



March 22, 2022

Tumwater Planning Commission
City of Tumwater
555 Israel Road SW
Tumwater, WA 98501

PROPOSED AMENDMENTS TO BINDING SITE PLANS

Dear Commissioners:

Our firm is a land use and economic development consultancy that works for public and private sector clients to support the creation of jobs and housing. Our vision is “To strengthen and diversify the economic future of the Pacific Northwest.”

We appreciate the opportunity to comment on the proposed Binding Site Plan amendments. We appreciate the city’s initiative to ensure that the vesting of binding site plans is specifically addressed in the code. Not only does this provide the certainty and predictability intended by state law, but it also ensures those investing in creating opportunities in your community can do so with confidence.

That said, we are confused by the proposed amendments to 17.14.090, Phased Development, which create some confusion as to whether phasing is optional for binding site plans and whether phasing proposed for binding site plans requires hearing examiner approval. To address the confusion regarding whether phasing is optional, we suggest the following amendment:

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 may propose the completion of improvements in phases. 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.

Further, we suggest that paragraph two under 17.14.090 be amended to address whether it applies only to platting. Currently it appears to apply to both, but a concurrent amendment is not being proposed to Table 14.08.030, describing development permits and the final decision and appeal authorities. This language below is consistent with the procedure for preliminary plats, but is not consistent with the procedure for binding site plans. Binding site plans as an alternative to platting in RCW 58.17 are almost uniformly administered by cities and counties as an administrative approval to provide a timelier process to support economic development. We would encourage the Commission to consider the proposed amendment below.

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 **for preliminary plats** in accordance with this title, the recommendations of the development review committee, reports of other agencies and officials, if any, and the hearing testimony. At the hearing, the hearing examiner shall consider and may

alter any part of the proposed phased development. The hearing examiner may approve, approve with conditions, or disapprove the phasing plan. The phasing of binding site plans shall follow the procedures for binding site plan approval in Table 14.08.030.

Our last area of concern is item (H) in the section of code proposed to be created as 17.14.045. Our main concern is that this requirement forces phasing upon binding site plans by requiring land with common ownership to plan improvements for future development on land not intended to be presently developed. This has an impact on the following development scenarios:

Scenario 1 – Greg and Judy own five parcels of varying size, which each is zoned for residential development. A condo developer seeks to purchase four of the five parcels. The fifth parcel is an 8,726 square foot parcel with a single family home where Greg and Judy will continue to live.

- Section (H) would appear to require that Greg and Judy's lot being included in the binding site plan and that improvements for the extension of utilities, etc. be planned. Applied liberally, it would also require that utilities must be completed 'to and through' Greg and Judy's lot and that the project would need to construct frontage improvements across Greg and Judy's property. This would discourage Greg and Judy from keeping their parcel, dislocating an existing, more affordable housing unit and displacing Greg and Judy elsewhere.

Scenario 2 – the local school district acquires 45 acres of land, consisting of seven parcels. It envisions that the property will be the future home of an elementary and middle school. However, it only desires to develop the elementary school now while land banking the remaining parcels for the middle school which is likely needed in seven years.

- (H) would create similar concerns here as in Scenario 1 above. Additionally, both scenarios would create confusion as to the applicability of time limits associated with the binding site plan approvals.

We believe that development phasing is a separate matter from typical 'through and to' extensions of public infrastructure. We suggest the newly proposed (H) be amended to read as follows:

H. Public streets and utilities may be extended to create connections with future adjacent development.

Thank you for your time and consideration. Should you have any questions or need any further information, please do not hesitate to contact me at 425-344-1523.

Very Sincerely,



DAVID K. TOYER
PRESIDENT