6:35:32 PM CALL TO ORDER

Vice-Chair Kohlenberg called the August 3, 2006 Planning Commission public hearing to order at 6:35 p.m. The purpose of the public hearing is to consider amendments to the comprehensive plan and zoning regulations for compliance with the Growth Management Act – Rural Lands Project. Commissioners provided self-introductions.

Attendance: Vice-Chair Liz Kohlenberg, Commissioners Tom Cole, Liz Lyman, Bob Musser, Scott Nelson, Craig Ottavelli, and Rhenda Strub

Absent: Commissioner Chris Lane and Chair Joyce Roper

Staff: John Sonnen, Nancy Pritchett, Cami Petersen, Delicia Durden, Carrie Toebbe, Diana Smith, Mark Swartout, Veronica Warnock, Chrissy Seaunier, Renea Bentley, Brigitte Smith, Alan Carlson, Sonja Cady and Recording Secretary Cheri Lindgren.

6:36:41 PM BACKGROUND INFORMATION

Ms. Pritchett presented background information concerning the rural lands project, described the proposed amendments to the County’s zoning map and comprehensive plan zoning regulations, reviewed the Western Washington Growth Management Hearings Board (WWGMHB) decision, and how the County is responding to the mandate. Ms. Pritchett reported the 1990 Washington State Growth Management Act (GMA) required the County to designate rural areas for rural uses. In 1995, most of the County was zoned one house per five acres (1:5) with some pockets of higher density zoning. Thurston County updated its comprehensive plan in 2004. Following a series of meetings and public hearings, the Thurston County Board of County Commissioners (BoCC) determined no major changes were necessary. After the 2004 comprehensive plan was adopted, Futurewise appealed the plan claiming it did not comply with the GMA. On July 20, 2005, the WWGMHB ruled that portions of the County’s comprehensive plan and zoning regulations do not comply with the GMA. The Hearings Board found that:

- Thurston County’s comprehensive plan and zoning regulations do not provide a variety of densities in rural areas.
- The areas zoned at densities greater than 1:5 within the County fail to comply with the required “Limited Areas of More Intensive Rural Development” (LAMIRD) designation.
- The County’s criteria for designating agricultural lands do not fully comply with the GMA.
- The County’s urban growth areas (UGAs) provide more lands than needed to accommodate urban residential growth over the next 20 years.
The WWGMHB gave the County until November 30, 2006 to comply with the first three elements of the mandate, commonly referred to as the “rural lands project.” The County has until the end of February 2007 to complete the work for the sizing of the UGAs.

The BoCC appealed the Hearings Board’s decision to the higher court. While the appeal is pending, the Board directed staff and the Planning Commission to work with the public to consider options for rezoning as ordered by the WWGMHB. If the County does not explore changes to the comprehensive plan, the state could issue an order of invalidity, restricting the County’s ability to issue building permits. The County held two open houses in December, four workshops in January, and a public forum in June to solicit input from the public. The public comment is reflected in the draft maps and related amendments.

6:43:22 PM Ms. Pritchett explained GMA requires LAMIRD designation to prevent additional low-density sprawl in the rural area. The County had 59 pockets of higher density zoned areas that allowed densities greater than 1:5. The GMA did not provide guidance on how to handle the pockets of higher density pre-existing zoning until 1997. The WWGMHB is requiring the County to update its zoning to comply with the LAMIRD criteria. One of the criteria is development existed as of July 1, 1990, the year the GMA was adopted. The County used a variety of information to evaluate 59 pockets of higher density zoned areas to determine what was built by 1990. Areas that do qualify as a LAMIRD are proposed to retain the current higher density zoning. Those areas that do not qualify as a LAMIRD are proposed for lower density development. Staff provided an example of how the LAMIRDs were analyzed.

6:47:09 PM Ms. Pritchett reported another element of the appeal claims the policies in the comprehensive plan for agricultural designations do not comply with GMA. GMA requires jurisdictions to designate agricultural lands that are not already characterized by urban growth and that have long-term significance. The WWGMHB upheld the County’s basic classification system for agricultural lands, but required the County to revise two of its designation criteria to allow for designation of additional agricultural land.

6:47:43 PM Ms. Smith reported the hearings board found the County’s 1:5 zoning does not provide a variety of rural densities. Some lands currently zoned 1:5 should be rezoned to lower densities such as 1:10 or 1:20. Staff presented a draft Thurston County Zoning Map that outlines suggested lower density zoning districts. Ms. Smith reviewed the top six categories of lands workshop participants preferred for rezoning as follows:

1. Unbuildable areas
2. Volunteered lands
3. Rural character lands
4. Aquifer recharge and sensitive areas
5. Marine conservation lands
6. Habitat lands

The BoCC and Planning Commission used the top four categories to create the rural rezone study areas. Study areas include large lots of land 320 acres in size or larger that meet the criteria, as well as some other lands. An effort was made to focus on large, contiguous areas to be zoned at the same densities. Isolated parcels, unless volunteered for rezoning, and areas dominated by existing smaller lots under 10 acres were removed from the study areas. Some
property owners may be facing a zoning change to a lower density zone.

Ms. Smith reviewed the three new proposed zoning districts, their purpose, and locations on the draft zoning map. She highlighted three additional provisions in the Commission’s proposal as follows:

- A 10% impervious surface coverage limit is proposed for lots five or more acres in size located on some clay and till soils with higher amounts of runoff. Many of these soils are within the Green Cove basin.
- The changes provide for some retention of native vegetation except for the minimum necessary to build a new permitted structure or conduct a permitted use.
- Existing lots that are smaller than the new minimum lot size for the district will be considered conforming as to size.

Staff and the Commission will review all comments presented, which may result in changes to the public hearing draft document. Ms. Smith emphasized the hearings board has ruled that all rural lands in the County cannot be zoned 1:5. The state did not provide the County with a target of how much land should be rezoned. Based on public input, the County is proposing approximately 40% of rural lands for rezoning.

6:57:17 PM Vice Chair Kohlenberg explained the purpose of the hearing, and the public hearing procedures. At 8:30 p.m. the Commission will decide whether it is necessary to continue the public hearing to Tuesday, August 8, 2006. The County encourages written comment. A “comment box” is located on the table at the back of the meeting room. If the public hearing is closed, the County will accept written testimony until 5:00 p.m. on August 4, 2006.

7:01:12 PM TESTIMONY

George Schwartz, 2410 Crestline Drive NW, testified he owns a 32-acre farm at 10603 Independence Road, and a 30-acre parcel at 115 Lundeen Road. He thinks the County goes by the golden rule: whoever has the gold makes the rules. People were told ahead of time about the moratorium, and then the moratorium was lifted for a certain few developers. Does the County protect wetlands? He doesn’t think so. He presented photos taken at 14035 Littlerock Road showing three new homes built within five feet of the wetlands. Does the County protect AG land? He’s in the AG zone on Independence Road. A 160-acre property known as the “Fletcher Farm” was put in the AG zone for Hank Dohlman. When it sold, it was subdivided, and about 100 acres are located in the floodplain. They’re building seven new homes on the Fletcher Farm in the AG zone. He lives near Michigan Hill, and doesn’t think anyone changing from 1:5 to 1:20 approves of the rezone. When you look at the rezone map, it’s a political “jerry mandry.” There are little pieces all around “there,” and from the 1:5 to the northwest of Lundeen Road it is mostly chopped up into small parcels now and included in the 1:20 to show the growth management people that they have lots of acreages. On the northwest, there are three parcels: his 30 acres, Weber’s piece, and Christiansen’s piece that are removed from the 1:5 and put in 1:20. For what reason? Just to show. That’s the only reason.
7:05:05 PM Mrs. Roger Fletcher, 8524 James Road, Rochester, stated for the last 32 years, she and her husband have owned 20.81 acres at the address. It has excellent soil conditions for development. There are no wetlands. The soil types are great for drainage. There is a plentiful water supply. She is zoned 1:5 but the proposal is to change it to 1:20. She is surrounded by housing developments on the north and west boundary lines. A tree farm is located to the east, and James Road fronts the property on the south. Like many other property owners, this is their only source of retirement income. They are both of retirement age, and make hay on the acreage. Operating costs, fuel, fertilizer, irrigation, and land taxes take all the profit they make on the hay. The reason they hay the property is it would be an open field and a fire hazard to the surrounding developments. Their property and the tree farm are the only acreage tracts selected for rezone from 1:5 to 1:20 on James Road. Even though there are larger tracts, everyone else has been left at 1:5. She asked the Commission to reexamine the rezoning change, and put them back at 1:5.

7:06:55 PM Dave Wilson, 2513 395th Street Court, S, Roy, representing his mother’s estate, said the property proposed for rezoning is the farm that has been in the family since 1937. He has one small problem with the usage of the land. He understands 1:2 zoning is not proper because of the way the land is situated around the two scenic shores and Wilder Estates. He understands if the Commission wants to create a greenbelt and use his family property to separate this. But he can’t see the usage of the land really going to a good use by doing that. There is 335 feet of lake frontage on the small, 11-acre property. If the property is rezoned 1:5, the 11 acres can only have two places. The people that buy the “40” behind the “11” will not have access to the lake. Nowadays, Lawrence Lake is quite a well lake, as extensive work has been done. He does not have a problem with the 1:5 on the “40.” He was born and raised here. The usage of the lake would go away as far as he can see if the “11” property is rezoned 1:5.

7:09:24 PM Vince Cottone, 9529 Brooks Lane SE, testified his 10-acre parcel is slated for a downzone from 1:5 to 1:10, and he approves. He’s not asking for any compensation for it, but would accept a tax reduction. Water quality resources and habitat should be priorities for this project. There is still a quality of life in the County and that shouldn’t be ruined so a few can add to their wealth. Irresponsible developments, such as in the counties to the north, will cost landowners much more in the long run than good planning will today.

7:10:41 PM Robert Ingrim, 15428 Bjornstein Lane, Yelm, said he also owns property in District 1 that is proposed for rezone from 1:5 to 1:20. He has concerns because two-thirds of the properties that border his land are proposed to remain 1:5, and the other four parcels on the other side are proposed for 1:20. He believes his property should have remained at 1:5 zoning, along with the neighbors on the one side because of the characteristics of the property, such as access directly to County roads, and overall size of the property. He proposes the properties that are on a boundary where things abruptly change from a 1:5 to a 1:20, those properties are looked at even closer with more scrutiny to determine whether or they should be included with the 1:20 group, or remain 1:5. In addition, possibly seeing a buffer of 1:10’s, it seems when you look at a map you see these big pieces proposed for 1:20 zoning surrounded by pieces that will remain 1:5. That’s an abrupt change. He asked why the county can’t border between those with 1:10 zoning so there’s not such an abrupt change for the landowners. He’d like consideration given to density bonuses for landowners that decide to cluster, as there currently is no density bonus.
available for those property owners changing from 1:5 to 1:20 zoning.

7:13:20 PM Vice Chair Kohlenberg asked those testifying to let Commissioners and staff know the size of their property holdings. Mr. Ingrim said he owns 68 acres of designated forestland. Vice Chair Kohlenberg added the County is currently reviewing cluster zoning.

7:13:33 PM Patricia Gallagher, 29416 SE 371st Avenue, Enumclaw, stated she and her husband purchased 68 acres in Tenino to retire to. They hope to build for themselves, and their children hoped to build on the property. At the time they expected to subdivide the front 20 acres into four, five-acre parcels and use that money to finance their home. The property is currently zoned 1:5. The cost to subdivide is expensive. But this is their retirement dream. But if they’re unable to sell the front piece as four parcels, they’ll lose a substantial amount of money. It’s not that they’re greedy; they desire to live in Tenino. They have a beautiful wooded piece of property. Unfortunately, it’s considered forestland at the moment, but won’t be later. She doesn’t want to retire and have this beautiful piece of property and have to live in a tent. She’d like to have some money to build her home. It is not easy being a small property owner.

7:15:17 PM William Birchfield, 4929 219th Avenue SW, Centralia, conveyed he has 49 acres. He didn’t buy the property to develop, but he horse farms. Working the business and seeing the different counties and how people handle things, he does have a little bit of experience based on his real estate career and he’d like to lend his perspective not as a professional “cause fighter.” The County is doing a good job. He happens to be in one of the 1:5 zones that retain the zoning. He’s not directly affected right now. The County put a lot of effort in the plan that was challenged. Those challenging the plan have a goal of no development at all. The anti-development people have been very successful at moving the bar because he doesn’t believe that two houses on five acres should be considered high density.

7:17:36 PM Sandra Romero, 2023 Westlake Drive, Lacey, testified she and her husband bought property on Henderson Inlet approximately 20 years ago. The property is their retirement. They look forward to retiring one day and living in a wonderful part of the County. Unfortunately, they feel their retirement is in danger because of higher densities. What makes it wonderful for them now is not wonderful for someone that can’t divide their land. There are two sides of every issue. She spent over 20 years looking at land use issues. The task is not easy and she doesn’t envy the Commission. They are contentious issues, and people start name-calling and thinking someone else is worse than someone else, when everyone wants what’s right. She hopes people think about that today as they come up and testify, to be respectful and think about other people. When the County starts to look at giving density bonuses for clustering then it should be mindful to the 1:5, 1:10 and 1:20 designations.

7:19:28 PM Michael Langer, 12938 Hunter Road, SW, Rochester, said he bought 13 acres two and a half years ago. He was told at the time he could divide into three parcels. He has four children. The youngest has some disability issues. She’s likely to be with them for a long time. It would be good to have a place for her there, as well as for the other kids, or use the property to fund college educations. This was an investment. Their property is currently zoned 1:5 and is proposed for 1:10 zoning. He would like to retain the 1:5 zoning. He had not heard before that...
the state did not provide the County guidance related to how much land to rezone. Maybe 40% is more than what’s needed, and maybe 20% or something less than 40% is appropriate. If he can’t retain the 1:5 zoning, he suggested the County hold the current landowners harmless. As properties are sold off, those coming in will know what they’re buying and know the new rules. Having 13 acres, a future possibility could be if the County wants 1:10 zoning, that the 1:10 applies to the other three or whatever people have over 10 (acres) could be used and smaller lots. It is a tough job, but it does affect all landowners.

7:21:32 PM Christopher Sterns, 4045 36th Avenue NW, Olympia, said he has five acres that were downzoned previously. He’s perfectly happy with it being downzoned again. He serves as the secretary for the Cooper Point Association Board, and he is happy with the zoning for Cooper Point. It’s consistent with the past. It’s difficult for the Commission to work when having to make drastic changes from past decisions that should have been made long ago as far as rural development in the County. As a biologist, he has worked on water issues related to salmon, steelhead, and other things people take for granted in Thurston County in terms of its resources. The County does need to consider the habitat, water, and when future development happens and that it does not encroach areas where large areas will end up under water just because the basin has been built out above. It creates more surface runoff going into streams and causing people problems along the lower stretches of those watersheds, specifically the Black River. He has worked for the Chehalis tribe as its fisheries manager and knows a great deal about the Chehalis basin. He worked on it with the Northwest Indian Fisheries Commission as well. There are many water quality issues facing the County. He worked on the County’s groundwater advisory board as a member from a neighborhood association. Saltwater intrusion, despite what people feel about build-out in the north County, needs to be taken into consideration when parcels are developed that are interior to those that live on the shorelines. Any peninsula area of the County, such as Cooper Point, Steamboat Island, Zangle area, and Johnson Point, needs to take this into consideration if we don’t want future problems that are excessive and costly for the citizens as a whole. In the case of the south County, he emphasized shallow, fast moving, groundwater supplies, where groundwater can move in many different directions throughout the year. The County needs to be concerned about point sources of pollution that can affect people’s wells. It has come up many times before with the Conservation District, another group he works with, as well as BoCC on groundwater issues. When there is a sensitive area such as parts of south County where groundwater moves rapidly, it’s necessary to address the problems despite what people would like.

7:25:21 PM Michael Kelley, 3723 36th Avenue, Olympia, Cooper Point, conveyed that his father, Dan Kelly, served on the Cooper Point Association for 15 years, and was its president for two years. As a young person in today’s world, he has a deep concern for what is happening to the earth and that his generation is going to inherit. He is speaking not only as a resident of Thurston County but also as a citizen of the planet. He’s the voice of the millions of living beings that have no voice to speak. He’s speaking on behalf of the earth and what he sees happening in the world. In sailing on the Puget Sound yesterday, he saw once thriving fishing communities, now abandoned, because there are no fish left to eat. He saw the water’s edges scarred with development. He also saw the beauty of the healthy thriving forest, such as what is on Squaxin Island, and saw what they do to keep the air and water clean. There are thousands of
acres of tempered rain forests dying in Canada due to changing weather patterns. Some people are losing hope and others coming to new levels of understanding. Ice caps are melting, lakes are drying, rivers are turning to streams, and streams turning to trickles. In his backyard, he sees a wetland turning to a dryland. All over the world he sees the tree, mountain, animal, water, and stone people crying because their homes are being destroyed. The two-legged need to realize what kind of an impact they have on the earth as a whole. We need to remember our core values as human beings and preserve what little wilderness we have left. We need to do this for our future, for our children’s future, and our children’s children’s future, and seven times seven generations beyond that.

7:27:30 PM Steven Langer, 716 Quince Street NE, Olympia, representing the Henderson Inlet and Nisqually Reach Shellfish Stakeholder Committee, testified the stakeholder committee was appointed by the BoCC three years ago to develop a plan to improve water quality in the Nisqually Reach and Henderson Inlet areas. The commercial and recreational shellfish beds in Henderson Inlet and Nisqually Reach have experienced continual downgrades and closures due to fecal coliform contamination as a result of human activity in shoreline and watershed areas. Contamination of the water not only affects shellfish, but the overall health of the aquatic environment, which in turn affects the quality of life for all County residents. Preserving nearshore and riparian areas has been identified as an important tool in preventing further degradation of a resource that provides family wage jobs to residents without requiring a college education in the shellfish industry, and helps preserve clean water for the whole community. Higher zoning densities can contribute to further septic tank problems and contaminated stormwater runoff, both of which have been identified in the stakeholder committee’s report as significant contributors to shellfish bed contamination. One important method to preserve this important public good is downzoning the areas that are most likely to negatively affect water quality, including portions of the north County peninsulas adjacent to the Puget Sound and land that has typed soils nearby. The stakeholder committee requests that the County include the areas identified in the Henderson Inlet and Nisqually Reach Shellfish Protection Districts in the proposed downzone. The committee also supports County staff’s proposal to remove irrelevant areas from the LAMIRD and downzone the areas to 1:5 or lower. The committee’s recommendations can be found in the Henderson Inlet and Nisqually Reach Shellfish Protection District Implementation Work Plan, March 1, 2005 on the County’s website. The committee urges the Commission to consider these issues in its deliberations for the sake of the future of shellfish harvesting in Thurston County and the health of Puget Sound.

7:30:17 PM Mark Kitabiashi, 7726 Canterwood Drive SE, President of the Thurston County Realtors Association, expressed the association’s concerns with the County’s proposed rural rezoning plan. The potential number of housing units that will be locked up by the proposed rezoning will not be released in other areas available to accommodate growth in the County. Realtors believe as a principle of its quality of life program that there should be a “no net loss” of housing or job capacity. This concept ought to be adopted when applying to wetlands as well. The lack of “no net loss” housing or job capacity of the proposed changes will have an impact on the County’s compliance with RCW 36.708.115. The section requires the County and cities provide sufficient land capacity to accommodate housing and employment growth consistent with a 20-year population forecast from the Office of Financial Management.
(OFM). He asked whether staff has provided an analysis of the impact of the changes on the County’s housing and employment targets. If so, he asked what the impacts of the proposed legislative changes reveal in the analysis. If no, the association requests completion of an analysis prior to the Commission making a recommendation. Realtors believe home ownership is a cornerstone of the American dream and it deserves a place in the system of values. Home ownership contributes to community responsibilities, civic, economic, business, and employment stability, family security, and well being. Realtors also recognize the need to sustain and enhance the quality of life enjoyed by Washington citizens. Realtors believe we can build better communities by supporting quality growth and seeking sustainable economics in the housing opportunities that embraces environmental qualities we cherish, while protecting a property owner’s ability to own, use, buy, and sell properties. Realtors appreciate the fact the Commission together with staff has worked hard to develop a package of amendments that comply with the WWGMHB order. However, the association believes that should the Commission recommend the rural re zoning as proposed, the possibility of home ownership will become more unobtainable and private property owner rights will be further constrained. The association knows that the Commission will listen to the comments of the community and act accordingly to preserve the vitality of the County. He offered the association’s assistance to the Commission and staff as it continues to work on the matter.

7:33:55 PM Sally Vogel, 4319 Chambers Lake Drive, Lacey, said everyone is sympathetic to the plight of the landowners who are present. But we can’t let our sympathy for individuals dictate land use policy and allow the continued piecemeal cutting up and development wreaking destruction of the land upon which our survival depends. The County’s decisions must be based on what is best for the future of everyone. These are hard decisions to make in the face of so much political pressure for short-term gain. The key idea to consider is sustainability. This means we do not allow our population to increase beyond our ability to provide for it in the long-term. We do not have unlimited resources. Land use regulations must protect water supplies, shellfish growing areas, as well as farmlands. There will come a time in the not to distant future when it will become too costly to import foods, or when trading partners are unable to supply food. We must retain the capability to be self-sufficient in the production of food. Arable land should be protected from development. What the Commission decides will have long-term effects. In his book “Collapse,” Jerry Diamond examines the factors involved in a society’s collapse. He concluded if we wish to remain a viable, successful society we must engage in long-range planning and reexamine core values. Profit from the land is not a sustainable core value. We must all learn to value the health of the land that sustains us. The County’s reexamination of zoning is to be commended. Please let it be the big picture that governs a final decision.

7:36:09 PM Gordon Broderson, 11725 Arnold Road SW, Rochester, testified he purchased his 20-acre property in 1974. The purchase was to accommodate them, as they grew older, build a house to accommodate the family, and relocate on the property with a smaller place to live when they became the age he is now. That was very important to them. They are in the 1:20 zone. It’s way too big for anyone like him. His idea is some changes will be made for people like them so they can continue with their plans and to retire like they hoped to. Ten years ago on a piece of property, he spent $14,000 for a well. That piece of property and well is basically no

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good unless he retains the 1:5 zoning. His solution is relatively simple. He asked there isn’t a grandfather clause, and those that bought under those terms are allowed to complete and live out those terms. The people coming in new and buying land will be well aware of what the land requirements are. They have the option to either purchase or turn it down. But they know what they’re getting into. They didn’t. What he knew when he bought the land that was that it was 1:5 and that’s the way it should be today.

7:38:39 PM Mike Lei, 2331 Kaiser Road NW, Olympia, stated he owns 23 acres just outside the urban growth boundary. It is currently zoned 1:5, so he could feasibly build a house, could subdivide, and build three more houses. The proposed zoning is 1:10, which means he can only build one more house if he wanted to. In addition, he’s spent his life savings buying the land and building a house. It really is his retirement fund. Nevertheless, Mr. Lei said he supports adopting more restrictive zoning and any attempt to control growth in the County. Why? He wants to preserve the rural character of the rural areas. He doesn’t want to see urban boundaries constantly expanding and engulfing rural areas. He doesn’t want to see unplanned development occur all over the County with housing developments splattered across the landscape. He wants to see development restricted to a centralized area, where services like sewer, water, transportation, etc., can be provided in an effective and efficient manner. For our own sake and for the sake of the children, we can’t keep growing like some out of control cancer. As a rural landowner, he’s willing to bite the bullet and say, enough. The proposed zoning changes don’t go far enough. The entire Steamboat Island peninsula is zoned 1:5, which will not do much to restrict development; it will allow more development. The changes proposed for the Green Cove basin do not do enough to prevent development on the few large tracts that have not yet been developed. There are 158 houses being built on the edge of the stream. He encouraged his fellow landowners to support the measures that will be more equitable with neighboring properties. The County needs to act while there are still some rural areas to preserve.

7:41:50 PM Steven Connor, 6315 Gull Harbor Drive, testified his family bought the home in 1967 and he still resides there. He’s here as an individual landowner and the manager for Bingfield Resources. In 1988, family members formed a company, Bingfield Resources, and purchased 640 acres around the home from a bankrupt development company. They now own approximately 700 acres in the Gull and Boston Harbor area. They farm the land. The forestland has been entered into the stewardship forest program by the state of Washington and is certified sustainable by the American Tree Farm Association. They are good stewards of the land. The rezone proposal, however, unfairly targets them. The rezone of the Gull Harbor plat, which Bingfield Resources owns 74 lots of record, has already been downzoned once to 1:1 allowing only 32 lots. The new plan will allow only six, even though it meets the GMA criteria for a LAMIRD. The rezone of Bingfield forestland will take the potential 37, five-acre tracts away from them. Together, this reduces at one time the value of the land by several million dollars. This year, after four years of negotiation, they signed a conservation easement with Capitol Land Trust to place permanent protection on 85 acres of land, 22 acres of tidelands, and thousands of feet of shorelines surrounding the Gull Harbor estuary. The GMA does not mandate downzoning as the only solution to the problem. The easement he signed effectively reduces the zoning density to one house in 28 acres, from 1:5. During the course of the project, they discussed with County staff and directors, the possibility of doing similar projects on the
balance of the land. They were told the County has a definite interest to work on a long-term conservation plan for their land and that if they completed the easement with the land trust, the County would take it as a sign of good faith and work with them on a long-term plan. Michael Welter himself encouraged him to be patient and hold off from the pressures of development, and invited them to sit down with him and his staff to take part in a purchase of development right discussion and planning process. He did this as time allowed. He strongly feels the trust and good faith was abused and the undeniable focus on Bingfield’s land in the Gull and Boston Harbor neighborhood is nothing more than the County’s attempt to devalue the property and make it more affordable for the County to accomplish other agendas. The rezone proposal for the neighborhood has unfairly singled them out, and places the burden of maintaining the rural characteristic on their pocketbook alone, while all the land around them can still be subdivided and developed, garnering premium prices off the benefit of the rural characteristic that their land now provides. The cost of being good stewards of the land has essentially subsidized the quality of life of the semi-rural community. Why would anyone consider being a good steward of the land following this autocratic, inconsiderate act? It’s time for County residents to take responsibility and bear the burden to preserve the resources public values through programs such as the purchase of development rights to solve this.

7:45:20 PM Judith Greer, 6315 Gull Harbor Drive NE, said she thinks everyone understands what her brother (Steven Connor) just said. Her family purchased the land and has been excellent stewards. They have worked to maintain the quality of Thurston County and their community. What she resents is that people move in, build around them, and then are requiring them to pay for their rural atmosphere. Look at Boston Harbor. How many new houses have gone in since the 20 years they farmed their land? How many more will go in? Why should her family provide that rural character? You can’t really farm the land; no one lets you. What are you going to do, mine in the middle of the Gull Harbor community? Her family is the watershed for Boston Harbor. Why doesn’t the Boston Harbor Association buy their land, buy the development rights? All of those people, when their houses go up in value because they’re not developing, who gets that profit? They don’t have anything. They have land that they cannot develop, and can barely take care of it. They can barely run off all of the trespassers, the neighbors who four-wheel and throw garbage on the land, and cut their trees. We should expect everyone to take some of the burden of keeping the community a nice community. All should share the burden. They shouldn’t target individual landowners. They don’t want to be the buffer for everyone else’s building. It is really unfair.

7:47:25 PM Trevor Westland, 4224 Fir Tree Road, Olympia, said he owns property in the Grand Mound/Rochester area. He’s attended all of the meetings. Recently, he attended a public hearing two nights ago. Commissioner Diane Oberquell directed a question to Allen Miller, “Is having pipes in the ground part of the LAMIRD criteria?” John Sonnen answered and said, “That’s our interpretation.” Mr. Westland quoted from RCW 36.70A.075, stating it does not require the presence of a water system or any utility for the inclusion of property in a LAMIRD. In addition, in Brine v. Jefferson, the WWGMHB held that public facilities are not required to serve LAMIRDS. There are numerous cases that staff is not looking at and doesn’t want to consider. His property is adjacent to a well. There is a waterline in the ground. The County will not include it in the LAMIRD. It makes no sense. He’s trying to use a public water system,
trying to do the good thing. Another example, Cal Lingstra v. Whatcom County, the WWGMHB came up with, “delineation of the revised rural residential two boundaries was based upon, (1) existing areas of built environment as identified on 1991 DNR aerial photographs; (2) presence of pre-GMA plats of small parcels that were located adjacent to the existing built environment; (3) avoidance of critical areas including steep slopes and wetlands; (4) proximity to Sammish Water District ULID boundary, whether in or out.” He is not thrilled with the process. The Commission adopted something saying, “We can’t include you in a LAMIRD unless you have a water meter.” He’s not sure that’s true, as he’s heard it both ways. Staff members are not lawyers. He needs a legal interpretation, and not just what staff thinks.

7:50:01 PM Roger Miller, 5521 Hawks Prairie Road, testified his property is located within LAMIRD #26. He and both his brothers were born there. His parents have owned property known as the Miller Trust for over 55 years. The land is currently zoned 1:2. It faces Fox Hall across the street. Fox Hall is a 100-plus acre development zoned 1:2. The Hollywood development is located to the west, which is another 100-plus acre development zoned 1:2 acres. If you look down the hill, or across the street, there simply is no sprawl. Two acres is a lot of land nowadays. He doesn’t know who can afford two acres anymore. He didn’t study math at a university. Today he can build 15 homes on the 30-acre property. Under the proposed guidelines, he can build three. That’s a five-time reduction in usage. That’s pretty severe. Why? Other people have mentioned greenbelt. He asked if that could be a possibility. A 30-acre greenbelt - there is development all around his property. Sounds good, but not a very good idea if you’re the landowner and would like to someday give your property to your children, or sell it, which he believes is the American way and he has a right to do. He has been there all this time. He has not developed, built on it, or abused it. It’s farmland with trees on it. There’s no good green reason to change the delineation from 1:2 to 1:10. Affordability is one thing. That would drive the costs of property sky high. Another issue is again there is no sprawl. He asked if the Commission has pictures. Looking down on two-acre lots is pretty nice.

7:53:32 PM Keith Johnson, 2807 Wiggins Road, Olympia, said he’s one of the commissioners of the Chambers Ditch District #3; however, his comments are not on behalf of the district but are personal comments. The ditch district was developed in 1917 to drain the Chambers basin of water so that the farmers could develop it. They farmed it until the 1960s. The farming stopped, but there are a few farms here and there. His son has eight acres in berries. He moved to the property 33 years ago. The property was zoned 1:5. The property was annexed to the city and is now zoned 2-6:1. A majority of the property consists of wetlands. There is a moratorium on building in the basin until Lacey and the County find ways to improve the storm drainage. The basin runs from Fones Road north/south to 85th SW. It goes from College on the east to Henderson Boulevard on the west. It’s quite a big area. The ditch goes from Chambers Lake past the Yelm Highway about 300 feet, and then goes into Chambers Creek, the Deschutes River, and then to Budd Inlet and Puget Sound. The major concerns are flooding and water pollution. There was trouble with flooding this past year. Water came through crawl spaces. There have been failed septic systems and overflowing of water retention ponds. The major concern is to protect the ditch so it drains properly and doesn’t get polluted. Our major concern is annexation from the County. What he’s worried about is there was a 90-acre annexation proposal around Smith Lake. Between 150-500 units was proposed. He’s unsure of the status. The development
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will drain to the ditch. That’s a big concern. He asked whether the ditch can handle the water without polluting and flooding Olympia eventually downstream.

7:56:53 PM Merv Cecil, P.O. Box 1062, Rochester, said he lives at 10421 Lundeen Road in Rochester. He has approximately 30 acres that’s in the proposed downzone area. Previously, it was zoned 1:5. He is surrounded by lots less than eight acres in size. On the boundary of his property there are 10 individual lots that average 7.9 acres. If you kick out the 24-acre lot, the nine remaining lots average 5.63 acres. Supposedly, one of the criteria is a 320-acre block. He’s been included. To the southwest across Michigan Hill Road there are parcels still zoned 1:5. To the east just on the other side of the 24-acre parcel bordering his property, that whole strip that goes down to the County line remains 1:5. He doesn’t think this is logical. The built up areas are predominantly smaller acreages. When there are 10 lots bordering your property that average 7.9 acres, one would think he would be removed from the downzone area. It doesn’t fit the criteria. On the extreme south side of the property there are some critical areas, some steeps slopes, and a wetland. With the buffers, it’s less than 10 acres. It’s approximately nine acres that leaves about 20 acres he can develop. He bought the property 27 years ago as a significant part of a retirement package. Last year in August, two weeks after the moratorium, he put the property on the market. He didn’t know about the moratorium, but quickly found out about it. He’s received one offer on the property that was $95,000 below the asking price and $115,000 below the private appraised value. That’s a significant impact. He asked who is going to pay for that. Is the County going to come up with the difference if it’s sold? He said he doesn’t think so.

8:00:30 PM John Woodring, Attorney for Ronald White, testified he distributed a document to the Commission through Katie Knight on July 20, 2006. He referred to Attachment 1. The White Family Enterprises LLC is his client. They own a property called the “Nes Mobile Home Park” that began as a manufactured housing community in 1964. It’s located at 7140 91st Avenue in Rochester. It consists of three parcels that total 15.75 acres. The parcels are currently zoned MDR 2-6 that allows two units per acre with septic, and six units per acre with sewer. The White’s have been developing the property since 1964. Zoning went into existence in 1989 consistent with the current zoning. The property has not yet developed out as a manufactured housing community. When you look at the “purple” property on Attachment 1, the surrounding uses are quite intensive. The parcel sizes range in size from a quarter acre to as high as five acres surrounding it. This indicates the property around the White property has had intensive development over the years. The White property should be consistent with that as far as developing it out. The rezone proposal for one parcel is 1:5, for the second parcel 2:5, and the third parcel, which currently has only four manufactured homes, the zoning is proposed at 1:1. The “Nes Mobile Home Park” meets the requirements of the RCW GMA for the County for a residential LAMIRD zoned 2:1. First of all, it was developed as a manufactured housing community beginning in 1964. It had the MDR 2-6 zone designated in 1989. On July 1, 1990, the property was developed at a density of 2:1. Complete development of the property will not expand the existing area initially approved in 1964 as the park. The LAMIRD RL 2:1 designation will provide for infill. Residential development of 2:1 is consistent with development patterns established before July 1, 1990. The completion of development of the property will serve the existing population in the area. It will not be expanded. Allow infill
Gretchen Christopher Matson, 1816 27th Avenue NW, Olympia, said she is not directly affected right now. She has less than an acre currently. However high density in the area where she lives will impact her, as the water washes down the hill and tends to sweep away at the land where she lives. She was concerned about the impression that the Miller property was singled out as a greenbelt for other more densely populated areas, or places that are 1:2, which is a nice amount of property. She grew up on 10 acres and thought that was fabulous. She’s only been aware of the rezone a couple of days. Someone mentioned a grandfather clause, which should be explored. Reinstate the rezone after the property is sold so that those that purchased in good faith under the original zoning can fulfill their dreams, plans, and investments under the zoning they were promised. But when the property is sold, it would sell with the new owner understanding that the new zoning would be applied to them. It does not seem just and equitable that those who have invested in and maintained large tracts of land with the understanding they could later subdivide and give parcels to their children, or sell off parcels for retirement income, that they should bear the brunt of providing green space for everyone. Perhaps the government, which means everyone, could buy the pieces at the present value and maintain the larger greenbelts.

Nola Patton, 1232 Skyridge Street SE, testified she is a fourth generation property owner of 241 acres at the end of Aire Street in East Olympia. The family bought the land in the 1890s. She opposes laws and regulations restricting private property ownership and questions the inequity and integrity of the GMA. Citizens that have invested in land financially and emotionally are rarely mentioned or identified in the present GMA documents. The future of County land is referred to as concerns of the public. The public participation, the population, the counsel for the public, the governor’s sympathy, and so forth rarely refer to the private landowner’s concerns. No citizen is required to be an organ donor, nor should any citizen be required to be a land donor. Government should protect, not penalize private ownership for previous poor government planning. And that’s what it’s been. An analogy of economic loss follows to be financially equitable for private property owners’ devaluation. Every citizen should be a government donor, 30-80% of his or assets, bank accounts, stock portfolio, personal property, insurance, or urban home. Most participants in developing limiting laws and regulations have nice homes. The homes would not be as economically valued should all of the bedroom doors have to be nailed shut, and the family living only in the kitchen and one bathroom. And, if the family chooses to sell the home, the value will be greatly depreciated due to the fact that the bedrooms are nailed shut. However, with the above financial gain, the government could then compensate private landowners for real value, or pay for the lawsuits following from disgruntled property owners. The downside of all of this is that most small property owners are prudent stewards of their land. However, big development companies seemingly slam under the radar uncanningly knowing when to make the appropriate move, when moratoriums will be lifted, when to cluster developments on property which have absolutely no way to develop swamps or wetlands anyway. The moratorium was lifted on August 2, 2005 for developers to swarm plans through, leaving “John Q. Public” not knowing to react that day. That also happens to be the day the County Development Services Director short platted with MC Construction’s two-parcel project that was approved. She is faced with downsizing 1:10
with a new development bordering her property with 40 or more houses on 20 acres right next to her. For her forest managed property, she reserves the right to do as she sees fit. What she sees fit with the property, evaluation of, and by the GMA, and all will have to be annually for all properties with responsibility waivers, inclusions, exclusions. When an ordinary one-fourth acre lot is valued between $60,000 and $100,000; do the math. Private citizens can always wait for urban growth to reach their property, and it will. Government can only delay growth with increased cost. She has two more generations in her family in the future to care for the property, or she could clear-cut it and sell it to an out-of-state buyer. Her family is concerned about growth, the environment, and the future. However, the GMA should ensure standards and economics are equitable.

8:09:54 PM Jack Grimes, 6525 76th Avenue NE, wished the County luck with its litigation with the state hearings board. He would like to see the law overturned. However, his issue with the current plan is that he has two parcels of property, both located in the LAMIRD area. One is an eight-acre parcel purchased in 1974 the other a five-acre parcel bought in 1984. The proposal by County employees is to rezone them from 1:2 to 1:5. There are two large areas adjacent to his property currently zoned 1:2 that are not affected by the change. The County has selected anyone that has a large parcel of property and elected to up zone it because it’s available to them. The proposal of a rezone without some type of grandfather clause or other means of compensation is penalizing people who have elected to not develop their property and allowed the contributions that it makes to the quality of life for the County. He values the quality of life in Thurston County and would like to see it maintained. However, he does believe that the majority or everyone should be willing to pay their fair share and the cost not shouldered by a small portion of the total population. He knows this is a repeat of the loss of value issue, but it is a significant one. If the County does believe that this is necessary, then it should levy a tax on everyone to purchase the development rights for those they’re taking the development rights away from.

8:12:21 PM Jerry Blaylock, 12343 Waddle Creek Road SW, testified in June 2005 that he began the process to purchase a piece of property at 10718 Happerwood Drive in Rochester. The two-acre property is currently zoned 1:1. He’s made many trips to the County Permit Assistance Center to research the property. They assured him there was no reason the property could not be divided in half. Never did he receive any information concerning a moratorium on subdivision in the County or possible zoning changes. The information would have been nice to have. It would have greatly changed his actions. Maybe he too, could have submitted his application for subdivision just hours prior to the moratorium. He purchased the property with the sole intent to divide it in half, as that was and still is the legal zoning. He’s not a developer out to make millions, just a citizen with a wife and two kids trying to secure a future through hard work. To fund the property purchase, he refinanced his house. He thought it was a solid investment, as this was a piece of property and not just some junk (?) in the stock market. His plan was to build two, single-family dwellings of nice quality to keep as investments. The day after his real estate deal was finalized; the County imposed a six-month moratorium on subdivisions. Since then, he has tried to understand the process, but sometimes it’s hard. He’s attended several meetings and every time has walked away angry with what he hears. People have been planning their futures through real estate and are now seeing it disappear. At first he thought only large parcels of land
would be affected, but now he finds his Rochester property, his two acres, is subject to rezone to 1:5. This piece is in an area between Littlerock and Sargent Roads where zoning is currently 1:1. The draft zoning map shows a portion of the area will stay the same and a portion will be rezoned. The change does not appear to follow any logical boundary as the plan states it should. The only logical boundary for this area would be to utilize Littlerock and Sargent Roads as the northwest boundary. If you look around, most lots in that area are one-acre plots. If zoning is going to change, the citizens that privately own the property need to have adequate time to utilize their property as zoned prior to the change. To arbitrarily shut the door is unacceptable. If this is the case, then compensation is warranted. Just like the taking of private land for public use, private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions. He purchased his property to be used as zoned. His land is being taken. If property zoning or use changes are going to be imposed, it is only fair to the private property owner that the County give notice that a change is going to be made, and allow private property owners time to react prior to the change, such as a grace period. The changes going to be made under a moratorium, then compensation to landowners whose property is affected is warranted. The change will create a financial hardship for his family for years to come.

8:15:33 PM Nancy Leicht, 4004 11th Avenue NW, testified she works the farm there and has for most of her life. Since she has owned the farm, the zoning has changed from 4:1 to 1:5, and under the proposal it will be 1:10. She supports environmental protection, agricultural land preservation, and there’s nothing she would love to see better for her place in 100 years to be a farm and forested area. How it’s happened, she doesn’t like. In fact she was part of a strong community of activists on the first go-round trying to protect aquifers, wetlands, and farmland. But development interests won out. Lots of money was made and the only way farmers got any of it was by selling a couple of five-acre lots to survive. Other than that, the economic prosperity of Thurston County did not trickle down to the farmers. It is harder to farm now that it has ever been. So frankly, we are past manipulating numbers to cure the situation. We need to do more. She presented three recommendations:

- As part of the plan, there should be an immediate purchase of development rights program set up by the County to compensate farmers for the loss of value. She hates going into that paradigm because farming is the value of the land for those that want to farm. She would like to continue. But a PDR program started in Nisqually. That was great and in the 90s the ball was dropped. Now’s the time to get it started. The carrot with the stick. Now’s the time, as part of this program, not next year or the year after.
- We also need a stronger right to farm ordinance in Thurston County. She lives amidst high density and residential development. Farming and residential development are not compatible. Farmers are losing lawsuits in the courts posed by developments around them.
- Thurston County should initiate a change in the state agricultural open space tax program that will treat small farmers the same as larger farmers.

Ms. Leicht said if staff wants to talk to her about this, please do. People like her that want to stay are going to get taxed off the land and through irate neighbors, driven off the land. All she wants to do is make money farming. She doesn’t want to sell out.
**8:18:38 PM Otis Valen** said he is a new farmer in the area. He said he started a small farm with some friends. He said he appreciates the opportunity to comment, and the protection of the environmental areas and farmland. He concurs with comments provided by Ms. Leicht. Accessibility to farm areas for prospective farmers and affordability is important so land doesn’t become too expensive. Who can afford one house on a giant piece of land who wants to farm it anyway? The answer to that might be the PDR program. The County should think about the community’s retirement plan. He hears people are worried about their individual situations and he can see how that could become important because we are an individualistic society. However, we need to think about the community’s retirement plan. That’s farms and wild areas, environmental protection, protection of water, and animals and plants. He’s a farmer and an herbalist, and believes people need to live more with respect to the land rather than seeing dollar signs flashing and being so scared and living in a paradigm of scarcity.

**8:20:33 PM Kaitlyn Crem, 511 7th Avenue SE, Olympia**, said she is speaking as a young person and someone who cannot afford land. She relies on private landowners and government policy to protect the natural beauty and resources of the area. It seems the Planning Commission is asking landowners to shift their monetary investments in the land to community investment in the land. And instead of laying this responsibility squarely on the shoulders of private rural landowners, she asked that the Commission advocate for an active participant development rights program so that all County taxpayers, including those like her who live in the city, can share in the responsibility of preserving the rural vitality of the County that is so necessary to everyone.

**8:21:42 PM Brandon Houskeeper, Olympia Master Builders, 1211 State Avenue NE, Olympia**, stated it is unfortunate that the Commission has chosen to essentially hold three public hearings here this evening. It will certainly lead to the dilution of the public comments pertaining to each individual and unrelated topic. In addition, it is important to share the Master Builders’ dismay with the Commission concerning the misuse of time spent at regular and special meetings working on rules for tonight’s meeting that limit alternative options for communication from the public with regards to the evening’s business. At this time, there are several areas of concern that the Olympia Master Builders would like to bring to the County’s attention regarding the rural rezone project and LAMIRDS proposal. Currently, 47% of the rural residential lands are proposed for rezone from a 1:5 or more dense zoning to a 1:10 or 1:20 zone. According to the County’s own work, the combined zoning of the rural area of 1:10 and 1:20 of 40% exceeds other counties of likeness by as much as 30%. The effort to rezone as much as 47% of the rural residential area is not consistent with comments shared during the January workshops. The public clearly stated as a worse outcome the fear of the County using the rezone project to reach further than required by the WWGMHB. The County’s own work showed that the proposal was in excess of what the growth boards have regularly upheld as a complaint. He provided the Commission with a copy of the documentation staff prepared for that. The second area is the lack of 1:20 urban reserve zoning that has been set aside with the proposal. Of the rural residential zoning, lack of such reserves to establish development options and permitted uses that would not interfere with the future redevelopment of the land at urban densities falls short of the analysis of the public comments made in previously mentioned workshops.
Community members found it important that areas of land be designated as to sufficiently assure the appropriate growth and planning options would remain viable through such a zoning. In conclusion, Olympia Master Builders recognizes the difficulty of the situation the County and its citizenry find themselves in as a result of the unfortunate growth board decision. However, we cannot allow the ill-conceived order of noncompliance to cause us to erase or ignore the great work of the current Thurston County Comprehensive Plan. We must remember that all the arguments being used to justify rural rezone and LAMIRD designations including protecting rural character, providing public health, and safety, and for environmental benefit, are the same arguments that were made to create the compromise that led to 1:5 zoning throughout rural Thurston County. Furthermore, the proposed amendments to the zoning code do not appear to be consistent with the analysis provided by County staff from the aforementioned workshops. Olympia Master Builders urges the Commission to again look at the public comments that were made with a special emphasis on comments related to best and worse outcomes.

8:25:30 PM BREAK

Vice Chair Kohlenberg recessed the hearing from 8:25 p.m. to 8:37 p.m. for a break.

8:38:14 PM CONTINUATION OF TESTIMONY

Tara Helema, 7600 Schmidt Street NE, testified she and her husband just bought the property at the end of March 2006. They hope to make their investment dreams come true much sooner than retirement age. This is an interesting process. Ms. Smith talked about contiguous pockets of consistent zoning. Her property is currently zoned 1:2 and the LAMIRD that is literally at her driveway is zoned 1:5. All of her neighbors remain at 1:2 in the proposal. She requested consistent zoning for the neighborhood in which she resides. All the properties around her are zoned at 1:2, and she’d like to remain at that. She has buyers ready to purchase two acres. That was the intent when she purchased the property that they would be able to subdivide. There is a permanent easement on the property. The sale is tied up at this point as many people are. There are no wetlands on the property or in the area. Because the property line with the proposed zoning is not consistent with the adjoining neighbors, she asked the County to take that into consideration. She noted that the County has kept its options open in going through the review process. That’s something that was in a handout tonight. She asked the County to answer to the community how its options will be kept open if the current proposals are adopted. She asked the Commission to consider a grandfather clause so that property owners can go ahead with the plans for their property and do the planned investments, sell off and the like, and that the new purchasers then would be aware of the new adoption rules under consideration.

8:42:18 PM David Thompson, 20625 Michigan Hill Road SW, Rochester, stated he bought his land in 1974 and has watched the zoning change in the County regularly. With the latest zone change, every property around him is less than 10 acres. The current zoning for them is to continue at 1:5. Yet, his 40-acre parcel is proposed for downzoning to 1:20. He’s asked planning what the criteria is and no one has provided him with a good explanation why he was picked out. He asked if the “pyramid” outlining the top six categories of lands workshop participants preferred for rezoning was used, and whether his neighbors suggested his property
stay at 1:20 so they can maintain their 1:5 zoning. His neighbors assured him that was not a consideration. However, the third category on the pyramid is what neighbors suggested. So, the only thing he can figure is that his neighbors want to retain their 1:5 zoning but someone has to be downzoned, so he was elected. He has two other pieces of property. One borders the UGA, an industrial zone, and state property. Everything around it is smaller and much of it is zoned 1:5. Yet this piece is proposed for a downzone to 1:10. It’s a large piece. There’s 80 acres next to it that is allowed 1:5 zoning. Again, he doesn’t understand the criteria the County is using. It’s been explained to him but it doesn’t make sense. He has a third piece of timber property, located one-half of a mile from another timber property that is zoned 1:5. There is no difference between the properties, the sizes are comparable. However, his is zoned 1:20, yet the other piece is zoned 1:5. He would like someone to explain the criteria to him. Vice Chair Kohlenberg asked Mr. Thompson to provide the Commission with the address of his properties.

8:45:50 PM Warren Brasher, 18325 Citrus Street SW, Rochester, testified in 1993 that he and his wife purchased a 12.78-acre parcel with a simple, older farmhouse on it after living in the home as a renter for 11 years. It is located on 183rd adjacent to the Grand Mound Cemetery and approximately one mile from I-5. They considered themselves very fortunate that it became available. They felt this way because they, along with many others, they could see the growth trend for anything along the I-5 corridor. But unlike so many who have purchased property in their area as investments, they saw their purchase not as an investment but as an opportunity. They have two children and saw an academic opportunity for their children that they never had. They made life decisions along the way, such as his wife staying home to raise the children, thinking they would have retirement monies that would come from the properties. They chose to stay in the area at times when the job market was slim again because they had retirement funding in the property. They also recognize the possibility of future residential needs of their aging parents. Now, it seems that the zoning that they have based their decisions on during the last 13 years may change by dropping the current zoning of 1:1 to 1:5. Upon examination it seems to be an inconsistent and unnecessary ruling. The property is currently zoned 1:1. It is situated in an area already developed as single dwellings on parcels. The majority of which range from one acre to as small as one-third acre. Their property is located less than 1,000 feet from parcels zoned 6:1. Clearly, this was slated as a growth area by Thurston County. They planned accordingly, never expecting in this hierarchy of activity they would be shut down. He has attended many growth management meetings and understands that there does need to be a plan to control some of the sprawl, but his property amounts to a tiny island in the middle of development.

8:49:09 PM Stan Davis, 12422 Waddle Creek Road SW, Olympia, presented copies of a document to Commissioners. He referred members to the first page of the handout and the parcel highlighted in “purple.” He said that the area all around it is shown in “light blue” indicating 1:2 zoning. The second page shows the current zoning proposal. His property is on the border of several properties changing to 1:5, with a few remaining at 1:2 within a LAMIRD. This is a LAMIRD currently. The County has been in the planning business looking at the history published since 1975. The County has received accolades for being ahead of curve at times. When he first encountered the difficulties the County was running in to, he assumed it was talking about “tweaking” some of the zoning rules. It appears much more significant than
that. It is touching quite a percentage of the County in terms of impact to the residents. When he looks at his particular area, he doesn’t see the differentiation between those properties that were in the original high-density area versus those the County is removing. After talking with staff he learned that the decision was made based upon building permit issuance before 1990 for buildings. But he understands that there is also room for increased limited development for non-developed land as well. He asked if that was being considered at all. The property continues to fit the LAMIRD definition criteria along with probably all the rest of them sitting in there. The rural character is still in the two-acre range.

8:53:00 PM Evelyn Betty, Hawks Prairie, testified she moved to Hawks Prairie 58 years ago when no one wanted the property. Now everyone wants the property. She’s in the process of building warehouses for incubator businesses. She opposes downzoning the Miller Farm. The property won’t grow anything. It is not good farming soil. She wonders if they kept it open for open space. The main reason she opposes the downzone is not only because she supports the Miller’s as neighbors and has for 55 years, but she wants people not to have to commute miles and miles and miles to go to work. She is preparing to provide good jobs on the prairie so that people can make a living besides state employees. As far as Henderson Inlet and Puget Sound is concerned, what they need is sewers. It’s the people along the bay that are causing the pollution. They’ve even included her in that. Anytime they can prove she’s polluting the sound way back there in all that gravel, she’ll do something about it then.

8:55:00 PM Fred Tharpe, 7843 Brown Road, distributed a handout to the Commission. He spoke concerning a 40-acre parcel of land on Brown Road. He is opposed to rezoning his property from RRR1:5 to R1:20. It is probably a mislabeling or misdesignation on the parcel. The area at the end of Brown Road is an isolated area that is topographically separated from all the other parcels. There are steep ravines on one side, with Capitol Forest on two sides of it. In the isolated location, there are 24 parcels. The proposal is to zone all 24 parcels with a 1:20 designation even though 20 of the parcels are nonconforming. In fact there are several that are as small as a quarter of an acre. Inconsistent when you apply the proposed zoning ordinances and amendments, this property still remains very clearly RRR1:5. He asked the Commission to retain the RRR1:5 zoning. Everyone is dealing with a directive from the WWGMHB talking about what we’re dealing with and whether or not the County is in compliance with the GMA. The hearings board said the County should follow the outline of the comprehensive plan and provide densities of diversity. The County hasn’t done that very well. There are many small parcels, a lot of 1:5, as well as 1:80 long-term forestry parcels. That is somewhat of diversity, but probably not what the County should have. The GMA provides the County guidance and says very clearly that the County needs diversity in its densities and that the County should use innovations to achieve that. To date, residents have not seen any innovations. This is just old fashion taking. Please make good decisions.

8:59:30 PM Paul Sparks, 14205 Military Road SE, Deschutes, said his opinions are informed by participation in the original urban growth management process and participation on the WRIA board for water planning of the Deschutes basin. The original urban growth management process originated in the County. The original process called for high density, such as 2:1, close to Olympia and Tumwater, and the rest of the County zoned at 1:20 or 1:40. There was pressure
from the neighborhood associations in Olympia not to accept the density. There was pressure from the developers for more cheap land in south County. The political compromise, which was a result of pressure on the BoCC, resulted in the current plan, which the County is trying to correct. Your job is hopeless. You have my respect, not my sympathy. The County has one big job left. It looks like the process has been to try to meet the statutory requirements, the court order, and the job of satisfying as many people as possible. The real job is to protect the Deschutes aquifer, as 200,000 people consume water from the aquifer. Every person in the room consumes groundwater. The Deschutes cannot legally be dammed. If it were dammed, there would not be enough to feed the citizens of the County. The only way to do that is to protect groundwater. The County has no ordinances. Everyone has development on septic tanks and exempt wells. The cost of another LOTT plant in Rochester and another one in Yelm today would be in excess of $1 billion that will come out of the pocket of everyone in the room. If the aquifers fail, the cost of extending rural water and sewer to every property will exceed the losses for not signing off that extra parcel to make the trip to Maui. The Commission’s job is to protect the County from suit and enormous costs. He respectfully submits the process may not be doing that. At the very least, he requested the Commission consider doing everything it can to protect Deschutes aquifer at a minimum of 1:20 on the existing floodplain of the Deschutes, and up to the ridge on each side.

9:02:34 PM Mike Lawrence, representing (?) Hendrickson properties out of Eatonville, inquired whether the clustering issue is agreed. With the “R20” zonings that some have incurred through the process, is clustering an option or is it up in the air? One of the things that the different workshops came out with was that everybody would have a voice in how the land would be rezoned. One of the big things was everybody agreed people could volunteer their land. The Hendrickson’s volunteered 60 acres of land for rezone to 1:10, and didn’t receive a response. Next thing you know, they’re now 1:20 zoning, which is patently unfair. When residents make offers on property, when people buy property, the offers are based on the current zoning. It might not be a popular opinion, but they are in business to make money, and it’s unfair, especially since the County has been so progressive for years with its zoning.

9:04:23 PM Rick Nelson, 3624 Waldrick Road, Olympia, spoke in opposition to the proposal. He said he’s heard a lot of rhetoric about the 1:2, 1:5, and 1:20 zoning districts. It wasn’t too many years ago that the property his family owns was zoned 1:2. Then growth management came along and it was zoned 1:5. Now it’s slated for zoning to 1:20. Much of the property has been in the family for over 100 years. One of the properties is located on Knowles Road in Tenino, surrounded by five-acre parcels with the exception of a 35-acre parcel zoned 1:5. He doesn’t understand how it can be zoned 1:20 when it’s surrounded by five-acre parcels, with the exception of the 35-acre parcel, which is owned by his sister. It is patently unfair. The GMA is erroneous in a number of ways in that the basic premise of the act is that all we have to do to preserve resource lands by rezoning. That basic premise ignores the very economic realities of life for landowners. If we don’t take care of the landowners and allow them to exercise use of their property as they see fit, then it just doesn’t work. It’s like a house of cards that falls down all around. The proposal is a giant step backward. As the County increases in population, downzoning is a mistake. The County is moving in the opposite direction of where it needs to be.
9:06:40 PM Jerry Unwith, 4535 Pleasant Glade Road NE, said the County’s population is on the rise. People like to live in Thurston County and will continue to come to the County. Some of the giant retail stores believe it too; that’s why they’re building here. There are a lot of things being built here by commercial people and so on that indicates the population will grow. The city boundaries are the best place for people to be, and that’s why they’re there. He thinks the cities are there for a reason. They’ve evolved there and that’s because it’s the best spot to live. Most people live in the city and it’s the best place. Since the County will have to downzone, the Commission will have to possibly raise densities in other areas. The best is to raise the density closest to the cities. One particular spot he has in mind, which opposes other views he’s heard, is an area directly north of Lacey, between Lacey and Henderson Inlet, Sleater Kinney and Carpenter, all the way out to Hawks Prairie Road. If you look at an area map and Interstate 5 coming through, you see the cities of Olympia, Lacey, and Tumwater on both sides of I-5, but not that part of Lacey. That part of Lacey is left out of the deal. It is a perfect spot for people to go. It’s near the hospital, police and fire stations, the new Brighton Lane and Hawks Prairie business districts, an downtown Lacey business districts. It’s a great spot to go. With good development practices we can not only keep the inlet from getting worse, but also possibly improve it with stormwater facilities, catch basins, retention ponds, bio-swales, infiltration systems, and amended compost. All these different things we have at our disposal. We could improve the inlet. Sewer service is needed. If septic systems are the problem, put in sewers. If people are the problem and people are creating the pollution, let them help pay for it. Real estate prices have gone up recently. They can afford it.

9:09:50 PM Brian Merryman, 13520 Military Road SE, testified he and his wife own two different tax parcels totaling 40 acres. One is a 10-acre parcel with buildings. The balance is a 30-acre piece with a quarter-mile of frontage on 138th. The entire parcel bridges almost completely the gap between 138th and touches on Military Road at the northwest corner. He is surrounded by land that is more typically characterized by 1:5 and 1:10 zoning. However, he overlooks the Deschutes Valley and Silver Springs Ranch, which is zoned 1:80 and contributes to what is required to meet a diversity of zoning within the County. As he listens to everyone tonight, he finds himself a bit at odds with the situations he’s heard from a majority. His property was in the “green” study area. But a few weeks ago, he looked at the latest map and has since been removed from the study area, which was appropriate. The difficulty he has is a personal one. His property is still tied up. He’s unable to use the potential value of his property through subdivision in order to simply use the collateral value as a tool to refinance his business. He doesn’t have a great desire to divide the property to the point where they sell off lots, but they do desire the ability to use the asset purchased 15 years ago to benefit their family. It is part of a retirement plan for all these families. It’s the same for them. He doesn’t have a big 401K or anything like that. They bought property, invested money in the property month after month, and year after year. It had increased in value up until a couple of years ago. He was thinking he was safe from some of the issues with social security among other things because they had a nest egg that at some point in the future when they were ready to retire would really make some sense for his family. He asked the Commission two specific things. For those that are lucky enough to have been removed from the study area, do whatever possible to remove the property owners out from under the moratorium if no longer considered for a downzone. There is no justifiable
reason to hold the property owners in that position any longer. He requested that the Commission pursue the cluster rules as well.

9:13:04 PM Robert Patrick, 4212 Hoadly Street SE, Tumwater, representing Miller Land and Timber, but not the same Miller’s that spoke earlier. He presented written documents to the Commission. The Miller Land and Timber have been property owners in the County for well over a century. The name “Millersylvania State Park may “ring a bell.” The Miller family owns numerous parcels in the County and has been excellent stewards of the land. In the material provided to the Commission, he said he has made an overwhelmingly convincing argument why the Commission should accept his reasoning concerning a 170-acre parcel located north of Lacey in the Pleasant Glade area, adjoining Carpenter Road NE. The property is currently zoned 1:2 and is proposed for a 1:10 designation. It is adjacent on the south to the Lacey urban growth boundary, and is bordered on the other three sides by parcels approximately 1.5 acres in size. The Miller’s have been spending money and planning for development of the property for the last eight years. They have spent tens of thousands of dollars doing environmental studies and analysis and have attended two pre-submission conferences with the County. They came up with a development scenario that’s included in the booklet achieving a density of 1:5. They realized early on in the planning study that 1:2 zoning was not the best zoning for the property and proposed a 1:5 zoning development. They clustered and managed to save 43% of the property in open space, critical area preservation. The biggest thing that happened and why the development was held up is that the Miller’s were busy trying to secure water rights to serve the property. It is outside the urban growth boundary and they cannot depend upon Lacey water. By the time they secured the water rights within the last six months, the moratorium was in place and they were unable to proceed. He asked the Commission, staff, and the BoCC to review the materials he presented to them.

9:15:48 PM Ed Wilsey, 5545 Boston Harbor Road, Olympia, presented a written document to the Commission. Mr. Wilsey stated he owns property on (?) road in Rainier that was purchased in 1990 by him and his wife and a friend. The intent was to subdivide the property. They spent three years finding the property. It’s a perfect property for sustainable living for earth shelter homes. It has a wetland on it with sub-irrigated zones for farming. In 1998, they requested a pre-submission conference and the County told them they had to prove water availability on the property prior to proceeding with the subdivision. They drilled two dry holes and in 2004 were able to purchase a well from a neighbor. The boundary line adjustment was processed in 2004 to acquire the well and put it within the property boundaries. In 2005, they proceeded to build one of the earth shelter homes and submitted subdivision drawings for a pre-submission. The drawings were complete. He said he is an engineer and wanted to go through the pre-sub process again to make sure there were no other remaining issues. The pre-sub was submitted on July 27, 2005 and there went the subdivision. They’ve been waiting. He’s written two letters and sent several e-mails to staff, but has yet to receive a response. He’s requesting the property be removed because they have shown intent and made progress with the subdivision. He sold his house in 2005 with the understanding of renting for a short period of time while he subdivided and built. He’s now spent the last year waiting to subdivide. They’ve requested to be removed based on the intent, but there’s been no action. James Hurt subdivided the area twice before, and there are nine lots that are 5 - 8 acres. His lot is 10.67 acres, which is subdividable at 5 acres per
lot. All surrounding lots are 20–40 acres. Consequently, the area is agriculture, forest, and 20 acre zoning. There’s a cluster of 10 lots that are smaller than the adjacent lots. He said he can understand why the area was designated 1:20. However, “this” little cluster doesn’t fit within that. It has been established over time. The intent was clear. He would like to be removed from the 1:20 zoning.

9:19:05 PM Dave Lewis, Miles Sand and Gravel, testified Miles Sand and Gravel owns a 70-acre piece of property in Maytown. Earlier this year, he looked at a copy of a map that showed the study area. The property was not included in the study area at that time. Now all of a sudden it is, and is proposed for a downzone from 1:5 to 1:20. His understanding is that the rural 1:20 is for resource-based areas, which includes surface mines and is intended to protect the resource. There are many ways to protect the resources, such as a mineral resource overlay. The County does not have to zone the property 1:20 to protect it. He pointed to an example of land that has almost completed its surface mining activity. It doesn’t need 1:20 to be protected, and should continue to stay 1:5 as shown on the earlier maps. It would also be most helpful if staff would date the maps on the website. He formally requested that the property be left at 1:5 and out of study area as the County originally proposed.

9:23:14 PM Sandy Mackie, 111 Market Street, Olympia, attorney for the Rochester Water Company, testified concerning the Rochester LAMIRD and the water service boundary. He presented two copies of a large display map. He outlined the water service area for the Rochester Water Company. The County has defined the LAMIRD much smaller than the service area. There are two things the water company would like the Commission to consider. The County has under-designed the LAMIRD. Mr. Mackie conveyed he was involved with LAMIRD development both in Whatcom and Lewis counties that were upheld by the WWGMHB. He asked the Commission to look at the Onalaska LAMIRD boundary, which was upheld. One of the reasons the County wants to do that is because outside the LAMIRD, with exempt wells, it’s 5,000 gallons/day. To put that in context, that’s approximately five acre-feet. If you serve with a water system as you do inside a LAMIRD, you have about one-half to one-acre foot per house. In the Chehalis basin, which is a closed basin and water is very scarce; you can serve much more efficiently with the water system. The Commission ought to look at logical outer boundaries, not only areas that are already developed, but if the Commission looks at the LAMIRD definition, you can have internal lands capable of being developed. You have the well in place, you have the water tower in place, and you have the system in place. The only thing that is missing is the looping line. The water company thinks the County can increase the intensity, have a much more efficient service, and be protective of the environment. He asked the Commission to seriously consider that.

9:23:21 PM Sandy Mackie, representing Mr. Draught, distributed information on Mr. Draught’s property. Mr. Draught owns property that adjoins the Grand Mound urban area, just off I-5. It is the only “green” property north of Old Highway 99 as shown on the map. It is surrounded by industrial development and residential 1:5 zoning. The request is the green north of Old Highway 99 should be rezoned R1:5. It doesn’t meet the County’s criteria for R1:20. It’s farmland on the south and they understand why that’s designated R1:20. Concerning Mr.
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Draught’s property, it’s a case of when considering the criteria of property abutting an urban growth area surrounded by R1:5 and commercial/industrial development. It actually fits an industrial LAMIRD. Zoning it 1:5 would be fine. Under the criteria, the County should stop the 1:20 at the road.

9:25:06 PM Sandy Mackie, representing Dr. William Barnett, presented written documentation. Dr. Barnett owns 1700 acres immediately adjoining the town of Tenino. Approximately 250 acres has been incorporated into Tenino’s UGA. If the Commission looks at the map, the “purple” represents the urban reserve that Tenino requested. Dr. Barnett strongly supports the urban reserve program. The sewer plant will be located directly across the street. As the Commission has listened to some of the discussions about Tenino, its growth is constrained to the east and south because of environmental factors. Its growth will occur to the west. The County has a unique asset here - 1700 acres. Dr. Barnett is happy with 1:20 zoning outside the UGA. He would like the Commission to reexamine the following areas:

• Immediately where the word “Melville” is in the “green,” the property doesn’t fit the 1:20 criteria for a larger parcel. It’s surrounded by urban reserve on one side and R1:5 on the other. They think that in the long-term and being adjacent to the freeway, it is really a continuation of the urban reserve. Sewer will be next to it with urban development over time. The R1:20 say plan the long-term future of this property as urban, which means an interim use, which may be 10 – 20 years at 1:20. We’re going to support the County’s cluster program, but what it says is you’re not locked in to the rural. Think long-term urban reserve.

• As you look north and find Lots 14, 15, 16, and 26, they also should be designated as urban reserve. You’re going to zone the 1:20. Development if at all will be clustered. But what it says to Tenino and to Dr. Barnett is as Tenino grows, that’s a good direction for it to grow. It’s good building land. It does have some critical areas that you can avoid. But up on top its good building land. If you look at the growth in Yelm, Tenino doesn’t have to grow half of Yelm to occupy all of this area. It looks large relative to Tenino. In terms of growth, it is relatively small.

9:27:47 PM Steve Lundeen, 2330 Gravelly Beach Loop NW, in the Griffin area, said the County should continue its process. He attended one of the workshops in the Griffin area. It was well attended. The County has responded to what the people were saying out there. He likes the concept of urban reserves and greater densities inside the UGA wherever it is. That’s what the GMA is designed to do - to keep growth primarily inside the UGAs. When you look at other counties that have designed their UGAs, they’ve succeeded more than Thurston County because Thurston County created something like the UGA before it had to, and then kept it the way it was. He agrees with the hearings board. It does not meet the requirements of the GMA, and the Commission is stuck in the situation of trying to address that. He said the Commission is moving forward in a workman-like way and should continue. He also likes transfer development rights, which has not really developed in the County. His written comments relate to technical issues such as the definition of urban character and coverage requirements. As previously mentioned, there’s an anomaly where the “heading” above the current coverage requirements says, “building and impervious surface coverage requirement.” The sentence then reads, “You
cannot have structure, you’re limited to 60% of the lot by a structure.” Clearly that doesn’t make any sense because there are impervious surfaces besides structures, and the headline implied that was there. It has been corrected in two or three places in the larger zones. It should be corrected in the smaller zones.

9:30:04 PM James Peterson, 5121 Sunset Court NE, Olympia, testified he’s speaking concerning 45 acres proposed for rezone from 1:5 to 1:10. He presented a written letter to the Commission. He is opposed to the rezoning. However, if the County is forced to rezone, the size and amount of parcels chosen need to be re-evaluated. There are alternatives to the amount of land that’s being rezoned. The WWGMHB stated that the current regulations don’t provide enough variety of rural densities as required by the RCW. The RCW states that the rural elements shall provide for a variety of rural densities. It says to achieve a variety of rural densities and uses, counties can provide clustering, density transfer, and other innovative techniques to achieve that, and keep it consistent with rural character. Thurston County has the ability to propose a variety of 1:5, or 1:7, or 1:10 instead of the 1:10 and 1:20 that is currently proposed. The County also has the ability choose how much land is being rezoned. Neither the law nor the hearings board has been specific about how much of the County needs to be a variety of rural densities. The County should start with rezoning smaller portions of the land and if the WWGMHB does not accept the proposal, then it should force the board to be more specific about its ruling and how much land they need. There are too many people’s futures involved here for the County to take the conservative or easy path concerning the issue. Please consider reviewing other alternatives. He believes in transferring densities for land that is being rezoned. The County needs to take into account parcels that have already been in process and owners can show significant progress being made towards subdivision before the moratorium went into effect.

9:32:42 PM Jim Goche, 2402 Capitol Way South, said he owns a five-acre piece of property purchased last year at 3020 Friendly Grove Road. It is currently zoned as two-acre minimum and would rise to a five-acre minimum according to the map. It is surrounded by one- and two-acre lots. It doesn’t make much sense to make this particular property as almost the only property that’s subjected to the requirement. It seems to rise to the level of pocket zoning. Rather than going into the details, he said they bought the property with money that will fund their children’s college fund, and perhaps their retirement. Retaining as much of the value as possible is important to them. He hopes to retain the two-acre minimum classification. He will discuss the details with staff. He suggested the following recommendations, which may help the Commission in its deliberations:

- Please make sure that what the County comes up with is balanced. When the Supreme Court a century ago upheld zoning, it said that the difference between regulation and taking is indeed achieving that balance.
- He requested the County draft a fiscal note for the final plan. It’s commonly done for legislation. If the County is to be fully informed on the effect of the proposal, and certainly protecting groundwater and the environment are necessary goals, it needs to know what it will cost the public. Indeed right now the landowners are being required to bear the cost of the Countywide rezone. Please be fully informed prior to forwarding a recommendation to
the BoCC, so they are informed as well.

- Please consider not making the landowners the sole funders of the proposal. Speaking as a farmer, he asked that the County not require him to pay the whole bill. Speaking as a suburban liberal, tree-hugging environmentalist, he’d say, allow me the opportunity to stand with my brethren who come to you and say the environment is really important, and help pay the bill. Don’t make only his rural neighbors do it.

- Ask the state for money. As he understands state law, there are laws on the books that say when you have an unfunded state mandate; the County can ask the state to pay for it. His understanding is that the unelected growth management officials, the state officials that started this ball rolling, are the ones who are compelling the County to do this. It seems like the state should step up. We are at the headwaters of Puget Sound. If the environment here is important to the state of Washington, they should help pay for it.

9:35:44 PM Nick Cockrel, 20648 Backman Road SW, Rochester, testified he’s here on behalf of a neighborhood community group in the Backman and VanDyke Road areas located at the extreme southwest corner of the County in the Independence Road area south of Chehalis River. He’s in an area currently slated for rezone from 1:5 to 1:20. One of the interesting things that he heard earlier was the comment we really aren’t dealing with a scientific process but rather a community-based process. He’s talking about “us” as a community in the southwest portion of the County. The area used to have a sawmill, dairy, dance hall, large farms, and for reasons that we all know with the economy changing over time, the timber-based resource is going away, and that those kinds of farms and areas have been developed into much smaller parcels. Most of them are on parcels that are 1:5. He noted he has 15 acres. Some have less, and some have as much as 40 acres. The neighborhood believes it doesn’t need to change the context of the zoning for those that already live in an area served by infrastructure (i.e., roads). They are looking at infill proposed in the area and are opposed to trying to force development in the south portion of the County, in the Michigan Hill area that has been proposed as 1:5. They are aware of the confines of that portion of the County with groundwater issues, poor quality of wells, steep slopes, erosion, and a number of other issues that if development is forced into areas with those types of characteristics, the County will be looking at much more degradation in terms of the overall environment and difficulties being able to serve those particular kinds of barriers. Another thing that has been talked about is implementation. There is no implementation date. An option may be grandfathering, and coming up with a plan that might be implemented within 2 - 3 years of the date of adoption, and giving the landowners the opportunity to develop within the current zoning characteristics with a specified timeline that allows for the development for those reaching retirement age.

9:39:23 PM Don and Linda Malatesta, 5025 Meridian Road NE, Olympia, said as small business owners and residents of the County, they support the proposed amendments to the comprehensive plan and associated zoning changes. If adopted, the new zoning rules would deprive them of the chance to split their 12-acre parcel into 12, one-acre lots, which is the current zoning. The rezoning is fine. They came here for the trees, water, wildlife and solitude of semi-rural life. They have no intention of rooting out the trees, flattening the land, and building 12 houses currently approved by the County. Each of the houses bring more impermeable surface, stormwater runoff, and a new septic system in an area already overwhelmed by development.
The mallard cove area of Nisqually Reach is a fragile ecosystem with critical areas threatened by well-documented pollution from many sources. It is imperative to reduce the housing density in this area if there is any hope of arresting the declining health of Puget Sound. As for the other areas of the County, perhaps not so close to critical areas as they are, he can only offer the following quote about expansion from Barry Lopez’s book, Arctic Dreams: “The only thing that promises to stem the continued expansion is human wisdom. What is it that is missing in us? It is restraint, because mankind can circumvent evolutionary law. It is incumbent upon you to develop another law to live by if he wishes to survive. He must learn restraint. He must think with critical intelligence about where to (?)” We have, as Lopez says, a fierce empower to alter the land. That is why some Native Americans refer to us often with apprehension as, “the people who change nature.” Let’s preserve rather than destroy Puget Sound by smarter rezoning.

9:41:58 PM Gina Grover, 2221 93rd Avenue, stated she owns 40 acres that has been in her family since 1943. For the last 25 years, it has been under her stewardship. From the beginning of the journey of this property, she has taken the responsibility of stewardship seriously. Whether her decisions and actions were hauling away old oil stoves, wringer washers, old cars, whatever else, or selectively logging, replanting fir trees, learning pasture and land management and maintenance, water runoff or manure management, she learned all this from the feed stores and the Conservation District, along with much sought after advice on safety, management, and maintenance of (?). She’s been a believer of adding to her community and the environment and has conscientiously tried to teach children the same by being involved in the schools, churches, parks and rec programs, and helping the handicapped, just to mention a few. She held meetings and gatherings to share the property with friends and neighbors. All of this is to say she worked hard for a later day in her life that she could sell the property, be able to take care of herself, and leave an inheritance for her children. Great grandma started that for the family and gave members different pieces of property with that in mind during the depression. The issue is her 40 acres is cut in half by the moratorium and urban growth development. The bottom 20 acres are zoned 6-8:1 and the top is proposed for rezoning 1:10 and/or 1:20. That is a big difference in her livelihood. When the Commission looks at all of this, please look at the 1:5 and 1:2 zoning next to her property. There are 580 houses going in a quarter of a mile down the road. Remember her livelihood too. It’s good buildable land. It’s not wetlands. Please remember those things.

9:44:40 PM Sharon and Dale Archibow, 1830 Cumberland Avenue, stated they just bought the 40 acres at 1830 Cumberland Avenue. The proposal is to zone it 1:10. Currently, it’s zoned 1:5. She asked the County to do the ruling of grandfathering it in. They don’t understand. They bought 40 acres. They’re not asking to develop it. A developer could have bought it and probably would have got in under the grandfathering law. But when everyone said the developers went in, were able to develop, other people weren’t able to because they didn’t know of the date. So she doesn’t think it’s fair. She hears about the GMA. Who is the GMA? Who determines the rights of the citizens that have the land? They own it. They bought it. Where are their rights? Seems like people- the environmentalists, are taking it away. She has wetlands, and she is fine with keeping the wetlands. She’s not impacting it. She’d like the County to look at that. Who is going to answer to the property owners? You sit up there on the board. We appreciate that. But who’s going to answer to us in the long run? All of those that have acreage,
you’re taking away their future. Who’s going to answer to them? I don’t see a county commissioner here. Where’s the County? As long as you give the County money, they’ll give you your permit. Who is looking at the environment? Who really is the GMA?

9:46:47 PM Ron and Kay Nelson, 3624 Waldrick Road, Olympia, testified his family owns a fifth generation farm (approximately 200 acres). This is kind of an ironic twist because he remembers when he was in his teens his father used to argue with the assessor about land value. He used to say you can’t value it that high because its farmland. And the assessor’s answer was always, “if you don’t like the value, you can sell it.” After all these years of the family owning the farm, he feels the families from Gull Harbor, that he’s been unfairly targeted because now the County is saying he can’t sell the farm. He has no intention of doing it, but doesn’t like having the door slammed in his face. It’s unfair. Every acre he owns is included in the 1:20 zoning. It is interesting that the County says that we’re all here tonight because of listening to the public testimony of the people, and this is what the people want, but the testimony he’s heard tonight and at the other hearings he’s attended has not been in favor of the GMA changes. He realizes the County has a lawsuit hanging over its head.

Kay Nelson stated she entered the Nelson family 36 years ago and has enjoyed the land. They have shared it with many people. Now they have a fifth generation. It is our children’s hope to keep the farm. One of the sons is farming the land as his predecessors’ did. The family is looking at celebrating 150 years, and everyone around them is able to do what they want with their land. All they’re asking is that the County take a look back and change the zoning from 1:20 back to where it was so that if in the event they have to sell part of the property, they will have the same advantages of everyone else for their retirement and to continue the heritage. They really have no intention of selling, but with all the regulations that apply to farming, they’re looking at not a very good pathway to the future. She asked the Commission’s consideration in changing the zoning and realizing they have paid for the land many times and still pay taxes, and should have the opportunity to do with their land as they wish for themselves and the next generation.

9:50:19 PM Sheila Radford, 11045 Old Highway 99 SE, Olympia, representing her mother, stated her mom and dad own the piece of land. Her grandfather owned it before her mom and dad. Her dad passed away two years ago. They sold 20 acres of the land to pay for nine bypass surgeries, $2,500 per month for medication, and now the County is saying her mom can’t sell the 25 acres on McCorkle Road by breaking it up and selling it. She was offered $750,000 that would have paid for the rest of her life to take care of her, and now they’re saying she can’t sell it. The people backed out. If she can’t sell it and get the money she needs to keep herself alive, the County should make sure the state or somebody buys it. Her mom and dad have had the land for 70 years, they worked hard, they paid taxes on it, and the government wouldn’t let them have a road right-of-way on it. They supported the government for nothing for 70 years and couldn’t use the land or sell it. You can’t sell a piece of land without a road right-of-way. And that’s wrong. That’s white slavery if you ask her. And it ticks her off that her mom is so sick now and she can’t even sell her piece of land because it’s proposed for 1:25, and it’s only 23.9 acres. She can’t do it and it isn’t fair. So somebody better step up and take the land and pay her for it so she can live.
**Ed Rouser, 9449 Littlerock Road SW**, stated he and his family don’t think much of the rezoning project. He’s 69 years old and retired. His wife signed up for social security the other day. Today, they spent the day in the hospital. He owns property on Cooper Point Road he purchased in 1959, and owns 30 acres at 9949 Littlerock Road. He said he and his brother own six acres in the Boston Harbor area on the bay. He was unaware of the rezone proposal until he saw something in the newspaper. There was no zoning in 1959 for the property on Cooper Point Road. He was told it was a good investment, and if you pay for it, it is your property and you can retire some day. Hodges built duplexes when the zoning started coming. There was no zoning at the time. They slammed in duplex and houses like mad. He didn’t do anything and left his property alone. Then a couple different zoning designations came. “They” put more one-tract houses or duplexes, Quail Run and all of that. His property is surrounded by houses, with one-acre tracts on the other side. He didn’t do anything because he was happy with it. He enjoyed it. Part of it is in timber. Now the County is proposing more zoning changes. He can’t do anything with it right now. The neighbors have what they want, and tell him he has nice trees, don’t cut them. Don’t do this, don’t do that. He can’t do anything with his property anymore. It’s tied up. This thing doesn’t quite fit in with that. He was born in Romania in 1940. His parents left due to Stalin taking back property and Hitler gave them a chance out. And at that time, they ended up losing all of their property and were displaced in West Germany. When he was 15 they immigrated to the United States. He started working in Illinois seven days a week on a farm milking cows. He left home. He attended evening school to become a U.S. citizen. He learned about the U.S. government constitution. He also learned that government does not take property without compensation. He decided to save as much as he could for retirement and was told he could not go wrong. Some have money in the bank and now the leaders are picking on a group of people (?). How safe is your bank, or what was wrong with Enron? What’s the difference? The communists said to take away from the big boys. Only in the end they took it all. We’re starting to take from the small ones as well as savings for their retirement. How about if all give some of their own money back, and we buy what we like to have. Like it says, “We the people,” or is it what the judges say. What are our troops fighting for – freedom, or for the judges that interpret the laws their way?

**Jennifer Hanson, 7830 Waptee Lane, Tenino**, said she and her husband have 55 acres where they live. They bought the land with the intention to give land to each their four children. They won’t be able to do that under the new zoning. In the absence of verifiable scientific justification for rezoning, it is highly unethical for the state and the County to require some landowners to provide for other people’s rural character or greenbelts. It is nothing short of robbery. As by the County’s own admission, the rezoning is not science or environmentally based. The question is why rezone. She’s suspicious that one of the motivations for rezoning is to control the supply of land, thereby increasing the value of available, buildable land, and increasing dramatically the coffers of the state through higher taxes. If indeed the state and County are not motivated by higher taxes or by increased coffers, she proposes a downward adjustment of taxes. Taxes are going up astronomically because land values are going up astronomically. The GMA, by its proposed rezoning of the County is arbitrary and unfair. In her development, McIntosh Ridge, there are 20, 40-acre parcels. Five are allowed to be zoned 1:5 and the rest are 1:20. Why? There are some very foreboding, far reaching consequences. Some
of the consequences will be developments with homes that have tiny yards for children to play in. Families will never be able to afford living in the country, owning a home, because land is so expensive to build on. What will also result is the socio-economic stratification with only people that are rich being able to afford living in the country. The rest of the average and poor folks will be stuffed into high-density areas in condos on bus lines drinking chlorinated water. Is this what we really want for our kids, and do we really think that the proposed zoning is the only way to preserve and protect the land? She thinks people are smarter than that. Let’s not confuse money interest, or government interests in search of rich tax coffers for protecting the environment. Let’s include humans when talking about the environment and quality of life, and the joy of living on a little piece of heaven in the country. And when we do decide that land needs to be left alone for the sake of the greater good, let’s force the burden to be born by the larger community, not by individual landowners. Let’s make the government purchase the land and the development rights.

10:00:13 PM Jim Park, 17040 Railway Road, testified his land near Yelm is immediately adjacent to the Yelm UGA and is 200 yards from where the new Y2 and Y3 highway is proposed. However, he was dismayed to learn that the County is proposing to downzone his property from 1:5 to 1:20. He wrote a letter, and the zoning was changed to 1:10 but used a different reasoning for the downzone. Like other farmers, he has another job. He’s the senior hydrologist for a large state agency. He has 20 years experience in natural resource management. He’s looked closely at the process, and he’s analyzed the criteria used for the downzoning, both as applied to his land and as applied Countywide. And frankly, he’s appalled at the lack of science that was used. It is clearly a political, shotgun approach if you will. In particular he’s appalled at the lack of attention to high groundwater areas and poor draining soils. Were there attention paid to those resources as touted in the criteria, we would see more downzoning in the north County and within the Salmon Creek basin. However, we all know that is where the money is, out in the peninsulas and in Tumwater where big growth is happening. When he looks at the map, he doesn’t see signs. He sees politics and money, and he’s appalled. His parcel is adjacent to the UGA and very close to a proposed highway. He doesn’t see the criteria for downzoning. He requested the County return the zoning back to 1:5 for his large lot subdivision. Hanging over the project is a cloud of taint. During the tumultuous process, the County lost its senior staff. He’s concerned about the qualifications of staff remaining to complete the work. The director of Development Services now is tainted by a scandal and that overshadows the entire process and threatens to undermine the Commission’s work as well as the reputation of the County. The Commission has a tougher job than he does. At this point he has had his say, and he will react to the County’s decision. He said he hopes it’s a wise one. He owns 20 acres that are affected, and does have other parcels that are not connected to a downzone.

10:03:40 PM David Arts, 4807 51st Street Court E, Tacoma, representing Rainier Hills LLC, said approximately a year ago, the partnership purchased 38 acres adjacent to the town of Rainier on 133rd Avenue SE. When they purchased the property, they planned to undertake a large lot development consisting of five-acre parcels. They thought it was a good place for seven people to have a nice place to live. If it’s zoned as proposed, to 1:20, they can’t break it down and probably not too many people can afford a 38-acre piece. The property is in close proximity
to Rainier, there is the potential for high density right across the street, and a brand new fire station was built next door, Mr. Arts requested the property retain the 1:5 zoning.

10:05:22 PM Bo Foster, 12635 160th Lane SE, Rainier, testified unless we are ready to legislate the size of families in this country, growth is going to happen. It’s all about balance and that’s the decision that has to be made, and she hopes the County keeps that in mind. On one hand she knows we have the environment to protect. She considers herself an environmentalist. She may not have a huge organic garden, but she raises animals, she lives on the Deschutes River, she loves how pure it is, she loves trees, and considers herself a good steward of the land. At the same time she works as a real estate agent and works with people. This year, for the first time in many years, the average income family can no longer afford the average house. The American dream is eroding, and she finds that sad. We also need to protect the people; that’s the balance she’s talking about. She is concerned that by too much downzoning, recognizing that some is required, will further reduce the amount of affordable housing, and it will end up that all the rich people will end up in the country while the poor ones will rent or find themselves in the streets. She is the friend Mr. Wilsey referred to in his testimony. She has always intended to subdivide her 10-acre parcel. Concerning McIntosh Ridge, to go from one home in five acres to one in 20 is too severe. Some balance there is also advisable.

10:08:12 PM CLOSING REMARKS

Vice Chair Kohlenberg said the public has until 5:00 p.m. on August 4, 2006 to submit written comments. She thanked everyone for coming.

10:08:59 PM HEARING CLOSED

There being no further public testimony, Vice Chair Kohlenberg closed the public hearing at 10:09 p.m.

10:09:04 PM ADJOURNMENT

There being no further business, Vice Chair Kohlenberg adjourned the meeting at 10:09 p.m.

Liz Kohlenberg, Vice-Chair

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services