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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Creating Solutions for Our Future

Joshua Cummings, Director

ATTACHMENT B

TO: Board of County Commissioners

FROM: Andrew Boughan, Associate Planner

DATE: November 10, 2021

SUBJECT: Comprehensive Code Docket #CP19 – Up Castle Land Use & Rezone Amendment – Relevant State Law and Comprehensive Plan Policies

Relevant State Law

- [RCW 36.70A.020 – Planning Goals:](#)
 - (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
 - (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
 - (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- [RCW 36.70A.030\(23\)](#) defines ‘rural character’ as that which “refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:
 - a. In which open space, the natural landscape, and vegetation predominate over the built environment;
 - b. That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

- c. That provide visual landscapes that are traditionally found in rural areas and communities;
 - d. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
 - e. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
 - f. That generally do not require the extension of urban governmental services; and
 - g. That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.”
- [RCW 36.70A.030\(28\)](#) defines ‘urban growth’ as “growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth.”
 - [RCW 36.70A.070\(5\)\(d\)](#) states “Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:
 - i. Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.
 - A. A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.
 - B. Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.
 - C. Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);
 - ii. The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

- iii. The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;
 - iv. A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;
 - v. For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:
 - A. On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;
 - B. On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or
 - C. On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5)."
- [RCW 36.70A.110\(4\)](#), "In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development."

Land Use Guidelines within the Comprehensive Plan

The following is an excerpt from the Thurston County Comprehensive Plan, Chapter 2, page 2-10 regarding general guidelines for land use decisions:

General Decision-Making Guidelines	
Citizen Preference Identified through Public Process	Desires of the citizenry for certain types of land uses over other types should be an important consideration in making land use decisions. Citizen preference is important, for example, when deciding to give weight to one factor over another, or in deciding among conflicting factors.
Impacts on Economy, Employment, Tax Base	A variety of factors associated with these impacts should be considered when making land use designation decisions. For example, a county-wide balance should be maintained between residential and industrial/commercial/agricultural/ forestry areas in order to enhance and provide diversity to the county's tax base and employment opportunities
Easy to Identify Boundaries	The boundaries of land use designations should follow easily identified features on the land, such as utility corridors or observable terrain changes. When areas with severe limitations for development (e.g., soils, geology, flooding) do not coincide with such identifiable landmarks, the boundaries should be drawn with land capability in mind.

The following is an excerpt from the Thurston County Comprehensive Plan, Chapter 2, page 2-11 regarding rural area designations in Thurston County:

The purpose of rural areas as defined by the County in compliance with the GMA is:

- ❖ To support the rural aspects of Thurston County.
- ❖ To protect areas with environmental constraints and preserve and buffer natural resource areas of agriculture, forestry, aquaculture, mineral deposits and fish and wildlife habitats from encroachment by or irreversible conversion to more intense uses.
- ❖ To allow low intensity residential uses which do not require a high level of public services and facilities.
- ❖ To protect and promote natural resource-based industries.
- ❖ To protect “rural character” as defined in RCW 36.70A.030(14) as “the patterns of land use and development established by a county in the rural element of its comprehensive plan:
 - (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
 - (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.”

Rural areas are characterized by a balance between the natural environment and human uses with low density residential dwellings, farms, forests, mining areas, outdoor recreation and other open space activities. Commercial uses will be small in scale and will provide convenience services to the rural neighborhood. Industrial uses will generally be those that are related to and dependent on natural resources such as agriculture, timber or minerals. Home-based occupations and industries will be allowed throughout the rural area provided they do not adversely affect the surrounding residential uses. Rural area residential densities will commonly be one dwelling unit per five, ten, or twenty acres.

The following is the Rural Resource Industrial land use designation within the Thurston County Comprehensive Plan, Chapter 2, page 2-29:

RURAL RESOURCE INDUSTRIAL	
Purpose	<p>To provide areas for natural resource based industrial uses, located near agriculture, forest and mineral resource lands.</p> <p>To provide areas where industrial uses may locate that involve the processing, fabrication, wholesaling and storage of products associated with natural resource uses</p> <p>To provide areas where industrial uses may locate that are functionally and visually compatible with the character of the rural area.</p>
Definition and Characteristics	<p>This industrial designation applies within the rural area of the County. A wide range of natural resource-related uses may be accommodated which are dependent upon agriculture, forest practices or mineral extraction or industries that are dependent upon a rural setting.</p> <p>Industrial areas and development shall be functionally and visually compatible with the surrounding rural area and uses in order to protect the rural character. (Note that additional</p>

RURAL RESOURCE INDUSTRIAL	
	industrial areas are located in the Rochester-Grand Mound area, as well as the Yelm Urban Growth Area. These areas are described in the corresponding Subarea or Joint Plan.)
Locational Guidelines	<p><i>Land Capability and Environmental Characteristics.</i> Land should be capable of supporting industrial development with minimal environmental constraints. Particularly important is the ability to support uses without significant adverse effects on surface or ground water. Land should generally be level and free of critical areas.</p> <p><i>Natural Resources.</i> The area should be located so that development will not detrimentally impact agriculture, forestry, aquaculture or other natural resource uses. The area to be designated industrial should itself have minimal potential for natural resource management/utilization.</p> <p><i>Public Services:</i></p> <p><u>Utilities.</u> Utility services should be at levels appropriate to serve the rural area and the intensity of proposed industrial activity. Industrial development will be limited to uses not requiring public sewer and where the land can support the industrial uses with on-site septic systems and water without adversely affecting surface or groundwater.</p> <p><u>Transportation.</u> Rural industrial areas should rely either on rail service or be within close proximity of a freeway interchange or state highway. Such areas shall have direct access to arterial or collector roads and shall not result in significant adverse traffic impacts on surrounding rural areas and uses.</p> <p><i>Existing Land Use.</i> Uses within this designation shall be compatible with rural character, which includes both functional and visual components. The functional component describes land put to uses that are dependent on a rural setting. For example, sawmills should be close to forest lands. An industry that has no orientation to rural or resource based activities is not dependent upon a rural location. If rural lands and/or rural uses on those lands will be interfered with by the traffic, light, noise, etc. from a proposed industrial use, then that use is incompatible with rural character.</p>

RURAL RESOURCE INDUSTRIAL	
	The visual component describes the visual attributes of the traditional rural landscape. If the visual character of the rural landscape is unduly disrupted or altered by a proposed use, then that use is incompatible with rural character. Site design, landscaping, design and construction of internal and access roads and building scale should reinforce the set boundaries and rural nature of the industrial area to further discourage future industrial expansion beyond the industrial boundary.

Relevant Comprehensive Plan Policies

An amendment to the land use could potentially impact the surrounding residential uses and rural character (traffic increases, noise, sound, lights, habitat, agriculture). There is already an existing industrial use (warehouse) on the properties to the south of the subject property, located in Lewis' County Urban Growth Area. The proposed code amendment would have farther reaching impacts in other areas of the county and may impact residential uses and rural character beyond the area surrounding the subject properties.

Chapter 2—Land Use

- **Goal 1, Objective A, Policy 8:** New industrial uses in rural areas (other than small scale home-based industries) should generally be those appropriate to the lower densities and land uses of rural areas, such as:
 - a. Industries related to and dependent on natural resource of agriculture, aquaculture, timber, and minerals and
 - b. Industries that are functionally and visually compatible with the character of the rural area and dependent upon a rural setting
- **Goal 1, Objective B, Policy 10:** Rezoning of any parcel with a rural designation to a different designation should only occur when:
 - a. Circumstances have substantially changed since the current land use designation/zoning was adopted and the definition, characteristics or locational guidelines for the current district no longer apply;
 - b. The rezone would promote the general welfare of the affected community;
 - c. The rezone would maintain or enhance environmental quality; or
 - d. Thurston County pursues a legislative rezone.
- **Goal 1, Objective B, Policy 11:** If rezoning is requested for a portion of a land use designation:
 - a. the impact of a proposed rezone on landowners remaining in the original designation should be evaluated and considered;

- b. the proposed rezone should only be allowed if there is projected to be minimal adverse impact on neighboring landowners and on the continued use of a rural district for natural resource-based industries or conservation purposes;
 - c. regular, easily definable boundaries should be maintained; and
 - d. the rezoning should not increase the demand for urban levels of service.
- **Goal 2, Objective C, Policy 9:** “The highest levels of public services and facilities should be provided in urban growth areas, but may be provided at lesser levels in the smaller towns’ urban growth areas. Some services and facilities may only be provided after areas incorporate or are annexed to adjacent cities or towns. These urban services and facilities may include water supply; sanitary and storm sewers; police and fire protection; paved streets with curbs, sidewalks and street lights; and public transit and bicycle paths...”

Chapter 3 – Natural Resources

- **Goal 1:** Preserve agricultural land in order to ensure an adequate land base for long-term farm use. (This applies to all agricultural land, including areas outside of agriculture of long-term commercial significance).
- **Objective A:** Conserve (no net loss) and enhance agricultural lands for long-term farming use

Chapter 8—Economic Development

- **Goal 1, Objective A, Policy 11:** The county should support efforts to diversify Thurston County’s economy through the encouragement of more manufacturing-based industries and enhancement of other target industry clusters including: information-technology, healthcare, tourism, food production, manufacturing and wood products-forestry.
- **Goal 1, Objective D, Policy 3:** The county should designate industrial areas in sufficient quantity and quality to meet current and future needs.

County-Wide Planning Policies

- Policy 3.2g “Phase extensions of urban services and facilities concurrent with development and prohibit extensions of urban services and facilities, such as sewer and water, beyond urban growth boundaries except to serve existing development in rural areas with public health or water quality problems.”