



COUNTY COMMISSIONERS

John Hutchings
District One
Gary Edwards
District Two
Tye Menser
District Three

BOUNDARY REVIEW BOARD

Creating Solutions for Our Future

MEETING NOTICE & AGENDA

WHEN: Monday, April 22, 2019 – 7:30 p.m.

WHERE: Conference Room A
Thurston Regional Planning Council
2424 Heritage Court SW Suite A
Olympia, WA 98502

For information contact: Katrina Van Every, Chief Clerk
Thurston County Boundary Review Board
360. 971.7575
brbchiefclerk@trpc.org

AGENDA

- A. **Call to Order**
 - 1. Attendance
 - 2. Review and Approval of Agenda
 - 3. Public Comment
- B. **Approval of Minutes**
 - 1. March 28, 2019
- C. **Decision**
 - 1. ANNEX2018-05: City of Lacey Steilacoom/Marvin Rd Annexation
- D. **Adjournment**

ENCLOSURES

- A. Minutes for March 28, 2019
- B. Draft Written Decision ANNEX2018-05

The final agenda and meeting packet will be posted online at:
www.trpc.org/925/Meeting-Agendas-Minutes

If you need special accommodations to participate in a meeting, please call by 10:00 A.M. three days prior to the meeting. Ask for the ADA Coordinator. For TDD users, please use the state's toll-free relay service, 711 and ask the operator to dial 360.956.7575.

MINUTES OF MEETING

THURSTON COUNTY BOUNDARY REVIEW BOARD

Thursday, March 28, 2019

Thurston Regional Planning Council, Room A, 7:00pm

2424 Heritage Court SW, Suite A

Olympia, WA 98502

Chair Michael Marchand called the meeting to order at 7:00pm

CALL TO ORDER

Attendance

- **Members Present:** Chair Michael Marchand, Vice-Chair Lance Caputo, Mr. Gary Pearson
- **Members Excused:** Mr. William Kilpatrick
- **Staff Present:** Chief Clerk Katrina Van Every, Office Specialist III Dorinda O'Sullivan, Rick Peters, Thurston County Prosecuting Attorney
- **Others:** Ryan Andrews, City of Lacey; Travis Burns, Thurston County Deputy Prosecuting Attorney; Jeremy Davis, Thurston County;

Review and Approval of Agenda. Mr. Caputo moved to approve the agenda. Mr. Pearson seconded. Motion carried.

Public Comment. None given.

APPROVAL OF MINUTES

Vice-Chair Caputo moved to approve the minutes from January 22, 2019 and February 7, 2019. Chair Marchand seconded. Motion carried.

PUBLIC HEARING

Chair Marchand called the public hearing to order for ANNEX2018-05 – the City of Lacey Steilacoom/Marvin Rd Annexation. Chair Marchand explained the purpose of the hearing is to hear testimony and gather facts on the annexation proposal before them. Chair Marchand asked if anyone has items that are not already in the record please submit them to the chief clerk at this time. City of Lacey submitted two exhibits. Chief Clerk Van Every asked if anyone else would like to speak that has not signed up.

Chief Clerk Van Every 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 Van Every gave a brief overview of the annexation proposal before the Board. The applicant filing the notice of intent was the City of Lacey, Thurston County submitted a request for review on January 14, 2019. Attachment A exhibit one: A map of the annexation area submitted by City of Lacey is 259.1 acres in area which include the RAC, vacant property owned by the City of Lacey, Nisqually Middle School, Ostrom's Mushroom farm, Rainier Vista mobile home park, Lacey Fire District 3, and a water tower site owned by City of Lacey.

Thurston County requested the annexation be expanded to include an additional 120 acres encompassing the Hawks Ridge, Bicentennial Loop, Hawks Glen, and Steilacoom Heights neighborhoods, River Ridge Covenant Church, and a few smaller subdivisions for a total of 379.1 acres.

Testimony:

The following provided public testimony:

- Ryan Andrews, City of Lacey Planning Manager. Mr. Andrews gave a brief overview of the annexation proposal, indicating that the City of Lacey received a petition for annexation from the owner of Rainier Vista Mobile Home Park. The City Council had previously determined that annexing the RAC into the city was a priority since the city maintains and owns the property. The City of Lacey, North Thurston Public Schools, Lacey Fire District 3, and Ostrom's Mushroom Farm all signed on to the petition for annexation. Mr. Andrews indicated that the City and Thurston County agree that the expanded annexation, as proposed by Thurston County, does result in more logical boundaries.

The original annexation area (Alternative #1) includes 259.1 acres and 12 parcels with a total assessed value of \$39,941,500. However most of the property is government-owned and exempt from paying property taxes. For Alternative #1, the City of Lacey would need to hire two police officers to provide police protection and serve as a school resource officer with an annual operating cost of \$302,540.

The expanded annexation area (Alternative #2) includes 446 tax parcels with a total assessed value of \$92.6 million. The City of Lacey would need to hire three police officers to provide police protection and serve as a school resource officer with an annual operating cost of \$607,560.

The Board asked questions of Mr. Andrews regarding RAC revenues, police protection, and differences in the southern boundary of the two proposals. Mr. Andrews explained that the RAC does not break-even regarding revenues – even with the additional property taxes – but that the city hopes the shortfall is made up by revenue through lodging taxes and spending at local businesses and restaurants. Mr. Andrews also explained that the city and Thurston County have an interlocal agreement for mutual aid regarding police protection. Regarding the southern boundary of the annexation area, the only difference between the two proposals is that River Ridge Covenant Church is included in the expanded annexation area (Alternative #2).

- Travis Burns, Thurston County Deputy Prosecuting Attorney; Jeremy Davis, Thurston County Community Planning and Economic Development. Mr. Burns stated Thurston County doesn't

object to the city's annexation and that the city and County are largely in agreement on the proposed expanded annexation area. Water and sewer services remain the same regardless of the proposed annexation. However, police services would change. If the annexation were approved as originally proposed by Thurston County, then Thurston County Sheriff's office would have to cross through the City of Lacey to get to some of the neighborhoods. If the annexation were approved as proposed by Thurston County, then these neighborhoods would be protected by the Lacey Police Department.

The Board asked questions of Mr. Burns and Mr. Davis regarding the city/county line near the Hawks Glen neighborhood; why there were changes to the proposed boundaries of the annexation area; whether any neighborhoods were being split up with the proposed expanded annexation area; what the zoning of the area is; and the existing boundaries of the City of Lacey. Mr. Davis indicated that the city of Lacey boundary to the north of the annexation area does not extend past the Hawks Glen neighborhood and that the annexation area as proposed by the City of Lacey is based on having 100% agreement from the affected property owners. Thurston County's proposal for the expanded annexation area was intended to preserve neighborhoods, and the natural boundaries of affected neighborhoods is retained so that they are not split up.

- Chief Clerk Van Every listed the Public Hearing exhibits received to date:
 1. Boundary Review board Staff Memorandum dated March 22, 2019
 2. Thurston County Position Statement Received March 20, 2019
 3. FAQ: City of Lacey and Thurston County
 4. Written Public Comment Received as of March 27, 2019
 5. Lacey – Alternative #1, Summary of the original proposal
 6. Lacey – Alternative #2, Summary of the expanded proposal

- Cory Corrado, 8738 Hawks Glen Loop. Mr. Corrado stated he would like his property to stay Thurston County because he loves having open fires in the summer time. Mr. Corrado indicated until recently there were trees behind his property but now the city has allowed apartments to be built. Negative impacts from this development include debris and pollen in his yard and the ability to hear traffic from as far away as I-5, which he never heard before. Mr. Corrado feels the zoning is changing to fit the city's needs. The City constructed a new road for the apartments, which dead ends at the back of Mr. Corrado's property. Since the road was constructed, Mr. Corrado has experienced property damage and theft.

The Board asked questions of Mr. Corrado regarding the road that dead ends at his property and whether he was opposed to the annexation. Mr. Corrado indicated that the road does in fact dead end at his property and abuts his fence. Mr. Corrado asked if changing from Thurston County to the City of Lacey won't help with revenue, why change it. Mr. Corrado also indicated that changing from Thurston County Sheriff's Office to the Lacey Police Department may result in more conflicts since the Sheriff's Office has a rapport with the people in the area. Mr. Corrado indicated that he is opposed to the annexation, but that he is not opposed to progress or making this work and doesn't want his neighborhood included in the annexation. Mr. Corrado also indicated that the lift station the city of Lacey recently installed is an eye sore.

- Dana Stinsby, 440 Peregrine. Ms. Stinsby stated that with the removal of the green belt adjacent to her property, lights from the retirement home, drug treatment facility and the apartment buildings have impacted her property. Ms. Stinsby also stated that the added pavement in these new developments have caused standing water to appear in her backyard and increased the presence of mosquitos. Traffic is getting so bad on Martin Way that, where it used to take 10 minutes to get to the freeway, it can now take over 30 minutes during rush hour. When Ms. Stinsby first bought her home, Marvin Road was three lanes and now it is five. Ms. Stinsby asked if Hawks Ridge is annexed into the City who is then responsible for the roads in the neighborhood and for fixing potholes/curbs. Ms. Stinsby is opposed to the annexation.

Chief Clerk Van Every explained notice was provided through posting in the annexation area, through a legal advertisement in The Olympian, and through notices sent to property owners and registered voters in the annexation area. The purpose of the second hearing is for the homeowners to speak regarding the expanded annexation area and make their voices heard.

Mr. Peters noted that Exhibit 4 includes two pieces of written public comment that is included in the record.

Being no further questions of the petitioners or the public, Chair Marchand asked the Board if they had enough information to close the public testimony portion of the hearing.

Mr. Pearson moved to close the public testimony portion of the hearing. Mr. Caputo seconded. Motion carried.

WORK SESSION

Chair Marchand read the factors and objectives. The Board began their discussion of the factors and objectives. Rick Peters proposed the board recess the public hearing tonight until April 9th unless there's a motion and second on the proposal for tonight.

DECISION OR CONTINUATION

Chair Marchand proposed recessing the hearing and keeping the public comment open until reconvening on April 9, 2019 at 7pm at Nisqually Middle School, 8100 Steilacoom Rd SE, Lacey, WA 98503, noting that notice of the scheduled hearing on the expanded annexation area that will occur on that date was sent to property owners and registered voters in the expanded annexation on March 18, 2019.

Vice Chair Caputo moved to direct staff to request the city of Lacey and Thurston County provide additional information regarding zoning and development impacts of the annexation area and expanded annexation area as it relates to moving from county to city jurisdiction. Mr. Pearson seconded. Motion carried.

Chair Marchand moved to recess the hearing on ANNEX2018-05 until April 9, 2019 at 7pm at Nisqually Middle School, 8100 Steilacoom Rd SE, Lacey, WA 98503, keeping the record open to additional public comment until then. Mr. Pearson seconded. Motion carried.

ADJOURNMENT

At 8:40 pm, Chair Marchand recessed the hearing until April 9, 2019, 7pm at Nisqually Middle School.

1 BEFORE THE WASHINGTON STATE
2 BOUNDARY REVIEW BOARD
3 FOR THURSTON COUNTY
4

5 CITY OF LACEY PROPOSED ANNEXATION OF 410 ACRES

6 FILE NO. ANNEX2018-05

7 FINDINGS AND FINAL DECISION OF THE BOUNDARY REVIEW BOARD
8

9 **I. PROCESS AND PROCEDURE**

10 The City of Lacey (“City”) submitted a Notice of Intention to the Washington State Boundary
11 Review Board for Thurston County (“Board”) on November 30, 2018 for the Steilacoom/Marvin
12 Rd Annexation (ANNEX2018-05) to annex approximately 259.1 acres of land in Thurston
13 County (“County”) located within the City’s Urban Growth Area. The Steilacoom/Marvin Rd
14 Annexation is located generally at the intersection of Steilacoom Road SE and Marvin Road SE.
15 Municipal annexations are subject to review by the Board under RCW 36.93.090. The proposal
16 for the annexation was initiated by the property owners through the 60% petition method
17 pursuant to RCW 35A.14.120. The Chief Clerk circulated the Notice of Intention to affected
18 jurisdictions for a 45-day period for review ending on January 14, 2019. RCW 36.93.100.

19 On January 14, 2019, County submitted a Petition for Review to invoke review by the
20 Boundary Review Board and requested that the boundaries of the annexation area be expanded to
21 include an additional 250 acres. This request was revised on February 22, 2019 to reduce the
22 expanded annexation area. The legal description for this revised area (Exhibit 9) shows that 150
23 additional acres are proposed to be included in the annexation, bringing the total area to 410
24 acres, more or less.

25 A decision is due by May 14, 2019, or 40 calendar days after the final public hearing,
26 whichever comes first. RCW 36.93.100 and 36.93.160. The Boundary Review Board has a
27 maximum of 120 calendar days after jurisdiction is invoked for the first time to hold a public
28 hearing and render a decision. RCW 36.93.100.

29 The Board set public hearing dates at their February 7, 2019 meeting for consideration of
30 the annexation itself and consideration of expanding the boundaries of the annexation area. The
31 public hearing to consider the annexation was duly noticed and held at 7:00 P.M. on Thursday
32 March 28, 2019 in Conference Room A at the offices of Thurston Regional Planning Council,
33 2424 Heritage Court SW Olympia, Washington 98502. The meeting was recessed and re-opened
34 on April 9, 2019. The public hearing to consider expanding the boundaries of the annexation
35 area to include an additional 120 acres was held at 7:00 P.M. on Tuesday, April 9, 2019 in the
36 cafeteria at Nisqually Middle School, 8100 Steilacoom Rd SE, Lacey Washington 98503.

37 The Board does not review the validity of a review request until after a public hearing has
38 been held. RCW 36.93.100 and 36.93.160. No rule or provision of state law allows for the
39 Board to review the validity of a request for review when jurisdiction is invoked pursuant to state
40 law. The Board may reject a request for review when the request does not meet the thresholds for
41 requesting review in state law. RCW 36.93.100.

42 Ten exhibits were submitted and made part of the record including:

43 Exhibit 1: Boundary Review Board Staff Memorandum dated March 22, 2019

44 Attachment A: Map of Annexation Area

45 Attachment B: Map of Expanded Annexation Area

46 Attachment C: Notice of Intention

47 Attachment D: Thurston County Review Request

- 48 Attachment E: Thurston County Revised Request
- 49 Attachment F: March 20, 2019 Thurston County Memorandum
- 50 Attachment G: Excerpts from State Law
- 51 Attachment H: Joint Planning Agreements
- 52 Attachment I: County-wide Planning Policies
- 53 Attachment J: Public Notice Information
- 54 Exhibit 2: Thurston County Position Statement Received March 20, 2019
- 55 Attachment a: Map of Annexation Area, as Amended
- 56 Attachment b: Joint Planning Agreements
- 57 Attachment c: County-Wide Planning Policies
- 58 Attachment d: Lacey/Thurston County 1990 Annexation Agreement
- 59 Attachment: Interlocal Cooperation Agreement for Mutual Aid Between
- 60 Thurston County Law Enforcement Agencies
- 61 Exhibit 3: FAQ: City of Lacey and Thurston County
- 62 Exhibit 4: Written Public Comment Received as of March 27, 2019
- 63 Exhibit 5: Lacey – Alternative #1 Summary
- 64 Exhibit 6: Lacey – Alternative #2 Summary
- 65 Exhibit 7: April 4, 2019 Memo from the Chief Clerk
- 66 Attachment A: April 3, 2019 Press Release
- 67 Attachment B: Affidavit of Posting for April 9, 2019 Public Hearing
- 68 Exhibit 8: April 4, 2019 Joint Zoning Memo from City of Lacey and Thurston County
- 69 Exhibit 9: Thurston County – Legal Description for Expanded Annexation Area
- 70 Exhibit 10: Written Public Comment Received as of April 8, 2019

71 The Board has limited discretion in state law regarding its decision-making authority. According
72 to RCW 36.93.150, the Board may:

73 (1) Approve the proposal as submitted;

74 (2) Subject to RCW 35.02.170, modify the proposal by adjusting boundaries to add or delete
75 territory.

76 (3) Determine a division of assets and liabilities between two or more governmental units where
77 relevant.

78 (4) Determine whether, or the extent to which, functions of a special purpose district are to be
79 assumed by an incorporated city or town, metropolitan municipal corporation, or another existing
80 special purpose district.

81 (5) Disapprove the proposal (...)

82 The board shall not modify or deny a proposed action unless there is evidence on the record to
83 support a conclusion that the action is inconsistent with one or more of the objectives under
84 RCW 36.93.180. (...)

85 The Board may make a decision under RCW 36.93.150 (1), (2), (3), and (5). In order to add
86 area, the Board had to include this area in a public hearing notice and notify affected property
87 owners, which occurred.

88 The Board may not make a decision under RCW 36.93.150(4) because the functions of the
89 Lacey Fire District 3 – by which the annexation area is served and the city of Lacey is annexed
90 to – do not change. Once the property it is annexed into the City, Lacey Fire District 3 will
91 continue to serve it. Pursuant to RCW 52.04.091, fire district boundaries automatically change
92 upon annexation by a city that has annexed into a fire district.

93

94 **II. FINDINGS**

95 **A. FACTORS TO BE CONSIDERED BY THE BOARD (RCW 36.93.170):**

96 In reaching its decision, the Board considered all factors listed in RCW 36.93.170. The Board
97 discussed the County and the City’s jointly-adopted common comprehensive plan for the Lacey
98 Urban Growth Area, including joint plan zoning designations under the Washington State
99 Growth Management Act (“GMA”). Looking at the GMA, the Board determined that the City is
100 a full municipal service provider, that the proposed annexation area is within the City’s sewer
101 and water service area, and that the City already provides services to this area. The City is part
102 of Fire District No. 3 to address fire and emergency services; and that the City will provide
103 police services, including the addition of three police officers to serve this area. Under the
104 GMA, the state legislature intends that cities are to be the primary provider of urban services.
105 From evidence provided and testimony given, the Board determines that the factors under RCW
106 36.93.170 are not adversely affected by this annexation proposal.

107 **B. OBJECTIVES TO BE CONSIDERED BY THE BOARD (RCW 36.93.180)**

108 RCW 36.93.180 sets out nine objectives which the Board is to “attempt to achieve” by its
109 decision.

110 Having reviewed all of the objectives identified in RCW 36.93.180, the Board determined the
111 following objectives do not support or are not applicable to the proposal, as originally submitted
112 by the City of Lacey:

113 3. Creation and preservation of logical service areas.

114 The annexation area will be served by the City of Lacey Police and Fire District #3 via city
115 streets but will require Thurston County Sheriff’s deputies to travel through incorporated areas to
116 serve unincorporated Thurston County residents.

117 4. Prevention of abnormally irregular boundaries.

118 The annexation will result in abnormally irregular boundaries by leaving out neighborhoods
119 adjacent to the annexation area, resulting in unincorporated county peninsulas.

120 5. Discouragement of multiple incorporations of small cities and encouragement of
121 incorporation of cities in excess of ten thousand population in heavily populated urban areas.
122 No new cities are being incorporated with this action.

123 6. Dissolution of inactive special purpose districts.
124 No special purpose districts are being dissolved with this action.

125 7. Adjustment of impractical boundaries.
126 The annexation will result in an impractical boundary by creating unincorporated county
127 peninsulas.

128 9. Protection of agricultural and rural lands which are designated for long term productive
129 agricultural and resource use by a comprehensive plan adopted by the county legislative
130 authority.

131 Ostrom's Mushroom Farm, located within the annexation area is considered an agricultural use,
132 but it is a nonconforming use and is not designated for long term agricultural production. No
133 other agricultural lands or resource uses designated in the County's Comprehensive Plan are
134 included in the annexation area.

135 The Board determined the following six objectives are supported by the modified proposal, as
136 proposed by Thurston County:

137 1. Preservation of natural neighborhoods and communities.

138 The expanded annexation preserves the existing neighborhoods and communities of
139 Bicentennial, Hawksridge, Hawks Glen, Steilacoom Heights, and the Rainier Vista mobile home
140 park, as well as other smaller subdivisions in the area.

141 2. Use of physical boundaries, including but not limited to bodies of water, highways, and
142 land contours.

143 The boundary with the City lies to the north of the annexation. The expanded annexation
144 generally follows the current City boundaries south on the east and the west to Steilacoom Road,
145 and property lines to the south. The expanded annexation will prevent illogical boundaries
146 creating an unincorporated county peninsula.

147 3. Creation and preservation of logical service areas.

148 The expanded annexation area will be served by the City of Lacey Police and Fire District #3 via
149 city streets and will not need to travel through unincorporated County. The annexation area is
150 already served by the City of Lacey sewer and water utilities whether or not it is annexed by the
151 City.

152 4. Prevention of abnormally irregular boundaries.

153 The expanded annexation will prevent abnormally irregular boundaries by including adjacent
154 neighborhoods in the annexation area.

155 7. Adjustment of impractical boundaries.

156 The expanded annexation will prevent an impractical boundary by including adjacent
157 neighborhoods that would otherwise be bypassed, creating unincorporated county peninsulas.

158 8. Incorporation as cities or towns or annexation to cities or towns of unincorporated areas
159 which are urban in character.

160 The expanded annexation area is located within the City’s planned Urban Growth Area, is
161 already largely developed at urban densities, and is urban in character.

162 All parties were permitted to comment on whether or not the proposed annexation meets or does
163 not meet the above objectives. No party at the public hearing contested that the proposed
164 annexation meets one or more of the objectives above.

165 C. GMA CONSIDERATIONS

166 The Board is required to ensure its decisions are consistent with sections of the Growth
167 Management Act (GMA) including the goals of the GMA in RCW 36.70A.020, the location of
168 the annexation is in an Urban Growth Area in RCW 36.70A.110, and whether the decision is
169 consistent with the County-Wide Planning Policies in RCW 36.70A.210, which are addressed
170 below.

171 The Board does not make land use decisions and does not make decisions on whether or not an
172 adopted Comprehensive Plan is consistent with the Growth Management Act and its goals. This
173 is the purview of the Growth Management Hearings Board. RCW 36.70A.280 & 36.70A.320.

174 The City and County plans under the GMA and adopted plans must be consistent with GMA
175 goals. RCW 36.70A.020. Comprehensive plans adopted by the City and County are valid upon
176 adoption. RCW 36.70A.320. The Board determined that the following state planning goals
177 under RCW 36.70A.020 are applicable:

- 178 1. Urban growth. Encourage development in urban areas where adequate public facilities
179 and services exist or can be provided in an efficient manner.
- 180 2. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling,
181 low-density development.

182 3. Transportation. Encourage efficient multimodal transportation systems that are based on
183 regional priorities and coordinated with county and city comprehensive plans.

184 4. Housing. Encourage the availability of affordable housing to all economic segments of
185 the population of this state, promote a variety of residential densities and housing types, and
186 encourage preservation of existing housing stock.

187 9. Open space and recreation. Retain open space, enhance recreational opportunities,
188 conserve fish and wildlife habitat, increase access to natural resource lands and water, and
189 develop parks and recreation facilities.

190 11. Citizen participation and coordination. Encourage the involvement of citizens in the
191 planning process and ensure coordination between communities and jurisdictions to reconcile
192 conflicts.

193 12. Public facilities and services. Ensure that those public facilities and services necessary to
194 support development shall be adequate to serve the development at the time the development is
195 available for occupancy and use without decreasing current service levels below locally
196 established minimum standards.

197 The Board determined that the comprehensive plans for Urban Growth Areas adopted by the
198 City and County under RCW 36.70A.110 are applicable:

199 • RCW 36.70A.110(1): Each county that is required or chooses to plan under RCW
200 36.70A.040 shall designate an Urban Growth Area or areas within which urban growth shall be
201 encouraged and outside of which growth can occur only if it is not urban in nature.

202 • RCW 36.70A.110(3): Urban growth should be located first in areas already characterized
203 by urban growth that have existing public facility and service capacities to serve such
204 development, and second in areas already characterized by urban growth that will be served by

205 combination of both existing public facilities and services and any additional needed public
206 facilities and services that are provided by either public or private sources. Further, it is
207 appropriate that urban government services be provided by cities, and urban government services
208 should not be provided in rural areas.

209 • RCW 36.70A.110(4): In general, cities are the units of local government most
210 appropriate to provide urban governmental services.

211 • RCW 36.70A.110(6): Each county shall include designations of Urban Growth Areas in
212 its comprehensive plans.

213 Here, the annexation is located entirely within the City's Urban Growth Area. The joint land use
214 and zoning designation within the annexation was adopted by both the City and the County. No
215 evidence has been provided that the City and County comprehensive plans are not compliant
216 with the GMA. The City provided sufficient documentation that the City has the obligation to
217 provide an adequate range of urban services and utilities to the subject properties in a timely and
218 efficient manner.

219 The GMA requires the adoption of countywide planning policies that address, among other
220 things, policies for promotion or contiguous and orderly development of urban services.

221 Thurston County has adopted county-wide planning policies that were last updated in 2015
222 (Exhibit 1, Attachment I). The Board determined that the county-wide planning policies under
223 RCW 36.70A.210(1) are applicable to this decision, and that the decision is consistent with the
224 county-wide planning policies.

225 D. DIVISION OF ASSETS AND LIABILITIES

226 The Board may determine the division of assets and liabilities between two governmental units
227 pursuant to RCW 36.93.150(3). In the present case, this would include the City and the County.

228 The Board did not determine a division of assets and liabilities between the City and the County.

229

230

III. DECISION

231 The Board has considered all of the facts, testimony and exhibits offered at the public hearings

232 and the meeting as well as the material contained in said Lacey Steilacoom/Marvin Rd

233 Annexation File (ANNEX2018-05). According to the findings above, the Board may approve,

234 modify, or deny the annexation. Modification and denial are only allowed if there is evidence in

235 the record that the annexation is inconsistent with one or more of the objectives in RCW

236 36.93.180. RCW 36.93.150. Based upon the above findings, and having weighed the statutory

237 factors and objectives deemed relevant to the proposed annexation, a motion was made and

238 seconded, and passed by a vote of 3 to 0 (William Kilpatrick absent) to reject the initial

239 annexation proposed by the City of Lacey for the reasons described above in the Findings and to

240 approve the modified City of Lacey Steilacoom/Marvin Rd Annexation proposed by Thurston

241 County for the reasons described above in the Findings to add 150 acres of territory for a total of

242 approximately 410 acres, the legal description of which is as follows:

243 BEGINNING at the Northwest corner of the Northeast Quarter of Section 14, Township 18

244 North, Range 1 West, W.M.; thence easterly along the north line of said subdivision to the

245 Northeast corner of said section; thence easterly along the north line of the Northwest Quarter of

246 Section 13, Township 18 North, Range 1 West to the Northeast corner of said subdivision;

247 thence southerly along the east line of said Northwest Quarter to the southerly right of way of

248 Steilacoom Road Southeast; thence southwesterly along said right of way to the east line of Tract

249 X of the Plat of Madrona Park 5, recorded under Auditor's File No. 3417425, records of

250 Thurston County, Washington; thence southerly along said east line of said Tract X to the north

251 line of the Northwest Quarter of the Southwest Quarter of said Section 13; thence easterly along
252 said north line to the Northeast corner of said subdivision; thence southerly along the east line of
253 said subdivision to the south line thereof; thence westerly along said south line to the west line of
254 said subdivision; thence westerly along the south line of the Northeast Quarter of the Southeast
255 Quarter and Northwest Quarter of the Southeast Quarter of Section 14, Township 18 North,
256 Range 1 West, W.M. to the west line of said Southeast Quarter; thence westerly along the south
257 line of the Northeast Quarter of the Southwest Quarter of said Section 14, to the Southwest
258 corner of Lot 2 of the Amended Boundary Line Adjustment BLA-1732, recorded on April 4th,
259 1996, under Auditor's File No. 3022894, records of Thurston County, Washington; thence
260 northerly along the west lines of Lot 1 and 2 of the above said BLA-1732 and the extension
261 thereof to the northerly right of way line of Steilacoom Road Southeast; thence northeasterly
262 along said right of way to the north-south center line of said section 14; thence northerly along
263 said north-south center line to the point of beginning.

264 Containing 410 +/- acres.

265 The Board further determined that the modified annexation proposal is consistent with the intent
266 of RCW 36.93 and the Growth Management Act as described above in the Findings.

267 EXCEPTING THEREFROM the south 30 feet of the west 245 feet of said Northeast Quarter of
268 the Southeast Quarter of Section 14.

269 THEREFORE, BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW
270 BOARD FOR THURSTON COUNTY that the City of Lacey proposal, as modified by the
271 Board, to annex approximately 490.1 acres in Thurston County, File No. ANNEX2018-05, is
272 hereby APPROVED.

273 ADOPTED BY THE BOUNDARY REVIEW BOARD by a vote of 3 to 0 in favor of the motion
274 to approve on the 9th day of April 2019 and signed in authentication on the 22nd day of April
275 2019.
276

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

FOR THE WASHINGTON BOUNDARY
REVIEW BOARD FOR THURSTON
COUNTY

Rick Peters
Deputy Prosecuting Attorney

Michael Marchand, Chair

FILED BY ME ON THIS _____ DAY OF
APRIL 2019

Lance Caputo, Vice-Chair

KATRINA VAN EVERY, CHIEF CLERK

William Kilpatrick, Member

Gary Pearson, Member

277 Pursuant to RCW 36.93.160 (5), the decision of the Boundary Review Board regarding this proposal shall be final
278 and conclusive unless within thirty (30) days from the date of the Board's action a governmental unit affected by the
279 decision or any person owning real property or residing in the area affected by the decision files in Superior Court a
280 notice of appeal.

281 NOTE: The 30-day appeal period expires on May 22, 2019.