Reconsideration Agricultural Lands of Long-Term Commercial Significance Preliminary Staff Report

Date: September 5, 2012
Public Hearing Date: Tentative Hearing October 3, 2012
Prepared by: Christy Osborn
Associate Planner
Proponents/Applicants:
Schader Crown Ranch
File #2009102978
Petra Lewin
File #2009103118
Weyerhaeuser 1
File #2009103135
Weyerhaeuser 2
File #2009103136

Tax Parcels:
Schader Crown Ranch
22602140100, 22601320000,
2260243000, 22602140000,
2260123000, 22602420000
2260213000

Lewin
1352123000, 13521230100
Weyerhaeuser 1
2261110200
Weyerhaeuser 2
2261110600

Action Requested: Amend the Thurston County Comprehensive Plan Land Use Map to change the designated land use from Long-Term Agriculture (LTA)
Amend the Official Zoning Map Thurston County, Washington to change the zoning from Long-Term Agriculture District (LTA)(Title 22) to Rural Residential/Resource-One Dwelling Unit per Five Acres (RRR 1/5)(Title 22)

Location:

Schader Crown Ranch
20015 128th Avenue SE, Yelm
Petra Lewin
9005, 9021, 9015, and 9145 Prather Rd. SW, Centralia
Weyerhaeuser 1
Mountain Vista Drive, Yelm
Weyerhaeuser 2
Mountain Vista Drive, Yelm

Acres:

Schader Crown Ranch
Approximately 338 ac.
Petra Lewin
Approximately 40 ac.
Weyerhaeuser 1
Approximately 40 ac.
Weyerhaeuser 2
Approximately 40 ac.

☒ Map Changes ☐ Text Changes ☐ Both ☒ Affects Comprehensive Plans/documents
☒ Affected Jurisdiction: Thurston County
ISSUE:
The requests are asking to change the land use and zoning designations from Long-Term Agriculture (LTA) to Rural Residential Resource – One Dwelling Unit Per Five Acres (RRR 1/5). The requests are to be considered in light of new soils information and other agricultural land designations criteria.

BACKGROUND:
A 2007 compliance order from the Western Washington Growth Management Hearing Board (WWGMHB) found that the County failed to apply the amended designation criteria to lands that had not been previously designated agricultural lands of long-term significance and to consider those lands for designation. In response, Thurston County followed an iterative process of spatial data analysis, public review and comment, and consideration of expert testimony to adopt an ordinance that designated an additional 2,346 (+ or -) acres as LTA.

Resolution No. 14180 adopted December 29, 2008 amended the Natural Resource chapter of the Thurston County Comprehensive Plan and established revised criteria to be used to designate long term commercially significant agricultural lands. The criteria that were established did not exclude agricultural lands based on soils depth. In response, property owners whose Comprehensive Plan land use designation and zoning that was changed to Long Term Agriculture were able to submit soil reports to the County to request reconsideration of the LTA zoning designation.

DEPARTMENT ANALYSIS:
The requests are to consider the redesignation and rezoning the subject properties from Long-Term Agriculture (LTA) (Chapter 20.08A TCC) to Rural Residential Resource (RRR 1/5) (Chapter 20.09A TCC).

RCW 36.70A , the Growth Management Act requires local governments to maintain and enhance natural resource based industries, including agricultural lands by the conservation of productive agricultural lands and to discourage incompatible uses. This goal is implemented through the provisions contained in WAC 365-190 that establishes the minimum guidelines for classifying and designating agricultural resource lands and criteria established by local government.

The Thurston County Comprehensive Plan contains designation criteria that are to be used by the County when designating lands as LTA. Field methodology has also been developed to merit additional consideration of site specific soil conditions based on input from the Thurston County Conservation District and the United States Department of Agriculture. This methodology includes consideration of the following information:

1. Lands with slopes of 8% or greater are not suitable for designation as Agricultural Lands of Long-Term Commercial Significance due to soil erosion;
2. Lands that are predominantly wetlands and are not currently in an agricultural use are not suitable for designation as Agricultural Lands of Long-Term Commercial Significance due to impacts to wetlands;
3. Parcels less than 20 acres which are not contiguous to other Agricultural Lands of Long-Term Commercial Significance are not suitable for designation as Agricultural Lands of Long-Term Commercial Significance due to their size; and finally;
4. Lands with soil depths less than 20 inches are not suitable for agriculture.

The review of the requests before the planning commission will be primarily reviewed based on the criteria contained in the Comprehensive Plan that directs that the redesignation of agricultural lands is based on site specific evidence that conclusively indicates that the land does not meet the criteria for designation as agricultural land.

**Thurston County Comprehensive Plan**

Chapter Three of the Thurston County Comprehensive Plan contains the designation criteria used by the County to designate agricultural lands of long-term commercial significance and include:

1. Soil Type
2. The Availability of Public Facilities and Services
3. Land Capability and Tax Status
4. Relationship or Proximity to Urban Growth Areas
5. Predominant Parcel Size
6. Land Use Settlement Patterns and Their Compatibility with Agricultural Practices
7. Proximity of Markets
8. Agricultural Diversity
9. Environmental Considerations

The Comprehensive Plan also establishes criteria for the redesignation of agricultural lands. These criteria are:

A. Changes in surrounding land use severely inhibit or severely interfere with continued agricultural use;
B. Changes in market conditions severely reduce the economic viability of agriculture use; or
C. Changes in regulatory requirements severely reduce economic viability of agriculture use; or
D. Site specific evidence conclusively indicates the land does not meet the criteria for designation as agricultural land.

**Zoning Ordinance**

Section 20.59.050 TCC contains the procedural provisions for legislative rezones and text amendments that pertain to public participation requirements. These requirements include the docketing of all proposed amendments, review by the planning commission and board of county commissioners; and public hearing and notification requirements.

Chapter 20.08A of the Thurston County Zoning Ordinance contains the provisions that guide the purpose, uses, subdivision and design standards for lands zoned Long-Term Agriculture District. The stated purpose of the LTA district is that agricultural use is intended to be the primary use in the district and that other uses are to be sited so as to minimize their impact on, or conflicts with surrounding agricultural uses. The district is intended to conserve, protect and encourage the continued economic viability and maintenance of agriculture.

Primary uses permitted in this zoning include agriculture and forest practices; accessory structures and farm stands; farm worker housing (based on lot size); and sewage disposal and water supply approved by the environmental health department. Minimum lot size is 20 acres.
Chapter 20.09A TCC contains the provisions that guide the purpose and standards for the Rural Residential/Resource – One Dwelling Unit Per Five Acres (RRR 1/5). The purpose of this district is to encourage residential development that maintains the county’s rural character; provides opportunities for compatible agriculture, forestry and other rural land uses; sensitivity to the site’s physical characteristics; protects sensitive environmental areas and open space corridors; enables efficient road and utility system; and does not create demands for urban level services.

Primary uses permitted in this zone include agricultural use; single-family and two-family residences (limited to one residential structure per lot subject to maximum density of one unit per five acres; home occupations; accessory structures; and accessory farm and family member housing.

Property Analysis

Schader Crown Ranch

The subject property contains seven parcels totaling approximately 338 acres in size. The site is located off of Bald Hill Road at 19726 SE 128th Ave in the Yelm area. The existing site contains agricultural use including grazing of cattle. The two southern most parcels are primarily forested. Parcel 22602420000 contains a farmhouse, a barn and a lean-to. Parcel 22602130000 also contains a barn and lean-to. The property also includes a pump house and connecting utility line. There are no public utility services available to the site. Vehicular access is provided via 128th Ave. SE which is a county road. Interior access is via private driveways.

Adjacent properties include a mixture of grazing lands, timbered areas and scattered residential use. A portion of the adjacent property owned by the applicant to the northwest of the site was previously a mink farm. The site includes some remaining buildings associated with that use. The Nisqually River is located approximately 1,500 feet east of the eastern boundary of the project site. Properties directly adjacent to the site are located within the RRR 1/5 zoning district. Property to the southwest and south are currently located in the LTA zoning district. The property to the south is a 40 acre parcel owned by Weyerhaeuser that is also requesting removal from the LTA district.

A total of twelve parcels; the subject property and adjacent property owned by the applicant were approved by the Thurston County Assessor’s office on April 24, 2009 for Classification as Open Space Farm and Agriculture Land under RCW 84.34.020(2). This classification allows for the reduction of taxes on the property.

Four of the parcels subject to this application request that total approximately 140.5 acres in size together with adjacent property located to the northwest also owned by the applicant are contained in a Grassland Reserve Program Conservation Easement. This conservation easement dated June 23, 2011; was granted by the Schader Crown Ranch to the United States Department of Agriculture’s Natural Resources Conservation Service (NRCS) provides for the conservation of these properties for grazing uses and related conservation values. The easement conveyed and relinquished all development rights to NRSC for the sum of $1,130,040.00.

According to Thurston County GeoData the subject property contains scattered wetlands and areas of high groundwater primarily located on the parcels in the northern portion of the site. A soil report has been prepared by Pacific Rim Soil & Water, Inc. The methodology and finding of
the report will be reviewed by a qualified soil scientist and will be forwarded to the planning commission prior to the public hearing. A copy of the full report has been attached for your review.

**Petra Lewin**

The subject property contains two parcels totaling approximately 40 (+ or -) acres. The site is located off of Prather Rd SW and contains four addresses; 9005, 9021, 9015 and 9145. The site is located southwest of the Rochester area. The existing site contains an ongoing thoroughbred horse operation and contains a horse stable, barn and riding arena. The arena also contains two accessory apartments that were determined to be vested prior to 1973 by the county. County permit records indicate that that the house, two barns, a shed, and stable/barn have received permits. A garage structure on the site is being utilized as a residential structure but there is no record of the issuance of building or health permits for the structure. A barn located on parcel 13521230100 also appears to be utilized as a residential purpose and there is also no record of building or health permits for this use.

Adjacent properties include a tree farm to the north; timbered land to the east; open space to the south; and timbered and agricultural use to the west. Adjacent properties to the north and west are located in the LTA zone. Property to the east and south are located in the RRR 1/5 zoning district. Areas located to the north and southeast are also located in the LTA district.

According to Thurston County GeoData the subject property contains wetlands areas associated with the drainages to the Chehalis River. The site also contains an area of high groundwater located on the rear portion of parcel 13521230100. A soil report has been prepared by Wetlands Defined Here. The methodology and finding of the report will be reviewed by a qualified soil scientist and will be forwarded to the planning commission prior to the public hearing. A copy of this report has been attached for your review.

**Weyerhaeuser 1**

The subject property is a 40 acre parcel located in the Yelm Meadows subdivision. The subject site is located off of 135th Lane SE in the Yelm area. The subject property and adjacent properties to the north and south are included in the Yelm Meadows subdivision. Access to the site is via an approximately 20 foot wide gravel private driveway within a 100 foot road easement. The subject site currently contains a mixture of deciduous and evergreen trees and understory growth. A trail extends south through the property and offsite to the south and splits the property into two areas.

Adjacent properties to the north south and west are located in the LTA zoning district. Properties to the east are located within the RRR 1/5 zone with the exception of the Weyerhaeuser 2 site. Adjacent properties contain timbered areas and scattered residential uses.

According to Thurston County GeoData the entire site is encumbered by wetlands, wetland buffers and hydric soils. The site also contains areas of high groundwater areas. A soil report has been prepared by Pacific Rim Soil & Water, Inc. The methodology and finding of the report will be reviewed by a qualified soil scientist and will be forwarded to the planning commission prior to the public hearing. A copy of the soil report has been previously distributed to the planning commission.
The subject property is a 40 acre parcel located in the Yelm Meadows subdivision. The subject site is located off of Thimbleberry Lane in the Yelm area. The subject property and adjacent properties are included in the Yelm Meadows subdivision. Access to the site is via an approximately 20 foot wide gravel private driveway within a 100 foot road easement. The subject site currently contains a mixture of deciduous and evergreen trees and understory growth.

Adjacent properties are all located within the RRR 1/5 zone. There are areas of LTA zoning located to the north and west of the project site. Adjacent properties contain timbered areas and scattered residential uses. The outlying areas contain some agricultural uses.

According to Thurston County GeoData the majority of the site is encumbered by wetlands, wetland buffers and hydric soils. The site also contains areas of high groundwater areas. A soil report has been prepared by Pacific Rim Soil & Water, Inc. The methodology and finding of the report will be reviewed by a qualified soil scientist and will be forwarded to the planning commission prior to the public hearing. A copy of the soil report has been previously distributed to the planning commission.

**OPTIONS:**

Option 1: Do not change the land use and zoning from Long-Term Commercial Significance.

Option 2: Change the Comprehensive Plan land use designation and the zoning designation from Long-Term Agriculture (LTA) to Rural Residential/Resource – One Dwelling Unit Per Five Acres (RRR 1/5).

**SEPA:**

Thurston County has not issued a SEPA determination at this time. A determination will be made prior to the tentative public hearing and briefing on October 3, 2012.

**NOTIFICATION:**

Written notice of the public hearing will be published in The Olympian at least 20-days before the hearing in accordance with Thurston County Code Chapter 2.05 Growth Management Public Participation, and sent to property owners within 300 feet at least ten days before the public hearing in accordance with Thurston County Code Chapter 20.59 Rezone and Textual Amendments in the Thurston County Zoning Ordinance (Title 20).

**PUBLIC COMMENT:**

Public testimony will be taken by the Planning Commission at the public hearing.

Public comments have been received in conjunction with the Lewin application. The applicant sent written comments requesting a hearing date. The comments were received on 8/13/12. The applicant also submitted letters and signed petitions requesting the return of the property to the RRR 1/5 zoning district.

**AFFECTED AGENCY, JURISDICTION AND DEPARTMENT COMMENTS:**

The application, soil reports and SEPA checklist will be sent for review and comment.
PLANNING DEPARTMENT RECOMMENDATION:
A recommendation to the Planning Commission will be made

ATTACHMENTS:

Attachment A  Schader Crown Ranch Attachments
Attachment B  Lewin Attachments
Attachment C  Weyerhaeuser 1 Attachments
Attachment D  Weyerhaeuser 2 Attachments
Attachment A: Schader Crown Ranch Maps
Applicant: Schader Crown Ranch
Amendment: Long-Term Agriculture to Rural Residential
Resource 1 Unit per 5 Acres
Project Info: 338 +/- Acres
Application #: 2009102978

2009 Aerial Photos
Applicant: Schader Crown Ranch
Amendment: Long-Term Agriculture to Rural Residential Resource 1 Unit per 5 Acres
Project Info: 338 +/- Acres
Application #: 2009102978

Thurston County Zoning

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<tbody>
<tr>
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<td>LTA - Long-Term Agriculture</td>
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Attachment B: Lewin Maps
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Attachment C: Weyerhaeuser #1 Maps
Applicant: Weyerhaeuser Real Estate

Amendment: Long-Term Agriculture to Rural Residential Resource 1 Unit per 5 Acres

Project Info:
40 +/- Acres

Application #:
2009103135

2009 Aerial Photos
Applicant: Weyerhaeuser Real Estate
Amendment: Long-Term Agriculture to Rural Residential Resource 1 Unit per 5 Acres
Project Info: 40 +/- Acres
Application #: 2009103135

Thurston County Zoning

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Attachment D: Weyerhaeuser #2 Maps
Applicant: Weyerhaeuser Real Estate
Amendment: Long-Term Agriculture to Rural Residential
Resource 1 Unit per 5 Acres
Project Info: 40 +/- Acres
Application #: 2009103136

Thurston County Planning Department
Map Created on 26 June 2010 - jkb

2009 Aerial Photos
Applicant: Weyerhaeuser Real Estate
Amendment: Long-Term Agriculture to Rural Residential Resource 1 Unit per 5 Acres
Project Info: 40 +/- Acres
Application #: 2009103136

Thurston County Zoning

RRR 1/5 - Rural Residential Resource 1/5
LTA - Long-Term Agriculture

Thurston County Planning Department
Map Created on 24 June 2010 - jkb

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