

**SPECIAL MEETING AND PUBLIC HEARING MINUTES
THURSTON COUNTY BOUNDARY REVIEW BOARD
Thursday, April 12, 2018
Thurston County Courthouse Building 1, Room 280, 7:00pm
2000 Lakeridge Drive SW
Olympia, WA 98502**

Chair Thomas called the meeting to order at 7:02 p.m.

CALL TO ORDER

Members Present: Chair Patrick Thomas, Mr. Michael Marchand, Mr. Lance Caputo, Mr. William Kilpatrick

Members Excused: None

Staff Present: Acting Chief Clerk Jeremy Davis, Rick Peters, Thurston County Deputy Prosecuting Attorney, Polly Stoker, Thurston County Administration

Public Hearing

Chair Thomas called the public hearing to order at 7:02 p.m. for the continuation of the Lacey Island Annexation – Gateway II, project number 2017106236 (known as the Gateway II annexation). Chair Thomas explained the purpose is to continue the public hearing from March 21st is to take testimony and gather facts on the annexation proposal before them.

Introduced was the new Boundary Review Board member, appointed by the Governor’s Office, William Kilpatrick. Acting Chief Clerk Davis swore in Mr. Kilpatrick. He also confirmed he did not receive any objections from the parties to Mr. Kilpatrick participating in tonight’s proceedings. Chair Thomas confirmed with Mr. Kilpatrick that he had read the exhibits on the matter and listened to the audio from March 21, 2018 and is ready to participate in the deliberations tonight.

Chair Thomas asked if there is 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.

Mr. Caputo moved to approve adding the signed copy of the inter-local agreement between the County and the City and the email from D.R. Horton as Exhibit 5. Mr. Marchand seconded. Motion carried.

Mr. Caputo moved to close the public hearing at 7:07 p.m. and begin deliberations. Mr. Marchand seconded. Motion carried.

The factors under consideration for the Annexation by the Board were reviewed including under the Washington State Growth Management Act, Comprehensive Plans, and county-wide planning policies. The Board unanimously confirmed there were no objections to 13 criteria stated, except for Mr. Caputo in regards to Permitting.

Mr. Marchand moved to approve the City of Lacey Gateway II Annexation Case #2017106236. Mr. Kilpatrick seconded.

Mr. Caputo asked to read his written statement as follows:

"I voted in favor of the annexation for two reasons. First, I find the proposal satisfies the majority of objectives enumerated in RCW 36.93.180. Second, all parties of record are in support of the annexation.

This Boundary Review Board serves in a quasi-judicial capacity acting as an inferior tribunal. Admittedly, we are limited by RCW 36.93.170 in our scope of review. As I understand comments from staff, my fellow board members and those who testified, impact fees and determinations of interlocal agreements are not factors in our actions. However, I have concerns about the shared assessment of reviews and impact fees between the city and county and its effects on the petitioner.

As the petitioner DR Horton states there is a significant difference between the county's and the city's determination of traffic impact fees; approximately \$750,000. This difference is determined by who will be responsible for plan reviews, the county of the city. I believe the petitioner has a reasonable request to have the City of Lacey conduct final plan reviews, approvals and issuance of permits and not the County now that the annexation is approved.

I might have a liberal interpretation of the phrase stipulated in our enabling legislation: 'determining assets and liabilities between 2 or more governmental units'. I find this phrase to allow us to factor in our decisions impact fees and review actions. However, I will defer to the understanding of those more experienced and wiser than myself in these matters.

I believe the Nolte decision referenced by the applicant does set a precedent and can influence boundary review board's actions.

I believe DR Horton has standing to pursue these issues at the next level if it wishes to do so. By approving this annexation, we are enabling the applicant to seek such resolution."

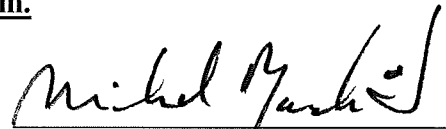
Motion carried.

Mr. Peters, County attorney representing the Board in this matter on behalf of Scott Cushing, the regular County attorney explained the decision document before them. Mr. Cushing prepared a findings and final decision document which encapsulates what has been discussed here tonight which includes language that he has advised to be adopted indicating what the Board's scope is on making decisions under RCW 36.93. The Board then reviewed the document and signed it.

Mr. Marchand moved to accept the draft decision, as prepared by staff for signature to get the clock moving on the process. Mr. Caputo seconded. Motion Carried.

ADJOURNMENT

Chair Thomas moved to adjourn the meeting at 7:45 p.m.



Michael Marchand, Vice-Chair

Prepared by Polly Stoker and Katrina Van Every for
Washington State Boundary Review Board for Thurston County