MEETING NOTICE & AGENDA

WHEN: Tuesday, April 9, 2019 – 7:00 p.m.
WHERE: Nisqually Middle School Cafeteria
         8100 Steilacoom Rd SE
         Lacey, WA 98503

For information contact: Katrina Van Every, Chief Clerk
Thurston County Boundary Review Board
360. 971.7575
brbchiefclerk@trpc.org

AGENDA

A. Reconvene
   1. Attendance
   2. Review and Approval of Agenda
   3. Public Comment

B. Approval of Minutes
   1. March 28, 2019

C. Public Hearing
   1. ANNEX2018-05: Expansion of City of Lacey Steilacoom/Marvin Rd Annexation

D. Work Session
   1. ANNEX2018-05: City of Lacey Steilacoom/Marvin Rd Annexation and Expansion of City
      of Lacey Steilacoom/Marvin Rd Annexation

E. Decision or Continuation
   1. ANNEX2018-05: City of Lacey Steilacoom/Marvin Rd Annexation

F. Adjournment

ENCLOSURES

A. Minutes for March 28, 2019
B. ANNEX2018-05 Documents
   1. Exhibit 7: Boundary Review Board Staff Memorandum dated April 4, 2019
2. Exhibit 8: April 4, 2019 Joint Zoning Memo from City of Lacey and Thurston County

The final agenda and meeting packet will be posted online at:
www.trpc.org/925/Meeting-Agendas-Minutes

If you need special accommodations to participate in a meeting, please call by 10:00 A.M. three days prior to the meeting. Ask for the ADA Coordinator. For TDD users, please use the state’s toll-free relay service, 711 and ask the operator to dial 360.956.7575.
Chair Michael Marchand called the meeting to order at 7:00pm

CALL TO ORDER

Attendance

- **Members Present:** Chair Michael Marchand, Vice-Chair Lance Caputo, Mr. Gary Pearson
- **Members Excused:** Mr. William Kilpatrick
- **Staff Present:** Chief Clerk Katrina Van Every, Office Specialist Ill Dorinda O’Sullivan, Rick Peters, Thurston County Prosecuting Attorney
- **Others:** Ryan Andrews, City of Lacey; Travis Burns, Thurston County Deputy Prosecuting Attorney; Jeremy Davis, Thurston County;

Review and Approval of Agenda. Mr. Caputo moved to approve the agenda. Mr. Pearson seconded. Motion carried.

Public Comment. None given.

APPROVAL OF MINUTES

Vice-Chair Caputo moved to approve the minutes from January 22, 2019 and February 7, 2019. Chair Marchand seconded. Motion carried.

PUBLIC HEARING

Chair Marchand called the public hearing to order for ANNEX2018-05 – the City of Lacey Steilacoom/Marvin Rd Annexation. Chair Marchand explained the purpose of the hearing is to hear testimony and gather facts on the annexation proposal before them. Chair Marchand asked if anyone has items that are not already in the record please submit them to the chief clerk at this time. City of Lacey submitted two exhibits. Chief Clerk Van Every asked if anyone else would like to speak that has not signed up.

Chief Clerk Van Every administered an oath to those who wished to testify.

Chair Marchand asked if there was any person in attendance who questions whether any member of the Board has any conflict of interest or bias in the matter before them. No question of conflict of interest or bias was stated.

Staff Presentation
Chief Clerk Van Every gave a brief overview of the annexation proposal before the Board. The applicant filing the notice of intent was the City of Lacey, Thurston County submitted a request for review on January 14, 2019. Attachment A exhibit one: A map of the annexation area submitted by City of Lacey is 259.1 acres in area which include the RAC, vacant property owned by the City of Lacey, Nisqually Middle School, Ostrom’s Mushroom farm, Rainier Vista mobile home park, Lacey Fire District 3, and a water tower site owned by City of Lacey.

Thurston County requested the annexation be expanded to include an additional 120 acres encompassing the Hawks Ridge, Bicentennial Loop, Hawks Glen, and Steilacoom Heights neighborhoods, River Ridge Covenant Church, and a few smaller subdivisions for a total of 379.1 acres.

Testimony:
The following provided public testimony:

- Ryan Andrews, City of Lacey Planning Manager. Mr. Andrews gave a brief overview of the annexation proposal, indicating that the City of Lacey received a petition for annexation from the owner of Rainier Vista Mobile Home Park. The City Council had previously determined that annexing the RAC into the city was a priority since the city maintains and owns the property. The City of Lacey, North Thurston Public Schools, Lacey Fire District 3, and Ostrom’s Mushroom Farm all signed on to the petition for annexation. Mr. Andrews indicated that the City and Thurston County agree that the expanded annexation, as proposed by Thurston County, does result in more logical boundaries.

The original annexation area (Alternative #1) includes 259.1 acres and 12 parcels with a total assessed value of $39,941,500. However most of the property is government-owned and exempt from paying property taxes. For Alternative #1, the City of Lacey would need to hire two police officers to provide police protection and serve as a school resource officer with an annual operating cost of $302,540.

The expanded annexation area (Alternative #2) includes 446 tax parcels with a total assessed value of $92.6 million. The City of Lacey would need to hire three police officers to provide police protection and serve as a school resource officer with an annual operating cost of $607,560.

The Board asked questions of Mr. Andrews regarding RAC revenues, police protection, and differences in the southern boundary of the two proposals. Mr. Andrews explained that the RAC does not break-even regarding revenues – even with the additional property taxes – but that the city hopes the shortfall is made up by revenue through lodging taxes and spending at local businesses and restaurants. Mr. Andrews also explained that the city and Thurston County have an interlocal agreement for mutual aid regarding police protection. Regarding the southern boundary of the annexation area, the only difference between the two proposals is that River Ridge Covenant Church is included in the expanded annexation area (Alternative #2).

- Travis Burns, Thurston County Deputy Prosecuting Attorney; Jeremy Davis, Thurston County Community Planning and Economic Development. Mr. Burns stated Thurston County doesn’t
object to the city’s annexation and that the city and County are largely in agreement on the proposed expanded annexation area. Water and sewer services remain the same regardless of the proposed annexation. However, police services would change. If the annexation were approved as originally proposed by Thurston County, then Thurston County Sheriff’s office would have to cross through the City of Lacey to get to some of the neighborhoods. If the annexation were approved as proposed by Thurston County, then these neighborhoods would be protected by the Lacey Police Department.

The Board asked questions of Mr. Burns and Mr. Davis regarding the city/county line near the Hawks Glen neighborhood; why there were changes to the proposed boundaries of the annexation area; whether any neighborhoods were being split up with the proposed expanded annexation area; what the zoning of the area is; and the existing boundaries of the City of Lacey. Mr. Davis indicated that the city of Lacey boundary to the north of the annexation area does not extend past the Hawks Glen neighborhood and that the annexation area as proposed by the City of Lacey is was based on having 100% agreement from the affected property owners. Thurston County’s proposal for the expanded annexation area was intended to preserve neighborhoods, and the natural boundaries of affected neighborhoods is retained so that they are not split up.

- **Chief Clerk Van Every listed the Public Hearing exhibits received to date:**
  1. Boundary Review board Staff Memorandum dated March 22, 2019
  2. Thurston County Position Statement Received March 20, 2019
  3. FAQ: City of Lacey and Thurston County
  4. Written Public Comment Received as of March 27, 2019
  5. Lacey – Alternative #1, Summary of the original proposal
  6. Lacey – Alternative #2, Summary of the expanded proposal

- **Cory Corrado, 8738 Hawks Glen Loop.** Mr. Corrado stated he would like his property to stay Thurston County because he loves having open fires in the summer time. Mr. Corrado indicated until recently there were trees behind his property but now the city has allowed apartments to be built. Negative impacts from this development include debris and pollen in his yard and the ability to hear traffic from as far away as I-5, which he never heard before. Mr. Corrado feels the zoning is changing to fit the city’s needs. The City constructed a new road for the apartments, which dead ends at the back of Mr. Corrado’s property. Since the road was constructed, Mr. Corrado has experienced property damage and theft.

The Board asked questions of Mr. Corrado regarding the road that dead ends at his property and whether he was opposed to the annexation. Mr. Corrado indicated that the road does in fact dead end at his property and abuts his fence. Mr. Corrado asked if changing from Thurston County to the City of Lacey won’t help with revenue, why change it. Mr. Corrado also indicated that changing from Thurston County Sheriff’s Office to the Lacey Police Department may result in more conflicts since the Sheriff’s Office has a rapport with the people in the area. Mr. Corrado indicated that he is opposed to the annexation, but that he is not opposed to progress or making this work and doesn’t want his neighborhood included in the annexation. Mr. Corrado also indicated that the lift station the city of Lacey recently installed is an eye sore.
• Dana Stinsby, 440 Peregrine. Ms. Stinsby stated that with the removal of the green belt adjacent to her property, lights from the retirement home, drug treatment facility and the apartment buildings have impacted her property. Ms. Stinsby also stated that the added pavement in these new developments have caused standing water to appear in her backyard and increased the presence of mosquitos. Traffic is getting so bad on Martin Way that, where it used to take 10 minutes to get to the freeway, it can now take over 30 minutes during rush hour. When Ms. Stinsby first bought her home, Marvin Road was three lanes and now it is five. Ms. Stinsby asked if Hawks Ridge is annexed into the City who is then responsible for the roads in the neighborhood and for fixing potholes/curbs. Ms. Stinsby is opposed to the annexation.

Chief Clerk Van Every explained notice was provided through posting in the annexation area, through a legal advertisement in The Olympian, and through notices sent to property owners and registered voters in the annexation area. The purpose of the second hearing is for the homeowners to speak regarding the expanded annexation area and make their voices heard.

Mr. Peters noted that Exhibit 4 includes two pieces of written public comment that is included in the record.

Being no further questions of the petitioners or the public, Chair Marchand asked the Board if they had enough information to close the public testimony portion of the hearing.

**Mr. Pearson moved to close the public testimony portion of the hearing. Mr. Caputo seconded. Motion carried.**

**WORK SESSION**
Chair Marchand read the factors and objectives. The Board began their discussion of the factors and objectives. Rick Peters proposed the board recess the public hearing tonight until April 9th unless there’s a motion and second on the proposal for tonight.

**DECISION OR CONTINUATION**
Chair Marchand proposed recessing the hearing and keeping the public comment open until reconvening on April 9, 2019 at 7pm at Nisqually Middle School, 8100 Steilacoom Rd SE, Lacey, WA 98503, noting that notice of the scheduled hearing on the expanded annexation area that will occur on that date was sent to property owners and registered voters in the expanded annexation on March 18, 2019.

**Vice Chair Caputo moved to direct staff to request the city of Lacey and Thurston County provide additional information regarding zoning and development impacts of the annexation area and expanded annexation area as it relates to moving from county to city jurisdiction. Mr. Pearson seconded. Motion carried.**
Chair Marchand moved to recess the hearing on ANNEX2018-05 until April 9, 2019 at 7pm at Nisqually Middle School, 8100 Steilacoom Rd SE, Lacey, WA 98503, keeping the record open to additional public comment until then. Mr. Pearson seconded. Motion carried.

ADJOURNMENT
At 8:40 pm, Chair Marchand recessed the hearing until April 9, 2019, 7pm at Nisqually Middle School.
Memo

To: Washington State Boundary Review Board for Thurston County  
From: Katrina Van Every, Chief Clerk  
Date: April 4, 2019  
Re: ANNEX2018-05 (Lacey Steilacoom/Marvin Rd Annexation)

Background

<table>
<thead>
<tr>
<th>Location of Proposed Annexation Area:</th>
<th>The property is generally located at the corner of Steilacoom Rd SE and Marvin Rd SE. See Exhibit 1, Attachment A.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of Proposed Expanded Annexation Area:</td>
<td>120 additional acres, as revised by Thurston County on February 22, 2019. See Exhibit 1, Attachment B.</td>
</tr>
<tr>
<td>Notice of Intention:</td>
<td>Annexation of 259.1 acres to the City of Lacey known as the Steilacoom/Marvin Rd Annexation. See Exhibit 1, Attachment C.</td>
</tr>
<tr>
<td>Entity Requesting Review:</td>
<td>Thurston County Board of County Commissioners. See Exhibit 1, Attachments D and E.</td>
</tr>
</tbody>
</table>

At the Boundary Review Board’s March 28, 2019 meeting a public hearing was held in consideration of ANNEX2018-05, the Lacey Steilacoom/Marvin Rd Annexation. The City of Lacey proposes annexing 259.1 acres in the Steilacoom Marvin Rd area. The Board received public testimony regarding the proposal and recessed the hearing to April 9, 2019 when the Board will hold a second hearing in consideration of expanding the annexation area to encompass an additional 120 acres, as proposed by Thurston County.

The Board elected to leave the record open to additional public comment and directed the Chief Clerk to request the city of Lacey and Thurston County provide additional information regarding zoning and development impacts of the annexation area and expanded annexation area as it relates to moving from county to city jurisdiction. See Exhibit 8 – April 4, 2019 Joint Zoning Memo from City of Lacey and Thurston County.
Staff sent a press release to the Olympian on April 3, 2019 providing an overview of the Board’s action on March 28, 2019. See Attachment A.

**Hearing Notification**

**30-Day Notice.** Written notice is required to be given to affected governmental units within three miles of the exterior boundaries of the annexation area and the proponent of the annexation at least 30 days prior to the public hearing. Notice was hand delivered on February 26, 2019 to the following:

1. Tanglewilde Parks & Recreation District
2. Port of Olympia
3. City of Olympia
4. Timberland Regional Library District
5. City of Tumwater
6. Thurston Conservation District
7. Thurston County
8. City of Lacey
9. Lacey Fire District #3
10. Thurston County PUD#1
11. North Thurston School District

**Published Notice.** Notice is required to be published in a newspaper of general circulation at least three times, with the last notice not five days prior to the public hearing. Notice of the April 9, 2019 hearing was published in They Olympian on March 19, 2019; March 26, 2019; and April 2, 2019.

**Posted Notice.** Notice must be posted in at least ten public places in the area affected by the annexation at least five days prior to the public hearing. Notice was posted within the expanded annexation area in 20 locations on March 20, 2019. On April 4, 2019, staff verified the presence of the notices; where necessary, such notices were replaced. See Attachment B.

**Neighbor Notice.** Because there is a proposal to expand the annexation area to include 120 additional acres, notice is also required to be provided to all registered voters and property owners living in the expanded annexation area at least 10 days prior to the hearing to consider expanding the annexation area. Notice of the scheduled hearing was sent on March 18, 2019 to these individuals.

**Attachments**

Attachment A: April 3, 2019 Press Release
Attachment B: Affidavit of Posting for April 9, 2019 Public Hearing
ATTACHMENT A: APRIL 3, 2019 PRESS RELEASE
FOR IMMEDIATE RELEASE: April 3, 2019

SUBJECT: City of Lacey Steilacoom/Marvin Rd Annexation

CONTACT: Katrina Van Every, Chief Clerk
Boundary Review Board for Thurston County
(360) 956-7575
brbchiefclerk@trpc.org

The Washington State Boundary Review Board for Thurston County held the first of two public hearings on March 28, 2019 to consider the city of Lacey’s Steilacoom/Marvin Rd Annexation proposal. The City’s proposal would annex 259.1 acres that includes Ostrom’s Mushroom Farm, the Rainier Vista Mobile Home Park, the Regional Athletic Complex, Nisqually Middle School, a Lacey Fire District 3 station, and other property owned by the City of Lacey.

Annexation Proposal

The hearing was recessed until the Boundary Review Board’s meeting on April 9, 2019 at 7:00 P.M. when the Board will hold a second public hearing at the Nisqually Middle School Cafeteria, 8100 Steilacoom Rd SE, Lacey, WA 98503. The purpose of the second hearing is to consider expanding the annexation area to encompass an additional 120 acres, as proposed by Thurston County. Several adjacent neighborhoods including Hawksridge, Bicentennial, Hawks Glen, Steilacoom Heights, and a few smaller subdivisions are within the proposed expansion area, as is River Ridge Covenant Church.
During the recess of the first hearing, the Boundary Review Board elected to keep the record open to allow additional public comment. If you have questions or comments regarding the proposed annexation, please contact the Boundary Review Board’s Chief Clerk, Katrina Van Every, at 360.956.7575 or via email at brbchiefclerk@trpc.org. Materials relating to the proposed annexation are available on the Boundary Review Board’s website, www.trpc.org/brb.

The Boundary Review Board reviews proposals for boundary changes by cities, towns and special-purpose districts (such as fire districts) within Thurston County, including city or district annexations. The Board must base its decisions on specific factors and objectives stated in the Boundary Review Board Act (RCW 36.93). It can approve, modify and approve, or deny a proposal. Its decisions are final unless appealed to the Superior Court of the county.
ATTACHMENT B: AFFIDAVIT OF POSTING FOR APRIL 9, 2019 PUBLIC HEARING
WASHINGTON STATE BOUNDARY REVIEW BOARD FOR THURSTON COUNTY
PROPOSED CITY OF LACEY ANNEXATION (FILE NO. ANNEX2018-05)
AFFIDAVIT OF POSTING FOR APRIL 9, 2019 PUBLIC HEARING

I hereby attest that, on April 4, 2019, the presence of the attached Notice of Public Hearing for the City of Lacey Steilacoom/Marvin Rd Annexation (File No. ANNEX2018-05) was verified or reposted in and adjacent to the proposed annexation area at the following locations:

1. 3rd Ave SE & S Bicentennial Loop SE (near 8005 Bicentennial Loop SE)
2. N Bicentennial Loop SE & Messenger St SE
3. 3rd Ave SE & N Bicentennial Loop SE (near 8150 Bicentennial Loop SE)
4. 3rd Ave SE & Peregrine Dr SE (near 301 Peregrine Dr SE)
5. 3rd Ave SE & Peregrine Dr SE (near 8437 SE 3rd Ave)
6. Hawksridge Dr SE & Redtail Dr SE
7. Marvin at Steilacoom (Southbound) bus stop
8. Steilacoom Rd SE at River Ridge Covenant Church
9. Steilacoom Rd SE at Nisqually Middle School
10. Steilacoom Rd SE at Hawks Prairie Head Start entrance (Nisqually Middle School)
11. Steilacoom Rd SE at Marvin (Eastbound) bus stop
12. Steilacoom Rd SE at RAC entrance
13. Steilacoom Rd SE at Ostrom’s Mushroom Farm exit
14. Steilacoom Rd SE at 8th Ct SE
15. Steilacoom Rd SE at Rainier Vista Mobile Home Park (west entrance)
16. Steilacoom Rd SE at Rainier Vista Mobile Home Park (east entrance)
17. Steilacoom Rd SE at 8623 A to B Steilacoom Rd SE
18. Steilacoom Rd SE & Hawks Glen Dr SE
19. Hawks Glen Dr SE & 6th Way SE
20. Marvin Rd SE at RAC entrance

Notice was originally posted on March 20, 2019.

Katrina Van Every, Chief Clerk

Date
Date: April 3, 2019
To: Thurston County Boundary Review Board
From: Ryan Andrews, Planning Manager, City of Lacey
Jeremy Davis, Operations Manager, Thurston County
Subject: Zoning and development standards of proposed annexation area

At the Boundary Review Board hearing held March 28, 2019, the Board requested additional information regarding zoning and development impacts to property owners within the annexation area and expanded annexation area if it transitions from County to City jurisdiction. This memo provides additional information regarding zoning and development standards.

The City conducts long-range planning for the City and its un-incorporated Urban Growth Area, meaning the City establishes growth policies, land use designations zoning and development requirements. The County then considers adopted city growth policies, land use designations, zoning and development requirements, and adopts these as determined by the Board of County Commissioners. If a property is located in the City, the zoning and development standards of the City apply and are administered by the City through its permitting processes. If property is located in the un-incorporated Urban Growth Area, the zoning and standards set by the City are adopted by the County under joint planning agreements and the County administers the zoning and other regulations through its permitting processes. The same or similar standards are consistently applied, but just administered by a different jurisdiction based on the property location.

Background:

The Growth Management Act calls for the faster growing counties and cities within their borders to establish comprehensive plans to accommodate anticipated growth. The new plans are to include several different elements to New to be added to the Comprehensive Plans of these counties and cities, and those plans are to be coordinated and consistent. The framework for this coordination are county-wide planning polices, developed by each county, in collaboration with its cities and towns. Thurston County’s county-wide planning policies are used to frame how the Comprehensive Plans of Thurston County and the seven cities and town are developed and coordinated.
Policies specific to coordinated planning, zoning, and development standards from the Thurston County County-wide Planning Policies (Adopted Nov. 10, 2015) have been excerpted:

Section 1. General Policy

1.8 Partner across topic areas and jurisdictional boundaries. While supporting local decision-making, encourage regional and cross-jurisdictional coordination, communication, and cooperation that increase our capacity to make decisions for the common good across jurisdiction boundaries.

Section 3. Promotion of Contiguous and Orderly Development, Provision of Urban Services, and Protection of Rural Areas

3.2 Coordinate Urban Services, Planning, and Development Standards through:

e. Coordinating planning and implementation of policies regarding urban land use, parks, open space corridors, transportation, and infrastructure within growth areas. Developing compatible development standards and road/street level of service standards among adjoining jurisdictions.

f. Developing, and ensuring the enforcement of, agreements between Thurston County and the Cities and towns within its borders, that ensure development occurring within unincorporated urban growth areas is consistent with city utility and storm water planning and conforms to the development standards and road/street level of service standards of the associated city or town.

3.3 Cooperate on annexations in order to accomplish an orderly transfer of contiguous lands within growth areas into the adjoining cities and towns. Cooperate on developing a streamlined and efficient process for annexation, while maintaining appropriate environmental review.

Section 4. Joint County and City Planning Within Urban Growth Areas

4.1 Thurston County and the cities and towns within its borders will jointly plan the unincorporated portions of urban growth areas.

4.2 Each City and town will assume lead responsibility for preparing the joint plan for its growth area in consultation with the county and adjoining jurisdictions.
a. The lead city or town and the county will jointly agree to the level and role of county involvement at the outset of the project, including the role of each jurisdiction’s planning commission.

b. A scope of work, schedule and budget will be jointly developed and individually adopted by each jurisdiction.

c. The process will ensure participation by area residents and affected entities.

4.3 The jointly adopted plan or zoning will serve as the basis for the county planning decisions as the pre-annexation comprehensive plan for the city to use when annexations are proposed.

4.4 Each joint plan or zoning will include an agreement to honor the plan or zoning for a mutually agreeable period following adoption of the plan or annexation.

4.5 Nothing in these policies shall be interpreted to change any duties and roles of local governmental bodies mandated by state law, for example, statutory requirements that each jurisdiction’s planning commission hold hearings and make recommendation on comprehensive plans and zoning ordinances.

The Thurston County County-wide Planning Policies were provided in the March 28, 2019 public hearing meeting packet but the above sections highlight how zoning and development standards are applied at the City and at the County. In short, the same zoning and development standards are applied regardless of whether the property is located in the city limits or unincorporated urban growth area.

The city has no current plans for changing zoning in the proposed annexation area.