items in meetings, and meeting minutes.

Land Use Planning and the Art of Planning Commission Maintenance: Joe Tovar is a long-time planner in the state who has served in many roles locally and at the state level in Washington. His audience for his article is staff supporting a Planning Commission, but it is a good, short reminder of what makes a good Planning Commission work.

Jurassic Parliament – Essential Guidelines for Planning Commissions: Ann Macfarlane with the Jurassic Parliament in Seattle (www.jurassicparliament.com) may be a good resource for the Planning Commission. She prepared the guidelines and leads the *Great Planning Commission Meetings Webinar* that may useful for the Commission to attend the next time around. Ann was with the APA – Washington Chapter office and she is a good person to walk the Planning Commission through running meetings effectively.

Planning Short Course – Legal and Practical Objectives of Planning from A Short Course on Local Planning Resource Guide: The Department of Commerce has been running their Planning Short Course for more than twenty and it is an excellent source of information for how the work of Planning Commission fits into the state's planning processes. The first chapter of the Planning Short Course is a good summary of the legal basis for planning in the state.

Planning Short Course – New Planning Commissioner FAQs from A Short Course on Local Planning, Version 5.3 (2017), ix – xix: The introduction to the Planning Short Course includes a top ten list of things a new Planning Commissioner should know that could be a good start to a new Planning Commissioner training program.

MRSC - Parliamentary Procedure - A Brief Guide to Robert's Rules: A brief overview of important aspects of Robert's Rules of Order as applied to parliamentary procedure for local governments in Washington State.

New Planning Commissioner Orientation Presentation: A presentation used to orient new Planning Commissioner members. After Planning Commission discussions, staff will develop a version that can be used for new Commissioners.

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Appendix F – City Government Roles

- City Council – Policy makers for the City
- Planning Commission – Research and fact-finding advisors to the City Council
- Planning Commission Chair – Facilitator
- Planning Commission Vice Chair – Fills in for Chair
- Long Range Planning Manager/Staff – Policy administrators of the plans and codes adopted by the City Council
- Individual Commissioners – Listen to neighbors and the public, discuss issues, make recommendations to the City Council

TRAINING OPPORTUNITY

Appendix G – City Staff Support

Planning Department staff, Kerri Kinnaird and Kelly Wallace, send out meeting packets prepared by Planning Division staff to the Commissioners the week prior to the next Planning Commission meeting, typically on the prior Wednesday or Thursday. The packet will include an agenda and the materials discussed at the next meeting.

The Planning Manager, Brad Medrud, is the primary staff contact for the Planning Commission, so if a Planning Commissioner has any questions regarding procedures or the materials being discussed, contact him first. David Ginther is a senior long range planner who also works in preparing and presenting agenda items to the Commission. Mike Matlock is the Community Development Director and he manages an eleven member staff made up of the Permitting Division, which reviews current planning applications for development, the Building Division, which reviews building plans for development, and the Planning Division.

Planning Division staff takes phone calls, e-mails, letters, but prefer e-mails, because it is easier to track discussions and archive. Short in person or Zoom meetings can be scheduled as needed as well.

Planning Commissioners are welcome to ask questions directly of other City staff that may be presenting materials, but are asked to copy the Planning Manager and Planning Commission Chair on any e-mails, so they can track of questions or requests.

TRAINING OPPORTUNITY

Appendix H – Work Program and Agendas

Based on the City Council's annual long-range planning work program, which is approved in January every year, Planning Division staff works with the Planning Commission chair to prepare the Commission's agendas for the upcoming meetings. The Planning Manager typically tries to schedule agendas three months in advance, but it is common to have the Planning Commission's agendas change as the year goes on, depending on direction from the Mayor and City Council or outside events.

Appendix I – Meeting Agenda Terms

Quick note on terms used in the Planning Commission agendas:

- “Discussion” – Is used for items that will not require legislative action at some point by the Planning Commission. This could include an update on what was learned at a recent conference or a presentation by Intercity Transit staff, for example.
- “Briefing” – Is typically used for introducing items that will require legislative or quasi-judicial action at some point by the Planning Commission.
- “Worksession” – Typically used for a more in depth discussion of items between staff and the Planning Commission that will require legislative action at some point by the Planning Commission. Normally, a worksession occurs at the meeting after the first briefing is complete, so Commissioners have the time to digest the briefing, review the materials, and put together their questions. For in person worksessions, the Commissioners will sit around regular tables with staff to go over any questions or comments that the Commissioners may have. Issues that are more complicated may need more than one worksession, such as annual Comprehensive Plan amendments. Because the worksessions are meant to be for informal discussion, there is usually is a limited opportunity for public comment.
- “Hearing” – A formal legislative or quasi-judicial action where the Planning Commission will follow a set procedure to hear staff make a presentation, receive public comment, discuss the matter, and make a formal recommendation on the action that will go to the City Council for consideration.

Appendix J – “Top 10 Ways for a Planning Commissioner to Get in Trouble”

City staff put together an initial “Top 10 Ways for a Planning Commissioner to Get in Trouble” that can be modified further with input from the Planning Commission:

1. Get involved in the permit review process
2. Talk with rezone/plan amendment applicants outside of the public process
3. Miss too many meetings
4. Don't be prepared for meetings
5. Take gifts
6. Not disclose a conflict of interest
7. Only hear the loudest voice
8. Make it political
9. Break your relationship with your Commissioners
10. Break your relationship with staff

RULES OF PROCEDURE

LACEY PLANNING COMMISSION

We, the members of the Planning Commission of the City of Lacey, State of Washington, created by Chapter 2.32 of the City of Lacey City Council, pursuant to Revised Code of Washington 35A.63 do hereby adopt, publish and declare the following Rules of Procedure.

- I. Name
The official name shall be the "Lacey Planning Commission".

- II. Meetings
 - A. Regular Meetings – The Planning Commission shall meet regularly on the first and third Tuesday of each month from 7:00 p.m. to 9:00 p.m..
 - B. Special Meetings – May be called by the Chair of the Planning Commission when a certain case, question or matter of interest arises where it would be necessary and proper for the Planning Commission, or committee, to meet.
 - C. All Planning Commission meetings will be held at Lacey City Hall, 420 College Street SE, Lacey, Washington, unless otherwise directed by the Chair of the Planning Commission.
 - D. When a regular meeting falls on a legal holiday, the Planning Commission will meet on the day following that legal holiday or as scheduled.
 - E. If no matter over which the Planning Commission has jurisdiction is pending on its calendar, a meeting may be cancelled at the notice of the Chair, and notice should be posted at the meeting place.
 - F. Except as modified by these Rules of Procedure, Robert's Rules of Order, Revised, shall guide the formal decision process by the Planning Commission in making their recommendation to Council.
 - G. Planning Commission work sessions, public meetings and deliberations should be conducted in an informal manner, inclusive of all meeting attendees, facilitated by the Planning Commission Chair.

- III. Election of Officers
 - A. The officers of the Planning Commission shall be a Chair and a Vice-Chair elected by the appointed members of the Planning Commission, and such other officers as the Planning Commission may elect.
 - B. The election of officers shall take place each year on the occasion of the last regular meeting in December of each calendar year. The term of each officer shall begin each year on the occasion of the first regular meeting in January of each calendar year. The term of each officer shall run until the subsequent election.

- C. In the event of the vacancy of the Chair, the Chair will be replaced by the Vice-Chair, and the Vice-Chair will be replaced by a vote of the members of the Planning Commission.

IV. Chair

- A. The Chair shall preside over the meetings of the Planning Commission and may exercise all powers usually incident to the office, retaining the right to have a vote recorded in all deliberations of the Planning Commission.
- B. The Chair shall have power to create temporary committees of one or more members. Committees of the Planning Commission shall be created at the direction of the Planning Commission and shall be appointed by the Chair. Temporary committees may be charged with such duties, examinations, investigations and inquiries relating to matters of interest to the Planning Commission. No committee shall have the power to commit the Planning Commission to the endorsement of any plan, case or program without the approval of the Planning Commission.
- C. The Chair shall rule on issues regarding the committee of the whole, handling of meeting items and discussions, conflict of interest, appearance of fairness, suspension of meetings, timing for discussion of issues, and clarification of issues and questions.

V. Chair's Absence

The Vice-Chair shall, in the absence of the Chair, perform all duties of the Chair. The Chair and Vice-Chair, both being absent, the members present may elect for the meeting a temporary Chair who shall exercise the powers of the elected Chair.

VI. Secretary

The Staff shall perform the usual and necessary secretarial functions of the Planning Commission including preparation of minutes of each meeting.

VII. Quorum

A majority of the membership of the Planning Commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the Planning Commission, shall be deemed and taken as the action of the Commission.

VIII. Absence of Members

In the event of a member being absent from three consecutive regular meetings, or being absent from 35 percent of all meetings (including committee) in any six-month period, the member's record shall be forwarded by the Chair to the Mayor for consideration of asking for the member's resignation.

IX. Conflict of Interest

Any member of the Planning Commission who has a conflict of interest with a particular case should publicly announce this conflict of interest at the earliest possible opportunity or when

the conflict is realized. This member shall recuse themselves from participation and decisions on the particular case in question.

X. Application and Petition

- A. Applications and petitions will be accepted by the Planning Commission only when properly filed as in XII-B. below.
- B. In order that proper deliberations and consideration be given to any application, the Planning Commission reserves the right to withhold any decision on any application for a period not to exceed the time set forth in the governing ordinance.

XI. Organization and Responsibility

A. Regular Meetings – Public Hearings

- 1. All recommendations of the Planning Commission shall be forwarded to the Lacey City Council for final action. Cases for which no action is taken by the Planning Commission shall be forwarded to a City Council committee for review and recommendation.
- 2. On matters requiring public hearings, such hearings shall be held only after complying with State Environmental Policy Act procedures. A matter may be heard at the public hearing pending the threshold determination, but such matter shall not be referred from the Planning Commission to the City Council prior to the rendering of the threshold determination or the preparation of a Final Environmental Impact Statement if one is required.
- 3. Presentation of each item of business at the public hearing will be done by the Staff. Following the public hearing and necessary discussion, a recommendation for action will be made to the Planning Commission by the Staff, or committee, if the case has been so referred.
- 4. No official action from the Planning Commission or recommendation of any committee will be considered prior to any required public hearing. Exceptions may be considered only on items which have had prior hearings and which have been resubmitted for consideration, provided that no new conditions or no new information is present.
- 5. It shall be the responsibility of the Chair to present to the City Council, through the Staff, special information regarding those cases or proposals having unusual significance.

B. Filing Date Deadlines for Planning Commission Agendas

- 1. Public Hearings: Ten days prior to the regular meeting date, to allow for legal advertising, posting, notification and administrative processing of application.
- 2. Other Business: Five days prior to the regular meeting.
- 3. Information Items: Any additional information, charts, maps, etc., that is to be considered for any case or question before the Planning Commission shall be submitted to the Commission staff at least five working days prior to the meeting for which the matter has been scheduled. Failure by an applicant to meet this deadline will result in consideration of the matter being continued to a subsequent meeting. This rule may be waived by the concurrence of two-thirds of the members of the commission present and voting.

4. Other Agency Reports: Reports from consulted agencies when appropriate, should be forwarded to the Planning Commission at the earliest possible date, but not later than five working days prior to a commission meeting on the subject matter.

All informational items and reports to be presented shall be referred to the Commission members as soon as possible.

XII. Amendment

The Rules of Procedure may be amended at any regular or called meeting of the Planning Commission by a majority vote of the entire membership.

XIII. Approval

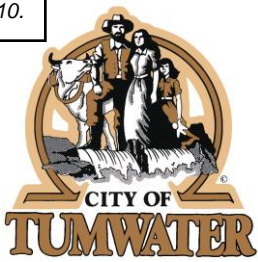
APPROVED by the City of Lacey Planning Commission this 6 day of August 2019.



Paul Enns
Chair

Sharon Kophs
Vice Chair





City Hall
555 Israel Road SW
Tumwater, WA 98501-6515
Phone: 360-754-5855
Fax: 360-754-4138

Memorandum

Date: February 11, 2022

To: Planning Commission

From: Brad Medrud, Planning Manager

Subject: City of Tumwater and Planning Terms Glossary

Issue

Similar to other professions, planning and city government use many terms and acronyms as shorthand to describe things. While it can be useful to reduce the number of words used to define something, for those who do not know what the acronyms or terms mean in a particular context, terms and acronyms can be a barrier to effective communication.

The following terms and acronyms are used by the City of Tumwater and planning.

For an expanded list of terms and acronyms used in planning, the Municipal Research Service Center (MRSC) has a Planner's Pocket Reference for terms here: <https://mrsc.org/Home/Explore-Topics/Planning/Information-Resources-and-Tools-for-Planners/Planner-s-Pocket-Reference.aspx>

Terms and Acronyms

Access Management – The process of providing and managing access to abutting properties while preserving the flow of traffic in terms of safety, capacity, and speed

ADA – Americans with Disabilities Act (1990), for purposes of planning and land use, federal law that generally requires that businesses and public facilities and conveyances be accessible to individuals with disabilities

ADT – Average Daily Trips made by vehicles or persons in a 24-hour period

ADU – Accessory Dwelling Unit

Adverse Impact – A negative consequence for the physical, social, or economic environment resulting from an action or project

Aging in Place – The ability to live in one's own home and community safely, independently, and comfortably, regardless of age, income, or ability level

AICP – American Institute of Certified Planners

Annex/Annexation – To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction

APA – American Planning Association

APA-WA – American Planning Association of Washington

Appeal – When a person believes a decision was made in error, an appeal may be filed so that a higher decision-making body can review the case

Aquifer – An underground, water-bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage that generally hold sufficient water to be used as a water supply

Arterial – A major roadway carrying the traffic of local and collector streets to and from freeways and other major streets

Articulation – Variation in the depth of the building plane, roof line, or height of a structure that breaks up plain, monotonous areas and creates patterns of light and shadow

BANANA – Build Absolutely Nothing Anywhere Near Anything

Base Flood – In any given year, a 100-year flood that has a one percent likelihood of occurring, and is recognized as a standard for acceptable risk

BMP – Best Management Practices

BPA – Bonneville Power Authority

Brownfield – An area with abandoned, idle, or under-used industrial and commercial facilities where expansion, redevelopment, or reuse is complicated by real or perceived environmental contamination

BSP – Binding Site Plan

Buffer – An area of land separating two distinct land uses that softens or mitigates the effects of one land use on the other or protects a critical area from development or vice versa

Building Code – Standards adopted by the state governing the construction, alteration, demolition, occupancy, or other use of buildings used for human habitation.

Building Official – Person responsible for the administration and enforcement of the building, housing, plumbing, electrical, and related codes

Build-out – Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations

Built Environment – Buildings, roads, parks, and all other improvements constructed by people that form the physical character of a community

Bulk Regulations – Zoning or other regulations that control the height, mass, density, and location of buildings intended to provide proper light, air, and open space

Business Improvement Districts – Public-private partnerships among property owners and commercial tenants who collectively contribute to the maintenance, development, and promotion of their commercial district

CAD – Computer Aided Design

Capacity – The maximum rate of flow at which vehicles can be reasonably expected to traverse a point or uniform segment of a lane or roadway during a specified time period under prevailing roadway, traffic, and control conditions; usually expressed as vehicles per hour per lane

Carbon Sequestration – The process of removing carbon from the atmosphere and storing it in a “carbon sink,” a fixed molecule in soil, oceans, or plants

Carrying Capacity – (1) The level of land use, human activity, or development for a specific area that can be accommodated permanently without an irreversible change in the quality of air, water, land, or plant and animal habitats; (2) The upper limits of development beyond which the quality of human life, health, welfare, safety, or community character within an area will be impaired; or (3) The maximum level of development allowable under current zoning

CCRs – Covenants, Conditions, and Restrictions, a term used to describe restrictive limitations—usually recorded as covenants—that may be placed on property and its use, and which usually are made a condition of holding title or lease, typically intended to preserve the physical nature and character of the development

CBD – Central Business District

CDBG – Community Development Block Grant, a grant program administered by the U.S. Department of Housing and Urban Development that allots grant money to cities and counties for housing rehabilitation and community development, including public facilities and economic development

Certificate of Occupancy – An official certification that a building or place conforms to the provisions of the zoning and building codes, and therefore may be used or occupied; a structure cannot be occupied without a certificate of occupancy

CFP – Capital Facilities Plan

Collectors – Streets serving short trips that are intended for collecting trips from local streets and distributing them to the arterial network

Compatibility – The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict

Complete Streets – Streets designed to accommodate all modes of travel and enable safe access for all users, allowing Pedestrians, bicyclists, motorists and bus riders of all ages and abilities are able to move safely along and across a complete street

Comprehensive Plan – A long-range policy document detailing how the City plans to manage growth and development of the community, ensuring that growth in unincorporated portions of the county is adequately served by public facilities, and following Washington state law that requires jurisdictions operating under the Growth Management Act (GMA) to develop and implement comprehensive plans (36.70A RCW)

Concurrency – Required under the Washington State Growth Management Act, the installing or operating facilities and services needed to meet the demands of new development simultaneously (or concurrently) with the development

Conditional Use – A use that may locate within a zone only upon taking measures to address issues that may make the use detrimental to the public health, safety and welfare and will not impair the integrity and character of the zoned district

Condominium – A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units

Connectivity – The ease of travel between two points, including the degree to which streets or areas are interconnected and easily accessible to one another by direct routes

Conservation Easement – A partial interest in land that severs the right to develop the land from its basic use, like low-density uses, open space, or agriculture

Covenant – A private legal restriction that places a burden on a parcel of land in favor of another parcel, typically recorded in the deed

Cumulative Impact – As used in SEPA, the total impact resulting from the accumulated impacts of individual projects or programs over time

CUP/Conditional Use Permit – A discretionary permit issued by a hearing body to allow a conditional use that may or may not be allowable under the zoning code

Dedication – A grant of private land to a public agency for public use that are often imposed as a condition of development

Density – The amount of development per acre permitted on a parcel under the applicable zoning

Design Review/Citywide Design Guidelines – Regulations and procedures requiring the exterior design of structures and development to be suitable,

harmonious, and in keeping with the general appearance, historic character, and/or style of surrounding areas

Development Agreement – A legislatively approved contract between a jurisdiction and a person having legal or equitable interest in real property within the jurisdiction that “freezes” certain rules, regulations, and policies applicable to development of a property for a specified period of time, usually in exchange for certain concessions by the owner

Development Rights – The right to develop land held by a landowner or by a party other than the owner who has obtained the rights to develop, including such rights usually is expressed in terms of density allowed under existing zoning

Displacement – When long-time or original neighborhood residents move from a gentrified area because of higher rents, mortgages, and property taxes

DOE – Washington State Department of Ecology

DNR – Washington State Department of Natural Resources

DU – Dwelling Unit

Easement – The right to use property owned by another for specific purposes or to gain access to another property, such as a utility companies often have easements on the private property of individuals to be able to install and maintain utility facilities

EIS – Environmental Impact Statement

Eminent Domain – The right of a public entity to acquire private property for public use upon the payment of just compensation

Envelope – The skin of a building, including the windows, doors, walls, foundation, basement slab, ceilings, roof and insulation, that separates the interior of a building from the outdoor environment

Environmental Review – Consideration of fourteen different environmental factors as required by the Washington State Environmental Policy Act (SEPA)

EPA – Federal Environmental Protection Agency

ESA – Federal Endangered Species Act

FAA – Federal Aviation Administration

FAR – Floor Area Ratio

FEMA – Federal Emergency Management Agency

FHA – Federal Housing Administration

Finding – A determination or conclusion based on the evidence presented to a hearing body in support of its decision

FIRM/Flood Insurance Rate Map - the official map on which the Federal Insurance Administration has delineated areas of special flood hazard and the risk premium zones applicable to that community.

GHG – Greenhouse Gas

GIS – Geographic Information Systems

GPS – Global Positioning System

GMA/Growth Management Act – Adopted in 1990 to address the consequences of population growth and suburban sprawl in the State, the GMA requires all cities and counties in the State to plan for growth, and has more extensive requirements for the largest and fastest-growing counties and cities in the State including guaranteeing the consistency of transportation and capital facilities plans with land use plans

Growth Management – Strategies used to direct the timing, location, and type of development in the City

HAP – Housing Action Plan

HCP – Habitat Conservation Plan

HOA – Home Owners' Association

HOV – High-Occupancy Vehicle

HTF – Housing Trust Fund

HUD – U.S. Department of Housing and Urban Development

IBC – International Building Code

ILA – Interlocal Agreement

Impacts – The effects or consequences of actions, such as environmental impacts are effects upon the elements of the environment (WAC 197-11-752)

LEED – Leadership in Energy and Environmental Design

Local Streets – Streets that provide direct access to adjoining properties within a neighborhood where through trips are discouraged and parking is allowed

LOS/Level of Service – The City has adopted level-of-service (LOS) standards transportation and public utilities to determine if development is meeting concurrency.

MF – Multifamily

MH – Manufactured Housing

Mitigation – (1) Avoiding impacts altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; (3) rectifying impacts by repairing, rehabilitating, or restoring the affected environment; (4) reducing

or eliminating impacts over time by preservation and maintenance operations during the life of the action; (5) compensating for impacts by replacing, enhancing or providing substitute resources or environments; and/or, (6) monitoring impacts and taking appropriate corrective measures (WAC 197-11-768)

Mode – The means by which travel is accomplished, which include walking, bicycling, auto, bus, light rail, airplane, ferry, etc.

MOU – Memorandum of Understanding

MPO – Metropolitan Planning Organization

MRSC – Municipal Research Service Center

MU – Mixed Use

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NMFS – National Marine Fisheries Service

NPDES – National Pollution Discharge Elimination System

PAW – Planning Association of Washington

PDR – Purchase of Development Rights

PUD – Planned Unit Development

RCW – Revised Code of Washington, containing all the laws of the state of a general and permanent nature

RFP – Request for Proposal

RFQ – Requests for Qualifications

RHC – Regional Housing Council

ROW – Right-of-Way, property held by the City for existing or future public roads or other public improvements

SEPA – State Environmental Policy Act, the state law requiring agencies to consider the environmental consequences of their decisions (WAC 197-11-790)

SF – Single Family

SMA – Shoreline Management Act

SMP – Shoreline Master Plan

SRO – Single-Room Occupancy

TCMP – Thurston Climate Mitigation Plan

TDM – Transportation Demand Management

TDR/Transfer of Development Rights – A program that can relocate potential development from areas where proposed land use or environmental impacts are considered undesirable (the “donor” site) to another (“receiver”) site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts

THA – Thurston Housing Authority

TMC – Tumwater Municipal Code

TDR/Transfer of Development Rights – A program that can relocate potential development from areas where proposed land use or environmental impacts are considered undesirable (the “donor” site) to another (“receiver”) site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts

TRPC – Thurston Regional Planning Council

UGA – Urban Growth Area

USFWS – U.S. Fish and Wildlife Service

VMT – Vehicle Miles Traveled

WAC/Washington Administrative Code – Regulations of executive branch agencies are issued by authority of statutes, like legislation and the Constitution, regulations are a source of primary law in the state, and the WAC codifies the regulations and arranges them by subject or agency

WDFW – Washington State Department of Fish and Wildlife

WSDOT – Washington State Department of Transportation

Zoning – A map and ordinance text which divides a city or county into land use “zones” and specifies the types of land uses, setbacks, lot size, and size restrictions for buildings within each zone.