MEMORANDUM

TO: Thurston County Planning Commission
FROM: Jeremy Davis, Senior Planner
        Christy Osborn, Senior Planner
DATE: February 28, 2014

SUBJECT: North Thurston School District Public Hearing Follow-up

Following the Public Hearing, the Planning Commission had several questions regarding the North Thurston School District application to expand the Thurston County Urban Growth Area (UGA) and redesignated and rezone property. The Planning Commission also requested North Thurston School District to return and provide information.

Staff is still receiving information from the City of Lacey and North Thurston School District. Information will be forwarded to the Planning Commission as it becomes available.

Planning Commission Issues/Questions:

1. Timeline for establishment of current UGA boundaries
2. North Thurston School District property purchase date
3. Amending UGA boundaries
4. Forest practices permitting and permit history
5. Requirements for a Special Use Permit under the current Rural Residential and Resource One Unit per Five Acre Zoning
6. School sizes required by the Washington State Office of the Superintendent of Public Instruction
7. State Environmental Policy Act determination information

1. Timeline for UGA Boundaries

Thurston County was a pioneer in Washington State in establishing UGA boundaries beginning in 1988. The following is a timeline regarding the current North County UGA boundary:
June 1988 – Thurston County and the cities of Lacey, Olympia, and Tumwater sign a memorandum of understanding for the growth and development of growth around each city. Long term and short term Urban Growth Management Boundaries (UGMB) are established as part of the agreement.

July 31, 1990 – Growth Management Act effective date.

July 31, 1990 - Thurston County adopts Ordinance No. 9526 establishing land use controls outside of the long term UGMB, including interim zoning in the rural area. The boundary established by the 1988 agreement is cited as the current agreed upon UGMB.

July 31, 1990 – Thurston County adopts Ordinance No. 9527 establishing land use controls inside of the Long Term UGA established with the 1988 agreement. Final land use would be established through the joint planning effort. Zoning in Long Term UGMB outside of the Short Term UGBM changed to one unit per five acre zoning, with the exception of several industrial areas and built out commercial.

August 1993 – Ordinance No. 10398 adopted repealing Ordinance No. 9526. This ordinance established rural zoning outside of the Long Term UGBM.

September 1993 – Resolution No. 10452 interim UGA established pursuant to the Growth Management Act (GMA)(RCW 36.70A.110). GMA required an interim UGA be established by October 1, 1993. Final UGA to be established with the Comprehensive Plan update.

April 1994 – Resolution No. 10606 – Amended Lacey, Olympia, and Tumwater interim UGA.

December 1994 – Resolution No. 10786 – joint plan adopted for the Lacey UGA. Final Lacey UGA established.

April 1995 – Resolution No. 10896 – Adopted the GMA update to the Thurston County Comprehensive Plan. The UGAs adopted through the joint planning processes were recognized in the resolution.

March 2008 – Resolution No. 14034 – Area of Tumwater UGA removed to comply with a Growth Management Hearings Board order.

September 2010 – Resolution No. 14401 – Tumwater UGA resized to remove approximately 853 acres. It was found that sufficient land remained in the UGA to accommodate residential growth needs. Commercial and industrial lands not included in the area removed.

January 2013 – Resolution No. 14845 – Approximately 453 acres redesignated to a lower density. UGA found to have sufficient capacity to accommodate current growth projections.

2. Property Purchase Date

According to documents recorded with the Thurston County Auditors office, the property was purchased in two stages by the North Thurston School District in beginning in June 1996. More information on the acquisition is in the materials submitted by the North Thurston School District.
North Thurston School District issued a State Environmental Policy Act determination, and informed the surrounding property owners of the proposed purchase and the location of a high school site. It was estimated that 24 to 30 people attended the school district’s public meeting. Written comments from the SEPA process are also in the submitted materials.

The school district also presented information on the property purchase to the Thurston Regional Planning Council (TRPC) at their June 7, 1996 meeting. The meeting minutes and a letter to the school district from TRPC are also included in the submitted materials. It was acknowledged at the time that the school district may be pursuing an amendment to the UGA boundary at a later date to obtain water and sewer service.

3. Amending UGA Boundaries

Amending the UGA boundaries must be consistent with the GMA (RCW 36.70A), state administrative code (WAC 365-196), the county-wide planning policies, the Thurston County Comprehensive Plan, and the City of Lacey Comprehensive Plan.

Growth Management Act

The GMA requires the County to establish a UGA to accommodate population and employment growth over the succeeding 20-year time period following adoption (RCW 36.70A.110).

In RCW 36.70A.110, the GMA does not include the requirement that a UGA follow a logical outer boundary. The GMA does require a logical outer boundary for Limited Areas of More Intensive Rural Development (LAMIRDs) in RCW 36.70A.070. The primary focus of designating an UGA in the GMA is to accommodate population and employment growth, and to contain urban development to be inside of the UGA.

UGAs may not be expanded into a 100-year flood plain except in limited circumstances.

Washington Administrative Code

Amending UGAs is addressed in Section 365-196-310 WAC. Counties are required to designate UGAs. Cities must be located within a UGA. A UGA may include areas that are located outside of a city if it is already characterized by urban growth, or if an area is adjacent to the area already characterized by urban growth. UGAs must have enough land to permit urban growth that is projected in a succeeding 20-year period. UGAs may not exceed this, except they may include land to accommodate a reasonable market factor. The Washington Administrative Code does not include an requirement that a UGA needs to have a logical outer boundary.

Urban growth should be facilitated in areas already characterized by urban growth that will be served by urban public facilities.

UGAs should reflect a cooperative effort amongst jurisdictions in the county to accomplish the requirements of the act on a regional basis, consistent with county-wide planning policies. Services should be provided by cities in UGAs. (WAC 365-196-310 (3))

The county needs to designate sufficient commercial and industrial lands within a UGA. Counties and cities should consider these needs in its economic development element of its comprehensive plan. Counties and cities should avoid conversion of areas set aside for industrial uses to other incompatible uses to ensure availability of suitable sites for industrial development. (WAC 365-196-310(4)(a)(v))

- In summary, appropriate locations of new or expanded UGA boundaries include:
• UGAs should have the density to accommodate urban growth, served by adequate public facilities, discourage sprawl, and promote the goals of the act.

• The county should attempt to define the urban growth areas to accommodate the growth plans of the cities.

• New lands should be identified in the following priority:
  - Existing incorporated areas
  - Land that is already characterized by urban growth and has adequate facilities and services
  - Lands adjacent to the above, but not meeting those criteria
  - UGAs should not be expanded into designated agricultural, forest, or resource lands unless no other option is available.

• Counties should avoid expanding the UGA into areas with known critical areas extending over a large area.

(WAC 365-196-310(4)(c)

County-Wide Planning Policies

The County-Wide Planning Policies initially established criteria to designate UGA boundaries. The UGA boundaries were designated in the 1990’s using the following criteria:

“Section 1.1 Designate growth area boundaries that meet the following criteria:

a. Contain areas characterized by urban growth,

b. Are served by or are planned to be served by municipal utilities,

c. Contain vacant land near existing urban areas that is capable of supporting urban development,

d. Are compatible with the use of designated resource lands an critical areas,

e. Follow logical outer boundaries,

f. Consider citizen preferences, and

g. Are of sufficient area and densities to permit the urban growth that is projected to occur in the succeeding twenty-year period.

Section 1.2 Designate and amend urban growth boundaries through the following process:

a. Cities and towns will confer with the county about boundary location or amendment,

b. Proposed boundaries are presented to the UGM subcommittee of the Thurston Regional Planning Council, which makes a recommendation directly to the Board of County Commissioners,

c. Following a public hearing, the Board of County Commissioners designates the boundaries and justifies its decision in writing,

d. Cities and towns not in agreement with the boundary designation may request mediation through the State Department of Commerce, and
e. At least every 10 years, growth boundaries will be reviewed based on updated 20 year population projections.”

A note is included for Section 1.2 in the county-wide planning policies that the section applies to the long term urban growth boundary in the north county (Olympia, Lacey, and Tumwater) and in South County. The long term urban growth boundary was eliminated when the final UGA was adopted by the county in 1995, and all of the associated city/county joint plans were completed.

Under the county-wide planning policies, the Urban Growth Management Subcommittee was tasked with developing criteria for amendments to the north county for UGA boundary changes. The criteria for amending the county’s UGA were amended in January 2008. The following criteria for amending the UGA are the current criteria for amending the UGA, and have been used in amendments following January 2008:

The county-wide planning policies for an increase in the urban growth area are as follows:

“A) Expansion of the Urban Growth Boundary must demonstrate consistency with the following criteria:

(1)

(a) For South County jurisdictions, the expansion area can and will be served by municipal water and transportation in the succeeding 20 years. South County jurisdictions must demonstrate that the expansion can be served by sewage disposal measures that provide for the effective treatment of wastewater in the succeeding 20 years; or

(b) For North County jurisdictions, the expansion area can and will be service by municipal sewer, water and transportation in the succeeding 20 years; and

(2) Urbanization of the expansion area is compatible with the use of designated resource lands and with critical areas; and

(3) The expansion area is contiguous to an existing urban growth boundary; and

(4) The expansion is consistent with the County-Wide Planning Policies

(B) Expansion of the Urban Growth Boundary must demonstrate consistency with one of the two following criteria:

(1) There is insufficient land within the Urban Growth Boundary to permit the urban growth that is forecast to occur in the succeeding 20 years; or

(2) An overriding public interest demonstrating a public benefit beyond the area proposed for inclusion would be served by moving the Urban Growth Boundary related to protecting public health, safety and welfare; enabling more cost-effective, efficient provision of sewer or water; and enabling the locally adopted Comprehensive Plan to more effectively meet the goals of the State Growth Management Act.”
All of the criteria in section A above must be met, and one of the criteria in section B must be met. The revised criteria for amending the UGA boundary do not include using a logical outer boundary. TRPC hosts a web page on amending UGA boundaries. It is available at: http://www.trpc.org/regionalplanning/landuse/Pages/AmendingUrbanGrowthAreaBoundaries.aspx

There is a link to the current county-wide planning policies available on the above web page.

4. Forest Practice Permitting and Permit History

There are no Forest Practices permits for this property. Forest practices permits are required when harvesting merchantable timber, or trees that will yield logs suitable in size and quality for production of lumber, plywood, pulp, or other forest products. Permits are required once proposed cutting reaches a certain threshold, such as on parcels larger than 2 acres (or on smaller parcels adjacent to other parcels under the same ownership) or when harvesting more than 5,000 board feet of merchantable timber in any consecutive 12-month period. The presence of critical areas may also trigger the need for a permit, even if the proposed operation is below these thresholds. Forest practice permits are required for commercial logging operations or when occurring in a UGA or on land where development applications have been or are being submitted.

In general, DNR regulates the harvest of merchantable timber for commercial purposes, and Thurston County regulates harvest of merchantable timber when associated with the development (conversion) of property to a use other than forestry.

5. Requirements for a Special Use Permit under the current Rural Residential/Resource One Unit per Five Acre Zoning

The Rural Residential/Resource One Unit per Five Acre (RRR 1/5) zone school is authorized through the issuance of a special use permit as provided for in Chapter 20.54 TCC. Specific use standards are identified in section 20.54.070 for academic schools including minimum site size for public schools are to be as required by the Superintendent of Public Instruction with the density not to exceed one hundred students per one acre of ground and not more than one square foot of floor area to two square feet of ground area. The standards also require that any portion of the site that abuts a residential use shall be screened in such a manner as to reduce the noise generated by the activities on the school grounds. The height of any auditorium or gymnasium shall be set by the approval authority. A special use permit is reviewed by the Thurston County Hearing Examiner.

6. Office of Superintendent of Public Instruction (OSPI)

The Washington Office of Superintendent of Public Instruction has minimum requirements for school sites. The requirements call for five useable acres of property plus one additional useable acre for each 100 students plus five additional useable acres if the school is for any grade above grade six. Funding from OSPI is based on actual evidence of students and growth and not on projections regarding future need.
The North Thurston Public Schools set their minimum standards for schools sites as the following:

- Elementary School – 12 acres
- Middle School – 20 acres
- High School – 40 acres

Larger sites are typically selected to provide buffer areas next to surrounding residential land uses as well as provide for land necessary for stormwater management needs and critical areas buffers.

### 7. State Environmental Policy Act Review (SEPA)

A non-project action SEPA review was completed and a Determination of Nonsignificance was issued on February 6, 2014. The applicant submitted a SEPA Addendum on February 27, 2014 based on an on-site assessment and evaluation prepared by Habitat Technologies dated August 12, 2013. Based on the submittal of additional information received, Thurston County issued a revised Determination of Nonsignificance to be published on March 3, 2014. The Addendum and text of the critical areas assessment has been included in your materials.