

TUMWATER PLANNING COMMISSION

MINUTES OF VIRTUAL MEETING

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CONVENE: 7:00 p.m.

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

Excused: Commissioners Nathan Peters and Meghan Sullivan.

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

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

APPROVAL OF MINUTES – MARCH 22, 2022:

MOTION: Commissioner Tobias moved, seconded by Commissioner Nguyen, to approve the minutes of March 8, 2022 as presented. A voice vote approved the motion carried unanimously.

Commissioner Edwards joined the meeting.

COMMISSIONER REPORTS: There were no reports.

MANAGER’S REPORT: Manager Medrud referred to an updated 2022 meeting schedule. Mayor Sullivan is planning to attend the April 11, 2022 meeting for a question and answer session with the Commission. A study case of a development project is scheduled on April 26, 2022.

PUBLIC COMMENT: There were no public comments.

PUBLIC HEARING: Chair Robbins explained the public hearing format.

ORDINANCE NO. O2022-004, BINDING SITE PLANS: Planner Ginther presented the staff report on the proposed ordinance for binding site plans. Binding site plans provide specific information on plat proposals as an alternative type of land division. State law allows binding site plans as an alternative for land division for industrial, commercial, manufactured home parks, and condominiums.

Within Chapter 17 of the Tumwater Municipal Code (TMC) adopted in 1996, current regulations do not clearly relate to the requirements for binding site plans within the requirements in TMC Title 17 *Land Division* or to the vesting requirements in TMC Chapter 15.44 *Vesting of development rights*.

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Planner Ginther reviewed the proposed changes:

- Added “binding site plan” to sections in TMC Chapter 15.44 *Vesting of Development Rights* that specify the type of land division that is vested and clarifies the process and timing for vesting of binding site plan applications.
- Added an *Intent* section in Chapter 17.08.010 *Binding site plan* to differentiate between binding site plans and the traditional platting process.
- Added new section for criteria specific to binding site plans in Chapter 14.045 *Review criteria for binding site plans*.
- Included within Chapter 17.14.050 *Administrative consideration* required findings for approval specific to binding site plans.
- Added “binding site plan” to Chapter 14.080 *Duration of approval* to align the period of approval for “binding site plans” with other land divisions for an initial period of five years with up to three additional one-year extensions allowed.
- Within Chapter 17.14.090 *Phasing of development*, phasing of a residential binding site plan is allowed if it contains ten or more residential dwellings. Non-phased binding site plans are administratively approved whereas phased binding site plans require approval by the Hearing Examiner.

Planner Ginther reviewed next steps following the public hearing. Should the Commission render a decision and forward a recommendation to the City Council, staff has tentatively scheduled a review of the proposal and the Commission’s recommendation with the General Government Committee on April 13, 2022. Following the committee’s review and recommendation to the City Council, the Council will consider the proposal during a worksession with possible action scheduled tentatively on May 17, 2022.

Chair Robbins asked whether transportation improvements, such as distance requirements for access to transit and bike lanes are included within the criteria in Chapter 17.14.045 for binding site plans. Planner Ginther explained that the review criteria section is applicable for all types of land divisions. The reference to the section includes some of the criteria a binding site plan is required to meet. However, the section also includes all requirements for a plat to include street, sidewalks, and bike lanes, etc.

Chair Robbins opened the public hearing at 7:18 p.m.

**PUBLIC
TESTIMONY:**

David Toyer, Toyer Strategic Advisors, 10519 20th Street SE, Suite 3, Lake Stevens, Washington 98258, reported the company has several clients that have projects in the City of Tumwater undergoing the

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permitting process. Although the proposal would not directly affect those clients, he has participated in the City as a business and follows changes in codes that affect development proposals. He has 22 years of experience in land use and economic development and has worked both for private and public sector clients. He served as an economic development director in communities in the Midwest.

His comment is specific to economic development and the significant role binding site plans have on a majority of land development for mixed use, commercial, and industrial development. One change pertains to phasing. The language speaks to phasing as “eligible.” Ordinance language should be constructed to reflect a use as mandatory, discretionary, permissive, or optional. Including “eligible” infers that the practice is permitted/optional but an administrative decision might result in a different outcome. He suggested revising the language as he recommended in his written comments submitted earlier.

Another section that incorporates binding site plans is unclear as to whether the binding site plan would be a bifurcated process whereas a phased binding site plan of over 20 acres would require a Hearing Examiner process while a phased binding site plan less than 20 acres would be an administrative approval process. Part of the confusion is the lack of reference in Table 14.0.030 describing the types of permits requiring specific processes. He suggested that to utilize binding site plans as an economic development tool, the City should help encourage projects by affording developers the opportunity to move forward through a public process with fewer iterations, otherwise the current proposal could stall the process and create problems.

Finally, a requirement in a new section speaks to requirements a binding site plan must address. He views the requirements as potentially problematic as it entails combining phasing of multiple parcels owned by the same ownership. In those instances, a purchaser of a parcel from the owner could prefer developing separately. He suggested revising the language separating those requirements from the phasing requirements as phasing is specifically addressed in other areas of the code. He added that the recommended changes could improve administration of the ordinance as having a binding site plan ordinance is positive and beneficial to the City and to developers as the ordinance provides certain and clear rules. Currently, the existing code lacks detail to be effectively utilized by the City or the development community.

Chair Robbins confirmed the Commission received Mr. Toyer’s letter. She thanked him for taking the time to prepare the letter and include examples of his recommendations.

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With there being no further public testimony, Chair Robbins closed the public hearing at 7:25 p.m.

Commissioner Kirkpatrick asked staff to address the recommendations or consider delaying the proposal until staff has an opportunity to present any revisions. Planner Ginther said the recommendations were received late in the afternoon and did not enable staff the time to review the information or consider any changes to the proposed language. He thanked Mr. Toyer for the feedback, as the comments are valuable and helpful and could create a more effective ordinance. Staff will evaluate the comments and present a revised ordinance.

Manager Medrud invited other questions staff should address.

CONSENSUS: **The Commission supported a recommendation by Commissioner Kirkpatrick to continue discussion on the ordinance to the Commission's next meeting on April 12, 2022.**

NEXT MEETING DATE: The next meeting is scheduled on April 12, 2022.

ADJOURNMENT: **Commissioner Nguyen moved, seconded by Commissioner Kirkpatrick, to adjourn the meeting at 7:31 p.m. A voice vote approved the motion unanimously.**

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