

## MINUTES OF MEETING

### THURSTON COUNTY BOUNDARY REVIEW BOARD

Tuesday, July 18, 2023 – 6:00 p.m.

Yelm City Hall

106 2nd St SE

Yelm, WA 98597

and REMOTE ACCESS

Chair Marchand called the meeting to order at 6:00 pm.

### CALL TO ORDER

#### Attendance

- **Members Present:** Chair Michael Marchand, Vice-Chair Zahid Chaudhry, Mr. Lance Caputo, Mr. Todd Hughes, Mr. Gary Pearson
- **Members Excused:** None
- **Staff Present:** Chief Clerk Casey Mauck, Office Specialist IV Dorinda Merrill, Thurston County Prosecuting Attorney Rick Peters
- **Others Present:** Gary Cooper, City of Yelm; Cody Colt, City of Yelm; Jeremy Davis, Thurston County; Theresa Parsons, Thurston County

#### Review and Approval of Agenda

Mr. Chaudry moved to approve the agenda. Mr. Pearson seconded. Motion carried.

#### Public Comment

None given.

### APPROVAL OF MINUTES

Mr. Chaudry moved to approve the minutes. Mr. Marchand seconded. Motion carried.

### PUBLIC HEARINGS

#### ANNEX2023-01: City of Yelm Vancil-Morris Rd Annexation

Chair Marchand called the public hearing to order for ANNEX2023-01: City of Yelm Vancil-Morris Rd Annexation. Chair Marchand explained the purpose of the hearing is to hear testimony and gather facts on the proposed annexation area. Chair Marchand asked anyone with items not already in the record to please submit them to the chief clerk for numbering. He then asked if anyone else would like to speak that has not signed up.

Chief Clerk Mauck administered an oath to those who wished to testify.

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

### **Staff Presentation**

Chief Clerk Mauck gave a brief overview of the annexation proposal before the Board. On April 7, 2023 the City of Yelm filed a notice of intention to annex 15.0 acres in the area of Vancil Rd SE and Morris Rd SE. Thurston County submitted a request for review of the annexation on May 22, 2023. Thurston County requested the annexation be expanded to an additional 11.6 acres to the north of the annexation area.

### **Testimony**

The following provided public testimony:

- Gary Cooper, City of Yelm; Cody Colt, City of Yelm
  - Mr. Cooper gave a brief overview of the annexation proposal. After the City of Yelm received water rights, they began processing annexation proposals from individual property owners. If this area is annexed into the City of Yelm, municipal services areas would remain unchanged with the exception of police service, which would be provided by Yelm PD instead of the Thurston County Sheriff's Office. Mr. Cooper indicated that the City of Yelm supports the expanded annexation, as proposed by Thurston County, and believes that this will create a more logical boundary. If the Board does not approve the entire expanded area, Yelm would still like to see the original area annexed.
- Jeremy Davis, Thurston County
  - Thurston County requests that the annexation area is expanded 11.6 acres to avoid leaving a small unincorporated peninsula and some rights-of-way in county jurisdiction. The expanded annexation proposal furthers the goals of Thurston County and the City of Yelm through their joint comprehensive plan and keeps the neighborhood intact. Yelm PD would now provide police services to the annexed area, resulting in a lower response time for emergency calls.
- Chief Clerk Mauck listed the Public Hearing exhibits received to date:
  - A. Chief Clerk Memo
  - B. City of Yelm Notice of Intention and Attachments
  - C. Thurston County Request for Review
  - D. Public Notice Documentation
  - E. City of Yelm Position Statement
  - F. Thurston County Position Statement
  - G. Countywide Planning Policies
  - H. City of Yelm and Thurston County Joint Comprehensive Plan
  - I. Schorno Public Comment
- Chief Clerk Mauck read aloud the Schorno written public comment (Exhibit I). Mr. Schorno requested that if the Boar does not approve the annexation of the 5 acres adjacent to Vancil Road in the original proposal, they still annex the 10 acres to the west that he owns.

Chair Marchand asked if any other member of the audience in-person or on Zoom desired to provide public testimony. Hearing none, Mr. Chaudry moved to close the first public hearing. Mr. Caputo seconded. Motion carried.

### **ANNEX2023-01: Expansion of City of Yelm Vancil-Morris Rd Annexation**

Chair Marchand called the public hearing to order for the expansion of ANNEX2023-01: City of Yelm Vancil-Morris Rd Annexation.

#### **Testimony**

- Chief Clerk Mauck listed the Public Hearing exhibits received to date:
  - A. Chief Clerk Memo
  - B. City of Yelm Notice of Intention and Attachments
  - C. Thurston County Request for Review
  - D. Public Notice Documentation
  - E. City of Yelm Position Statement
  - F. Thurston County Position Statement
  - G. Countywide Planning Policies
  - H. City of Yelm and Thurston County Joint Comprehensive Plan
  - I. Schorno Public Comment
  - J. Bartel Public Comment
  
- Chief Clerk Mauck read aloud the Bartel written public comment (Exhibit J). Ms. Bartel is the executor of the 10.5 acres included in the expanded annexation area and objects to the annexation.

Chair Marchand asked if any other member of the audience in-person or on Zoom desired to provide public testimony. Hearing none, Mr. Chaudry moved to close the second public hearing. Mr. Caputo seconded. Motion carried.

### **ANNEX2023-03: City of Yelm 9819 Grove Rd Annexation**

Chair Marchand called the public hearing to order for ANNEX2023-03: City of Yelm 9819 Grove Rd Annexation.

#### **Staff Presentation**

Chief Clerk Mauck gave a brief overview of the annexation proposal before the Board. On April 7, 2023 the City of Yelm filed a notice of intention to annex 12.5 acres in the area of Canal Rd SE and Grove Rd SE. Thurston County submitted a request for review of the annexation on May 22, 2023. Thurston County requested the annexation be expanded to an additional 7.8 acres to the north of the annexation area to connect to a City island (Longmire Park).

#### **Testimony**

The following provided public testimony:

- Gary Cooper, City of Yelm

Mr. Cooper gave a brief overview of the annexation proposal. As with the Vancil-Morris proposal, most service areas would not change if this area is annexed with the exception of police service. The City supports expanding the annexation area, as proposed by Thurston County, and believes that this will create a more logical boundary. Expanding the annexation area also supports a goal of the City to use of one of the expanded area parcels for parking for Longmire Park.
  
- Jeremy Davis, Thurston County

Thurston County requested that the annexation area is expanded 11.6 acres to provide a more regular boundary and normalized service areas for the City of Yelm and residents. It will join a City island and include adjacent right-of-way.

- Chief Clerk Mauck listed the Public Hearing exhibits received to date:
  - A. Chief Clerk Memo
  - B. City of Yelm Notice of Intention and Attachments
  - C. Thurston County Request for Review
  - D. Public Notice Documentation
  - E. City of Yelm Position Statement
  - F. Thurston County Position Statement
  - G. Countywide Planning Policies
  - H. City of Yelm and Thurston County Joint Comprehensive Plan

Chair Marchand asked if any other member of the audience in-person or on Zoom desired to provide public testimony. Hearing none, Mr. Chaudry moved to close the first public hearing. Mr. Caputo seconded. Motion carried.

#### **ANNEX2023-03: Expansion of City of Yelm 9819 Grove Rd Annexation**

Chair Marchand called the public hearing to order for the expansion of ANNEX2023-03: City of Yelm 9819 Grove Rd Annexation.

#### **Testimony**

- Chief Clerk Mauck listed the Public Hearing exhibits received to date:
  - A. Chief Clerk Memo
  - B. City of Yelm Notice of Intention and Attachments
  - C. Thurston County Request for Review
  - D. Public Notice Documentation
  - E. City of Yelm Position Statement
  - F. Thurston County Position Statement
  - G. Countywide Planning Policies
  - H. City of Yelm and Thurston County Joint Comprehensive Plan
  - I. Mitchell Public Comment
  
- Chief Clerk Mauck read aloud the Mitchell written public comment (Exhibit I). Ms. Mitchell is the owner of one of parcels in the expanded annexation area (#64300600100). Ms. Mitchell and her mother bought the farmhouse in 2005 with the intention of passing the property and house down to the next generations of their family to enjoy a country lifestyle including raising livestock. The expanded annexation would take away their family's right to protect livestock and may end their farm and livelihood. After going to the Thurston courthouse, Ms. Mitchell was told that there were discrepancies in the acreage of the property and she should get a survey of her property done. Ms. Mitchell opposes the expanded annexation area and requests that consideration is taken of how annexation would change the style of farm living in the area.

Mr. Chaudry asked if annexation would prevent Ms. Mitchell from keeping livestock and farming on the property. Mr. Colt indicated that livestock is allowed in the City of Yelm.

Mr. Cooper mentioned that any issues in the property survey do not affect the annexation area and Ms. Mitchell's property boundaries would stay the same after annexation.

- Mike Kempinski  
Mr. Kempinski owns the two parcels other than Ms. Mitchell's that make up the expanded area. Mr. Kempinski is in favor of annexation for his parcels and currently has livestock on his property.

Chair Marchand asked if any other member of the audience in-person or on Zoom desired to provide public testimony. Hearing none, Mr. Chaudry moved to close the second public hearing. Mr. Caputo seconded. Motion carried.

#### **WORK SESSION – ANNEX2023-01: City of Yelm Vancil-Morris Rd Annexation**

Chair Marchand read the factors and objectives and Growth Management considerations. The Board began their discussion of the factors and objectives. The Boundary Review Board has the authority to approve, modify or deny the annexation.

Chair Marchand appreciated the City and County working together to honor the urban growth planning of the City and adding in more territory where appropriate to avoid multiple smaller annexations. Chair Marchand found that the expanded area preserved natural neighborhoods, preserved logical service areas, and avoided an impractical boundary by improving on the first proposal.

Mr. Caputo asked if there are lands designated for long term productive agricultural and resource use in or near the area. Mr. Cooper and Mr. Davis indicated that this is a county designation not used in or near the annexation area.

Chair Marchand noted that there are no issues in debts or contractual obligations related to the proposal. The Board indicated support for the expanded annexation area.

#### **DECISION**

Chair Marchand made a motion to approve the alternative ANNEX2023-01, the Yelm Vancil-Morris Road Annexation as proposed by Thurston County and to reject the initial proposal brought forth by the City of Yelm. Mr. Chaudry seconded. Motion carried.

#### **WORK SESSION – ANNEX2023-03: City of Yelm 9819 Grove Rd Annexation**

Chair Marchand read the factors and objectives and Growth Management considerations. The Board began their discussion of the factors and objectives. The Boundary Review Board has the authority to approve, modify or deny the annexation.

Mr. Chaudry suggested modifying the expanded area to remove Ms. Mitchell's parcel and keeping the two parcels to the west to preserve natural neighbors and communities and historical uses. Mr. Pearson agreed with the sentiment of the comment but expressed he didn't feel like anything was being taken away from the residents in question as they can still continue farming if annexed. Mr. Chaudry mentioned that City municipal codes can change and at that

point the use may be prohibited. Mr. Caputo indicated that this property is included in the Urban Growth Area of the City and this designation was arrived at through a joint county and city process that included public outreach. Chair Marchand expressed he did not understand what use the property owner is losing by being annexed.

Chair Marchand clarified the Board can approve, deny, or modify the annexation as they see fit. Mr. Chaudry suggested annexing the original area and two western parcels in the proposed expanded area. Mr. Caputo noted that this would treat Mr. Kempinski's parcels differently than the neighboring one, which is also used for farming.

Mr. Rick Peters stated that the county can also change zoning and prohibit uses, just as the City can.

Chief Clerk Mauck read RCW 36.93.150 which only allows the Board to modify a proposal if it is inconsistent with one of the Boundary Review Board objectives. Mr. Caputo stated that he does not find the expanded proposal to be inconsistent with any of the objectives. Mr. Chaudry mentioned that annexation would take away the senior land use rights of the property owner. Mr. Caputo and Mr. Peters clarified that there is no distinction between junior and senior rights related to land uses. Mr. Peters stated that under state statute he does not believe there is a basis for modification, and the Board should approve or deny the proposal. Mr. Peters also noted that it's a slippery slope to make determinations based on what may happen in the future, and a decision made today does not have to be unanimous but rather just a majority.

Chief Clerk Mauck noted that the current zoning of the property in question is Light Industrial, which is not intended for farming.

## **DECISION**


Mr. Chaudry made a motion to approve ANNEX2023-03, the Yelm 9819 Grove Road Annexation as submitted originally by the City of Yelm. There was no second. Motion failed.

Chair Marchand made a motion to approve the alternative ANNEX2023-03, the Yelm 9819 Grove Road Annexation as proposed by Thurston County and to reject the initial proposal brought forth by the City of Yelm. Mr. Caputo seconded. Motion carried.

The Board set a meeting date for signing the Board's written decisions. Chair Marchand set a special meeting for Tuesday, August 1, at 6:00 pm on Zoom with an in-person option at the offices of Thurston Regional Planning Council, located at 2411 Chandler Ct SW Olympia, WA 98502.

## **ADJOURNMENT**

Chair Marchand motioned to adjourn the meeting at 8:09pm. Mr. Hughes seconded. Motion carried.



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Mr. Michael Marchand, Chair

Prepared by Dorinda Merrill for the  
Washington State Boundary Review Board for Thurston County