

MINUTES OF MEETING

THURSTON COUNTY BOUNDARY REVIEW BOARD

Tuesday, April 9, 2019

Nisqually Middle School, 7pm

8100 Steilacoom Rd SE

Lacey, WA 98503

Chair Michael Marchand reconvened the meeting of March 28, 2019 at 7:05pm

RECONVENE

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 III Dorinda O'Sullivan, Thurston County Prosecuting Attorney Rick Peters
- **Others:** Ryan Andrews, City of Lacey; Jeremy Davis, Thurston County

Review and Approval of Agenda.

Mr. Marchand suggested modifying the agenda to remove approval of the March 28, 2019 meeting minutes Mr. Pearson moved to approve the agenda with the suggested modification. Mr. Caputo seconded. Motion Carried.

Public Comment. None given.

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 proposed expansion of the annexation area. Chair Marchand asked anyone with items not already in the record to please submit them to the chief clerk for numbering. He then 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.

Chief Clerk Van Every gave a brief overview of the annexation proposal before the Board. The City of Lacey filed a notice of intent to annex 259.1 acres in the area generally known as Mushroom Corner. This includes the Regional Athletic Center (RAC), vacant property owned by the City of Lacey, Nisqually Middle School, Ostrom's Mushroom farm, the Rainier Vista mobile home park, Lacey Fire District 3

firehouse, and a water tower site owned by City of Lacey. Thurston County submitted a request for review of the annexation on January 14, 2019.

Thurston County requested the annexation be expanded to include the Hawksridge, Bicentennial Loop, Hawks Glen, and Steilacoom Heights neighborhoods; River Ridge Covenant Church; and a few smaller subdivisions. The Chief Clerk noted that Thurston County originally indicated this was an additional 120 acres, but a survey (Exhibit 9) of the perimeter indicates it is actually 150 additional acres. The boundary of the proposed expanded area hasn't changed, just the accuracy of what is actually included in the boundary.

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 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 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.

- Jeremy Davis, Thurston County Community Planning and Economic Development. 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 and have been working together since the early 1990's in the Urban Growth Area. They believe ANNEX2019-05 is the best due to City boundaries. Wants to reiterate what was said at the last meeting.
- 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
 7. Boundary Review Board Staff Memorandum dated April 04, 2019
 8. April 4, 2019 – Joint Zoning Memo from City of Lacey and Thurston County.
 9. Thurston County – Legal Description for Expanded Annexation Area.
 10. Written public comment received as of April 8, 2019
- Dana Stinsby - Hawks Ridge. Ms. Stinsby asked where a sewer pump station would be sited in Hawks Ridge, whether including the neighborhoods in the expanded annexation area was intended to offset the cost for the RAC growth, who would be responsible for maintaining and improving the neighborhood's roads and sidewalks, how police coverage would change, what road improvements are planned for Marvin Road, and whether Ostrom's would be turned into a strip mall development someday.

Mr. Andrews responded that there were no plans for placement of a pump station in the neighborhood, that the city did not request the neighborhoods to be annexed but it was a request from Thurston County. If annexed, the roads and sidewalks will become the City's responsibility. Police officers on duty 24 hours. Traffic will not change depending on jurisdiction. To change the zoning for Ostrom's Mushroom farm to turn the property one day into a strip mall would have to have a public hearing and no anticipating that happening.

- Larry Mahony, Steilacoom Heights. Mr. Mahoney indicated he got a discount for hooking up to City sewer when it became available to the neighborhood, and that he signed an agreement he would annex into the city.
- Eric Anderson – Hawks Glen. Mr. Anderson wanted to know why the City would want to annex the area when they would lose money and wanted to know if residents had a choice in the matter. Mr. Anderson also wanted to know who is responsible for paying to hook up to the City sewer, whether fees for the RAC be raised, whether fire pits would still be allowed, whether annexation would hurt his home-based business, and if B&O taxes would be charged.

Mr. Andrews responded that the City of Lacey pursued the annexation to bring the RAC into the City's jurisdiction. It is a City-maintained park but is not in City Limits. When Thurston County invoked the jurisdiction of the Boundary Review Board, the decision became the Boundary Review Board's. The fees for sewer hookup would be the homeowner's responsibility and that doesn't change from what is now required. The annexation doesn't change the fees paid for using the RAC. Fire pit regulations are not determined by the County or City. The City does charge B&O taxes; however the city has a relatively high threshold for accessing those taxes, so if you own and operate a home based business chances are you would not have to pay them unless you have a high amount in gross sales.

- Amber Chastain – Hawks Glen. Ms. Chastain is currently in the middle of a home remodel with building permits from Thurston County. Ms. Chastain wanted to know if she would have to

resubmit permits to the City and indicated that Thurston County's website says recreational fires are allowed.

Mr. Andrews indicated that for permits issued by Thurston County, you will finish out the work with Thurston county. For new permits, you would then get it from the City of Lacey.

Mr. Marchand invited Fire Chief Steve Brooks, Fire District 3, to speak concerning fire pits. Chief Clerk Van Every swore in Chief Brooks before he provided his testimony.

Fire Chief Brooks indicated that fire pit regulations come from the Olympic Region Clean Air Agency (ORCAA) and that you can have wood-burning recreational fires in unincorporated Thurston County. Within city limits, you can still have recreational fires, but the fuel source must be propane or charcoal – wood burning recreational fires are prohibited.

- Troy Stone. Although listed to provide testimony, none was provided.
- Amber Chastain. Ms. Chastain asked a follow-up question on whether the City allows fireworks. Chief Brooks responded that the city doesn't allow fireworks.
- David Scheibeck – 546 Hidden Forest Dr. Mr. Scheibeck asked about stormwater facility, including pumping system, in the Forest Glen neighborhood for which Thurston County is responsible for maintaining. Mr. Scheibeck asked who would take care of the pump if his neighborhood is annexed, noting that maintenance involves pumping, cleaning, weeding, and regular service twice a year. Is Tanglewilde East not city already? We don't want this!!!

Mr. Andrews indicated the City would need to investigate the pump system situation.

Chair Marchand asked if any other member of the audience desired to provide public testimony. Hearing none, 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. The Boundary Review Board has the authority to approve, modify or deny the annexation.

Mr. Pearson thanked everyone for coming and everyone who spoke. Mr. Pearson explained that he understood everyone's concerns with the annexation's impact on taxes, the ability to have wood-burning fire pits, the use of fireworks, and the stormwater facility in the Forest Glen neighborhood. However, Mr. Pearson indicated he struggles with why the Board should not approve the annexation.

Chair Marchand thanked the public for coming out to the hearing and that it is important that the board looks at the factors and objectives of the proposal to make their decision. All the concerns such as roads, neighborhoods, traffic and density the City of Lacey and Thurston County have already looked at

these when proposing the annexation. Chair Marchand felt the first proposal did not meet all the factors and objectives, but as proposed, the revised annexation area does. The Chair also commended the City and County on working together to revise the proposed annexation so that it meets more of the factors and objectives.

Mr. Caputo agreed with the other Board members that this is an urbanizing area that at some point in time will be annexed into the city. The Board's responsibility is to make sure it is done in a fair and coordinated fashion. Mr. Caputo felt the public raised some very good points that should be paid attention to.

DECISION AND CONTINUATION

Chair Marchand made a motion to approve ANNEX2018-05, the Lacey Steilacoom/Marvin Rd. Annexation because the Factors and objectives are met, specifically the preservation of natural neighborhoods and communities; the use of physical boundaries, including but not limited to bodies of water, highways, and land contours; the creation and preservation of logical service areas; the prevention of abnormally irregular boundaries the discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas (does not apply); the dissolution of inactive special purpose districts (does not apply) ; the adjustment of impractical boundaries; the incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and the protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority; and to reject the initial proposal brought forth by the City of Lacey because the factors and objectives were not met with the original annexation boundaries as presented. Caputo seconded. Motion Carried.

The Board discussed possible meeting dates for signing the Board's written decision. Chair Marchand set a special meeting for Monday, April 22, 2019 at 7:30 pm in Conference Room A at the offices of Thurston Regional Planning Council, located at 2424 Heritage Court SW Suite A, Olympia, WA 98502.

ADJOURNMENT

Chair Marchand motioned to adjourn the meeting at 8:52pm. Mr. Caputo seconded. Motion Carried.

 01/31/2020
Mr. Michael Marchand, Chair

Prepared by Dorinda O'Sullivan for
Washington State Boundary Review Board for Thurston County