

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

May 11, 2022 Page 1

CONVENE: 2:00 p.m.

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

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

APPROVAL OF MINUTES: GENERAL GOVERNMENT COMMITTEE, APRIL 13, 2022:

MOTION: **Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to approve the General Government Committee meeting minutes of April 13, 2022 as published. A voice vote approved the motion unanimously.**

**ORDINANCE NO.
O2022-004, BINDING
SITE PLANS:** Manager Medrud presented the recommendation from the Planning Commission to clarify requirements for binding site plans in Tumwater Municipal Code (TMC) Titles 15 Buildings and Construction and 17 Land Division.

The proposed amendment was included in the 2022 Long Range Planning Work Program. Binding site plans are an alternative method of land division authorized in RCW 58.17.035. 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. Binding site plans may only be used for land divisions for industrial or commercial uses; lease of manufactured homes – typically a manufactured home park; and condominiums.

The binding site process is intended to be more flexible. For example, in the development of a shopping center, a binding site plan process would divide the land into pads for sale and as development and changes occur, the process would be simplified through the binding site plan process rather than processing a change through a preliminary plat process. Regular subdivisions for residential uses except for condominiums would not be eligible to use a binding site plan process.

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*.

TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
May 11, 2022 Page 2

Councilmember Cathey requested clarification as to the term, “binding” and the difference in the site plans. Manager Medrud explained that the larger residential subdivision process is a preliminary plat process approved by the hearing examiner for a larger parcel subdivided into individual lots for sale and tracks for stormwater and parks serving the development. A binding site plan refers to a site plan for a proposed development with locations identified for buildings, parking, landscaping, stormwater, and other development requirements. The term, “binding” essentially memorializes or records the individual lots for future uses.

Councilmember Cathey asked about circumstances where the developer wants to change the location of a building or change the size of a lot. Manager Medrud explained that if the developer forecasted a parcel to accommodate a 40,000 square-foot building on a particular lot and the tenant withdrew from the development, the developer would be required to submit an amendment to the binding site plan to make changes. Councilmember Cathey questioned the advantage of the option if any change requires an additional review and approval. Manager Medrud said that unlike preliminary plats, binding site plans are intended to be approved administratively as authorized by state law rather than undergoing a hearing examiner process to receive approval. The requirements for a development’s site plan layout are different than the preliminary plat process. The process affords more flexibility to the developer and is intended to move the proposal through the process quicker. All environmental reviews apply to a binding site plan project. The process is essentially simplified for the final approval process. The proposal must meet all other City development requirements.

Chair Althausen asked how often the binding site plan process has been used in the City. Manager Medrud said the process has not been utilized except for some smaller developments on Port of Olympia property. Other jurisdictions use binding site plans frequently. He explained how the binding site plan process would have been applied to the Fred Meyer development.

Councilmember Dahlhoff questioned whether the binding site plan process enables savings for developers. Manager Medrud said the process saves a developer time and development processes. The savings a developer achieves is during the final approval process. Any modifications to a binding site plan would also require less time.

Manager Medrud reviewed the proposed amendments:

1. Table 14.08.030 (Decision process)
 - In response to public comment received at the public hearing on phasing in TMC 17.14.090, added process for phased binding site plan approval to the decision process table.

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

May 11, 2022 Page 3

- Approval of binding site plans without phasing would be administrative, but phased binding site plan approval would require Hearing Examiner approval.
2. TMC 15.44 Vesting of Development Rights: Added “binding site plan” to sections that specify the type of land division that is vested to clarify how and when binding site plan applications are vested for consistency between the different development processes.
 3. TMC 17.08.010 Binding site plan:
 - Added language regarding the benefits of binding site plans and their differences from traditional land division processes
 - Clarified that binding site plans can be utilized for manufactured home parks
 - Added references to the land division processes addressed in the other portions of TMC Title 17 Land Division
 4. TMC 17.14.040 Review Criteria (Existing for all land divisions)
 - Public health, safety and general welfare
 - Utilities - water, sewer, stormwater, etc.
 - Infrastructure - streets, sidewalks, bike lanes, etc.
 - Schools, school grounds, and safe walking conditions
 - Parks and open space
 - Fire protection and other public services
 - Environment - Shoreline areas, flood hazards, etc.
 5. TMC 17.14.045 Review criteria for binding site plans (Additional new review criteria specific to binding site plans):
 - Building envelopes and land uses
 - Parking lot plans
 - Access, roads and utilities
 - Previously approved uses, open space tracts, critical areas and buffers, and utility easements
 - Uses allowed in the underlying zone district
 - Addressing development of an entire lot
 - Adjacent properties and future development
 6. TMC 17.14.050 Administrative consideration (Added findings for approval of binding site plans):
 - Consistency with the Comprehensive Plan, the Tumwater Development Guide, the Tumwater Municipal Code, and state laws
 - A statement that uses approved for the property and the conditions under which they are allowed are binding to the property

TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
May 11, 2022 Page 4

7. TMC 17.14.050 Administrative consideration (Added findings for approval of binding site plans):
 - A statement that a binding site plan may not create new nonconforming uses or structures or increase the nonconformity of existing nonconforming uses or structures
 - Added reference to review criteria in TMC 17.14.040
8. TMC 17.14.080 Duration:
 - “Binding site plan” was added to the section to clarify that it applies to binding site plans
 - Like other land divisions, such as plats, short plats, etc., the initial period of approval is for five years and up to three additional one-year extensions are allowed
9. TMC 17.14.090 Phasing of development:
 - Residential binding site plan phasing allowed there are ten or more residential dwellings consistent with the SEPA exemption threshold for short plats
 - Commercial or industrial binding site plans over 20 acres in size are allowed to phase development
 - Phased binding site plans require Hearing Examiner approval
 - Non-phased binding site plans are administrative approval

Councilmember Dahlhoff asked whether Habitat for Humanity would be able to use a binding site plan process. Manager Medrud replied that the only configuration allowed for residential uses is a condominium development. Although there have been changes in liability laws in the state for condominiums, the level of interest has not increased for building condominiums. Councilmember Dahlhoff asked whether the process could assist in streamlining the development of desired housing in the City. Manager Medrud explained that it might be possible if further revisions to the condominium market occurred and the City pursued multifamily supportive housing. However, state laws for condominiums would need to occur for binding site plans to become a viable option. Other options are available that do not involve land divisions, which tend to complicate the development process. A single-owned multifamily development would not be required to complete a land division process.

Chair Althausen asked why the policy only applies to manufactured home parks and not to cottage housing. Manager Medrud said the restrictions are within state law.

Councilmember Cathey asked about the finding by staff that binding site plans have not been used frequently in the City. Manager Medrud replied that staff researched the last 25 years and was unable to find any

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

May 11, 2022 Page 5

developments for commercial, industrial, or other types of development other than for several Port of Olympia projects. Councilmember Cathey asked about circumstances triggering the need to amend the code. Manager Medrud said the Port of Olympia and Panattoni discussion prompted the review as that process initially proposed a binding site plan process for future development. Staff examined existing codes against a proposed Port development proposal and identified some issues that required changes.

Manager Medrud reported the Planning Commission reviewed the proposal and conducted a public hearing in March. The Planning Commission recommended the City Council consider and approve the ordinance as presented. Several issues were resolved by the Commission as outlined during the presentation. The proposed next step is to refer the proposal to the Council's worksession on May 24, 2022 followed by the Council's consideration on June 7, 2022.

MOTION: Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to recommend approval of Ordinance No. O2022-004 and forward to the City Council for review during its worksession on May 24, 2022. A voice vote approved the motion unanimously.

ADJOURNMENT: With there being no further business, Chair Althausen adjourned the meeting at 2:29 p.m.

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