Comprehensive Plan Amendments: 2018-2019 Docket (Item 12)  
Spooner (formerly Toft) Land Use Plan Amendment and Redesignation

Date: April 18, 2018  
Public Hearing Date: May 2nd, 2018

Prepared by: Krosbie Carter, Associate Planner

Proponent/Applicant: Tim and Sue Spooner

Action Requested: Amend the Land Use Plan and change the land use from MGSA to NC (Title 20) and rezone appropriately

Location: 8025 Yelm Highway SE, bordered by Spurgeon Creek Road on the east side of the parcel

APN: 11702430402

Acres: 3.75± of a 5± acre parcel

Current Land Use and Zoning: Vacant, MGSA

☐ Map Changes ☐ Text Changes ☐ Both ☒ Affects Comprehensive Plans/documents  
☐ Affected Jurisdictions

BACKGROUND

Application: The applicant requests approval of a site-specific Comprehensive Plan amendment and associated rezoning for 3.75± acres of a 5± acre site located at 8025 Yelm Hwy SE on the corner of Yelm Hwy SE to the north and Spurgeon Creek Rd to the east. The original request would change the land use and zoning from McAllister Geologically Sensitive Area (MGSA) to Neighborhood Convenience District (NC). Approximately 1.25± acres of the 5± acre property is already designated as NC.

Alternatively, the County is considering redesignating the 5-acre site as Rural Commercial Center (RCC), and, at the request of the Planning Commission, potentially expanding the RCC designation to include the one or two adjacent properties on the east side of Spurgeon Creek Rd to the east. Both adjacent properties are currently designated as NC and are approximately 1.1 acres total. One property is currently occupied by a gas station and convenience store, and the other is residential. Both properties are also within the MGSA. The applicant has expressed agreement with the alternative designation of RCC on their 5-acre property.

The amendment would amend Map M-15 Future Land Use in the Thurston County Comprehensive Plan. The “Official Zoning Map, Thurston County Washington” will be amended
to be consistent with the Comprehensive Plan future land use map. The full size of the three parcels under consideration for a Land Use Plan Amendment is approximately 6.1± acres.

**Property A:** Applicants’ 5-acre property, NC and MGSA designations (11702430402)

**Property B:** Adjacent 0.83± acre property, NC designation (11702430302)

**Property C:** Adjacent 0.25± acre property, NC designation (11702430300)

Figure 1. Area being considered for Land Use Plan Amendment: Property A (Applicants), B and C
Figure 2. Current Zoning of area being considered for Land Use Plan Amendment

**Applicant Property History:** The applicants’ property A is located in the area known as Kelly’s Corner, named after the Kelly family and Kelly Resort that opened in the early 1900s and spanned from the subject property and adjacent properties, to the southern edge of Lake Pattison. In 1924 the owner of the resort, A.G Kelly, built a large seven-bedroom craftsman-style house on the subject property. The Kelly Resort was operated until the early 1980s, when the resort was closed and the property sold.

The original house was located on the northeast corner of the property, in the area designated as NC. The house was vacant for many years and deemed uninhabitable, and was demolished in 2004. The property is now vacant and unused.

Records indicate the NC designation was in place on one acre of the subject property in 1984, and appears to be related to the development of Kelly’s Kustom Meat shop, just south of the home. This business was opened in 1983 and was a commercial use. Assessors Real Property Notes indicate that the Meat Shop was in existence as of March 22, 1991. The meat shop, along
with a barn and a garage, were both abandoned and subsequently demolished in 2004, along with the house. There are currently no structures on the property.

As of July 1, 1990, the 1.25± acres on the northeast corner of the lot was designated NC. The image below (Figure 3) shows the former location of the residential home, meat shop, garage and barn.

![Figure 3. Aerial photo of property A, at 8025 Yelm Highway SE, circa 1996](image)

**Adjacent property history:** There are two additional properties under consideration for redesignation as Rural Commercial Center. Property B to the east of Spurgeon Creek Road is parcel number 11702430302. This is an approximately 0.83-acre property of NC, located at 8031 Yelm Hwy SE, and currently a commercial use, with a gas station and convenience store. Assessors Fieldbook notes indicate that this parcel has been assessed in commercial use since the early 1970s. Historic zoning maps also indicate the zoning on the property has been NC since prior to 1979. Historic permit records show the construction of a commercial store in 1972.

Property C is east of the gas station, parcel number 11702430300. This property is approximately 0.24 acres of NC, located at 8049 Yelm Hwy SE, and currently used as residential. Records indicate that the occupied house on the property was built in 1901. The Assessors Fieldbook notes indicate that this property was originally part of property B (parcel number 11702430302) and was subdivided in or around 1978.

Prior to 1978, the full 1.1-acre property was used as a commercial site for the store, and zoned as Neighborhood Commercial. The Neighborhood Commercial designation remained on the
smaller parcel after subdivision. There are no records of commercial use on this property after the subdivision in 1978.

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**Surrounding Land Use and Zoning:**

**East:** The property on the northeast corner of Yelm Hwy SE and Spurgeon Creek Rd SE is a gas station and convenience store (property B). There is also a single-family home on a 0.24-acre lot (property C), and then a 47-acre property with residential and agricultural uses.

*Land Use Designation and Zoning:* 1 acre of NC at the gas station, and MGSA below that (Title 20 Thurston County Zoning Ordinance)

**West:** The adjacent property to the west is Tom’s Golf Center and Vans drive-thru burger and espresso stand. This property is 34.47 acres, and owned by the applicant (Spooner). Vans Burgers is operated by the Van Lierop’s, on the Spooner’s property. The Golf Center is oriented so that the golf balls fly north, toward the 5-acre subject property. West of the Golf Center is the 89.5-acre Country Green Turf Farm, owned by the Van Lierop’s.

*Land Use Designation and Zoning:* MGSA (Title 20 Thurston County Zoning Ordinance)
**North:** Lacey UGA. Single-family residential development on lot sizes of 0.33 acres and higher. The estimated density is 1.5 to 2 dwelling units per acre. The subdivision to the north backs onto Pattison Lake. Additionally, the 47-acre residential and agricultural property to the east connects to the Lacey UGA in the north.

**Land Use Designation and Zoning:** MGSA (Title 21 Zoning Ordinance for the Lacey Urban Growth Area)

**South:** To the south of Property A is a 4.56-acre property with a single-family home, owned by the Van Lierop’s. The property just south of this is a recently closed Gravel Pit and active Lacey Oaks Stables, a full care horse boarding and training facility. To the south of Property B and C is one residential home (with access only provided through property C), as well as Johnsons Nursery.

**Land Use Designation and Zoning:** MGSA (Title 20 Thurston County Zoning Ordinance)

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Figure 5. Aerial view of the surrounding area, 2015
Figure 6. Aerial image of area, Google 2018

Figure 7. Aerial view of the zoning of surrounding area
DEPARTMENT ANALYSIS

The applicant’s argument for requesting a Future Land Use map and associated zoning map change is that it will improve the community and provide economic development in this portion of rural Thurston County. It will additionally create logical zoning designation boundaries for the applicants’ parcel. No specific site plan has been proposed as part of this Land Use Plan amendment request.

1. Sewer and Water:

- All three properties are in the rural area just outside of the Lacey UGA. Both property B and C are already developed, with a gas station and convenience store on property B and a residential home on property C.
- Wastewater treatment and potable water would be provided onsite for property A. Records from Thurston County Environmental Health (TCEH) indicate the presence of a domestic well on the property, as well as two on-site sewage systems. There are no records indicating the systems have been properly abandoned.
- According to TCEH, all future development on these properties must comply with the Thurston County Sanitary Code. TCEH notes that the proposed change in land use designation does not alter or eliminate any Environmental Health requirements, including approved drinking water supplies, sewage disposal, solid waste and hazardous materials, and food service permits. Property B is already developed with an existing commercial use. Any future commercial development on property C would be subject to the same environmental health standards as property A.
- Specifically, TCEH reports that a building site approval may only be issued for uses other than residential if the designed on-site sewage system flow is no greater than 450 gallons per five acres per day, and the wastewater strength entering the on-site sewage system is equivalent to a typical residential strength. This is because all three properties are within the McAllister Geologically Sensitive Area, which is both a land use designation and a wellhead protection area, as discussed below. This application could change the land use designation, but would not alter the requirements related to groundwater protection.
- Additionally, TCEH notes that a hydrogeological report may be required at the time of future development to assess nitrate loading from on-site sewage system effluent to the underlying aquifer. Development proposals may be unacceptable if a hydrogeological report concludes that it will reduce the Assimilative Capacity of the aquifer by more than 10 percent.

2. Environmental Concerns:

- These three properties are mapped with Nisqually loamy fine sand, 0 to 3% slopes soils, indicating a more preferred (high priority) habitat for the Mazama Pocket Gopher (MPG). This glacial outwash soil is known to support rare prairie plants protected in the Thurston County Critical Areas Ordinance (CAO), Tables 24.25-7 and 24.25-8, Appendix 24.25-1 in Chapter 24.25 Thurston County Code. According to the CAO, the presence of at least three
of the listed prairie plant species indicates prairie habitat on a property. A site-specific analysis according to the most current prairie review process will be performed when a specific development application is submitted.

- In 2012, Washington Department of Fish and Wildlife (WDFW) identified Mazama Pocket Gopher (MPG) mounds in the southern portion of Property A, 5-acre parcel. In 2013, WDFW used the parcel as a MPG capture site for genetic hair sampling. The entire 5-acre parcel is within 600 feet of an observed MPG sighting, according to data from WDFW. Property B and C are also within an MPG buffer area, according to data from WDFW.

- Both property A and B contain Oregon White Oak/Garry Oak Woodlands, which are protected under the Thurston County CAO. WDFW submitted a comment letter stating that the oaks present on the subject parcel (property A) are mature oaks and possess the qualities that make them priority habitat. A site-specific critical areas analysis will be performed when a specific development application is submitted which will use the most current review process at the time the development application is submitted.

- These properties are in the McAllister Geologically Sensitive Area, which is a drinking water (wellhead) protection area. This Geologically Sensitive Area was formed in 1990 to minimize the potential for contamination or the loss of groundwater recharge to a vulnerable groundwater source.

3. **Access**:

- Property B is already developed with an existing commercial use and access.

- Property C only has access through the northern portion of the property. Additionally, property C has a 10-foot easement recorded on the deed to allow access to the property just south. That southern property, which is only 0.15 acres, has no additional access and is owned by the same property owner as property C.

- According to the Thurston County Public Works Development Review Section, access to the applicants’ property A is provided from Yelm Hwy SE and Spurgeon Creek Rd SE (see Figure 8). Access spacing means the minimum distance from the corner edge of the lot to where a driveway (or access) can be permitted on a parcel.

- Public Works Development Review Section reports that Yelm Highway is classified as an Arterial road, with 10,007 average daily trips. Minimum access spacing is 500 feet, meaning the entrance to the property must be no less than 500 feet from the corner of the lot. Access to the applicants’ property would not be available from Yelm Highway, as the NC boundary is only 243± ft. and the total parcel boundary is 414± ft.

- Spurgeon Creek Road is classified as a Collector road with 3,499 average daily trips. Minimum access spacing is 300 feet. From Spurgeon Creek, the existing NC boundary is only 217± feet.

- MGSA does not allow parking as a regular permitted use or as a special use; however, an access driveway may be permitted to allow access to the NC zone. Once a site plan has
been submitted for review, access mitigation would be required to allow access from Spurgeon Creek road or Yelm Highway road to the commercial use.

Figure 6. Access Distances for applicants’ property A

4. **Consistency with Comprehensive Plan Uses and Characteristics and Zoning District (Title 20)**

   **A. Attachment A-1** shows the primary uses and characteristics for the MGSA designation in the Thurston County Comprehensive Plan and the zoning district in the Thurston County Zoning Ordinance (Title 20).

   Although TCC 20.54.70 Special Uses outlines a number of potential permitted uses in the MGSA, they are limited in scope and would be inconsistent with the allowed uses in the existing NC portion of the property. This creates inconsistent boundaries and uses.

   The TCEH notes that the proposed change in land use designation does not alter or eliminate any Environmental Health requirements for MGSA, including approved drinking water supplies, sewage disposal, solid waste and hazardous materials, and food service permits. This is pursuant to Article I, Section 20 of the Thurston County Sanitary Code, which outlines the requirements for uses in the MGSA, as discussed previously.

   **B. Attachment A-2** shows the primary uses and characteristics for the NC designation in the Thurston County Comprehensive Plan and zoning district in the Thurston County Zoning Ordinance (Title 20).

   Of note, the Comprehensive Plan Chapter 2 Land Use states “Neighborhood convenience in rural areas should not exceed one acre in size. They commonly serve a population of less than 5,000.”
Additionally, Section 20.22.040 TCC Design Standards indicates that legal lots in the NC zone must have a minimum of one half acre.

In rural Thurston County, there are 25 areas with properties designated as NC.

- 15 of these areas are greater than one acre, the largest of which is 6.49± acres of NC, off Old Pacific Highway.
- Seven (7) areas meet the size requirement of a minimum half acre legal lot size (TCC code), and maximum one acre (Comp Plan).
- Additionally, there are four (4) isolated Assessor’s Parcels that are smaller than one-half acre.

If the land use plan amendment is approved to redesignate the 5 acres as NC (Option 2, impacting applicants’ property only), the total size of the area on the Comprehensive Plan Future Land Use Map designated as NC off Spurgeon Creek Road and Yelm Highway would be 6.1± acres. This would include the applicant’s 5± acre property, and the existing 1.1± acres of NC to the east of Spurgeon Creek Rd.

Additionally, the Comprehensive Plan indicates that areas designated as NC should serve a population of less than 5,000 people. Traffic counts provided by Public Works indicate that this corner has the potential to serve more than 5,000 people on a daily basis.

C. **Applicability of Rural Commercial Center (RCC) Designation:** Attachment A-3 shows the primary uses and characteristics for the RCC designation in the Thurston County Comprehensive Plan and zoning district in the Thurston County Zoning Ordinance (Title 20)

In 1984 when the northern one-acre corner of property A was designated as NC, there were only three commercial designations: Neighborhood Convenience Commercial, Highway Commercial and Arterial Commercial. Rural Commercial Center was not an option at the time, but could be applicable to this location today. Additionally, properties B and C have been designated as NC since at least 1979, with commercial use dating back to 1972.

The main difference between RCC and NC are the specific designation standards in the Comprehensive Plan and the specific standards and permitted uses in each zoning district in the Thurston County Zoning Ordinance (Title 20 TCC). Additionally, RCC is considered a Commercial LAMIRD in our Comprehensive Plan. A LAMIRD is a limited area of more intensive rural development. Per the Growth Management Act and RCW 36.70A.070(5)(d), a commercial LAMIRD may range in character from shoreline development to villages, hamlets, rural activity centers or crossroad developments, provided the development or redevelopment occurs within the logical outer boundaries of the LAMIRD (MRSC- Rural Land Use Regulation/Development). LAMIRD criteria are discussed further in the next section.

In the Comprehensive Plan the RCC designation does not have a maximum or minimum size. As previously discussed, the Comprehensive Plan suggests a limitation on maximum NC area to one
acre. Given that the surrounding properties are primarily commercial use, an RCC designation would fit the existing rural character and could match the given purpose of an RCC zone, as explored in Attachment A-3.

While RCC provides expanded types and sizes of commercial use, future development would still need to be reviewed and approved by all departments through the permitting process, namely Environmental Health. As previously stated, any change in land use or designation would not alter or eliminate any TCEH requirements for the MGSA, including drinking water supplies, sewage disposal and solid waste and hazardous materials. Specifically, all commercial use would be subject to a sewage flow of no greater than 450 gallons per 5 acres per day, per Article I, Section 20 of the Thurston County Sanitary Code.

5. **Consistency with Comprehensive Plan Goals, Chapter 2 Land Use**

A redesignation of NC or RCC would be consistent with the goals and policies in the Comprehensive Plan. **Chapter 2—Land Use**

- **Goal 1, Objective A, Policy 7:** Isolated commercial and industrial businesses in the rural area, legally established on or before July 1, 1990, that may not be principally designed to serve the existing or projected rural population and nonresidential uses, but do provide job opportunities for rural residents, should be allowed to expand or change use provided the expansion or conversion does not constitute new urban development in the rural area, is contained on the same lot as the existing use, is visually compatible with the surrounding rural area, and detrimental impacts to adjacent properties will not be increased or intensified.

  **Comment:** The one acre of NC designation on this parcel was in place prior to July 1, 1990. The expansion of a commercial use is consistent with this goal, as the new commercial use would provide additional jobs and services to the rural residents. As discussed in the history of the property, the original use of property A was commercial until the early 1980s, and property B and C were commercial as early as 1972. Any future proposed development or commercial activity would serve the rural community, offer additional rural employment, and be subject to all design standards of the zone, as noted by Environmental Health for the McAllister GSA.

- **Goal 1, Objective A, Policy 9:** Neighborhood convenience commercial uses should be permitted throughout rural areas, located at road intersections and taking access from collector or arterial roads.

  **Comment:** This property is located on the corner of Yelm Highway (an arterial road) and Spurgeon Creek (a collector road).

- **Goal 1, Objective A, Policy 10:** Rural commercial centers should be designated as limited areas of more intensive rural development (LAMIRDs) using the criteria established in RCW 36.70A.070(5)(d). Rural commercial centers should be designated only for identified rural community areas, like Rochester and Steamboat Island Road at Highway 101. These centers
should serve a larger rural community than neighborhood convenience and have a greater variety of uses, while maintaining a rural character.

**Comment:** Given the increasing traffic flow of Yelm Highway and Spurgeon Creek Rd from the rural neighborhoods, an RCC designation for the entire corner may be applicable, given the existing NC designation and commercial use on Property B. An RCC designation would allow this existing commercial corner to serve a larger rural community than NC, have a greater variety of use and rural economic impact, while still being held to the development standards and restrictions of the McAllister GSA in regards to water and sewage. See below for an analysis of consistency with RCW 36.70A.070(5)(d).

- **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.

  **Comment:** The residential designation and zoning district of MGSA may not be the most applicable designation, given the increased rural commercial activity already in this intersection and surrounding the parcel. Increasing the commercial zone would promote the welfare of the local community by adding economic and community vitality to a growing rural intersection.

- **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.

  **Comment:** Changing the parcels to an RCC designation would create and maintain a regular, easily definable boundary. There would be minimal adverse impacts on the neighboring landowners, and it will not increase the demand for urban level services. Additionally, the property B is already occupied by a commercial use.
6. Consistency with LAMIRD Criteria (RCW 36.70a.070(5)(d))

Options 3 and 4 consider changing the land use of properties A, B, and potentially C to Rural Commercial Center, a commercial LAMIRD land use that, as noted above, must be consistent with state criteria established in RCW 36.70a.070(5)(d). The full text of the RCW is included in the attachments; however, the following analysis addresses the main elements required for a commercial LAMIRD.

- **General LAMIRD Criteria**, RCW 36.70a.070(5)(d)(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.

  *Comment*: Options 3 and 4 would allow for the infill, development or redevelopment of an existing commercial area that has historically served as a rural activity center and is located at a strategic crossroads area (Yelm Highway and Spurgeon Creek Rd).

- **Rural Area of Service**, RCW 36.70a.070(5)(d)(i)(B): “Any development or redevelopment ... must be principally designed to serve the existing and projected rural population.”

  *Comment*: Both options allow the area to be principally designed to serve the existing and projected rural population. The rural households south and east of Yelm Highway and Spurgeon Creek are backed up to JBLM and the train tracks and have limited direct access to the urban centers. A rural commercial center on this corner would provide for a limited area of rural commercial use and serve as a local commercial hub for those not wishing to drive into the urban city.

- **Character of Existing Area**, RCW 36.70a.070(5)(d)(i)(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)”

  *Comment*: Options 3 and 4 allow for a change in use from vacant land or the expansion of existing commercial use.

  *Any development or redevelopment of the properties would be consistent with the rural character of the existing area, as required by the RCC designation. Rural character would be considered at the site development stage for any new development.*

- **Expansion of Businesses**, RCW 36.70a.070(5)(d)(iii): “The intensification of development on lots containing...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 business as long as those small-scale businesses conform with the character of the area”.


Comment: Although Property A is currently vacant, the landowners have an established small business on the adjacent property, as well as a long-standing fruit farm business in the community. An expansion onto the vacant property would be consistent with their current small-business model and neighboring uses. Additionally, any new development or expansion of small-scale business could provide job opportunities for rural residents.

- **New Businesses**, RCW 36.70a.070(5)(d)(iii): “Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business so long as the new small-scale business conforms to the rural character of the area.”

Comment: Option 3 allows the potential development of new-small scale business on a site previously occupied by a commercial use. Additionally, because of the adjacent small-business commercial uses (Vans Burgers, Driving range, Nursery), as well as the existing gas station and convenience store, new small-scale business would fit the rural character of the area.

- **Logical Boundaries**, RCW 36.70a.070(5)(d)(iv): “… 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…”

Comment: Both options 3 and 4 maintain a logical outer boundary of the commercial use and designation along an existing boundary, and thereby does not allow a new pattern of low-density sprawl to be created.

Both options 3 and 4 preserve the existing neighborhood and community, with small scale business and commercial activity of the gas station, driving range, and Vans Burgers and coffee; the proposal follows the physical boundaries of the street and highway, as well as existing NC zoning designation; and prevents abnormally irregular boundaries by including the NC designated properties within the RCC designation. Leaving a small section of NC next to an RCC would create an abnormal and irregular boundary.

Option 4 allows for the removal of Property C from the RCC and NC designation by redesignating it as MGSA, so as to follow a logical boundary around the existing commercial use. Property C is historically residential, and an easement through Property C is the only access to a smaller residential property to the south. By
removing Property C from the commercial designation, the residential use and character of the property would be maintained.

- **Existing Uses**, RCW 36.70a.070(5)(d)(v)(A)“Existing area or use is one that was in existence on July 1, 1990.”

  **Comment**: Option 4 meets these criteria. Property A, although currently vacant, has historic commercial use and had a business in operation from 1983 until at least 1991. Property B has been consistently commercial since at least 1974, with the store and now gas station. Although Property C is designated as NC, there is no documented commercial use on the property after it was subdivided from Property B in 1978. The NC designation remained in place after the subdivision, but the property has been used as residential.

**OPTIONS FOR CONSIDERATION**

**Option 1:**
No change: maintain the current future land use and zoning.

**Pro:**
- Maintains integrity of the MGSA zone and limits potential impacts to the aquifer.
- Limits impacts to identified critical areas and sensitive species on property, including oak and Mazama Pocket Gopher.

**Con:**
- Significantly limits any commercial use on the property, as one acre of NC leaves limited development options.
- Maintains confusing and illogical boundaries for future development plans.
- Oak trees could potentially be cut down to allow reasonable use of the one acre of NC.

**Option 2:**
Amend the Comprehensive Plan Future Land Use Map to change the designation and associated zoning of the full 5 acres of property A (Parcel #11702430402) from MGSA to NC.

**Pro:**
- Creates a consistent Future Land Use Map designation and associated zoning.
- Provides rural-based economic development in this portion of rural Thurston County, while maintaining rural character.
- Provides revitalization of an underdeveloped area.
- Encourages small business.
• Creates additional opportunities for residents to live, work and gather in this rural area.
• Creates additional future taxable business and revenue for the County.

Con:
• Exceeds the 1-acre maximum size noted in the Comprehensive Plan for Neighborhood Convenience designation.
• Per the comment letters submitted for this application, future commercial development may be faced with environmental mitigation and the McAllister GSA water and sewage constraints, as well as any access spacing concerns.
• Potential impact to identified critical areas and habitat

Option 3:
Amend the Comprehensive Plan Future Land Use Map to change the designation and associated zoning of the full 5 acres of property A, as well as both properties B and C, to Rural Commercial Center (RCC). This creates approximately 6.07 acres of RCC (a commercial LAMIRD) on the corner of Yelm Highway and Spurgeon Creek.

Pro:
• Creates a consistent Future Land Use Map designation and associated zoning.
• Maintains consistency with Comprehensive Plan designation and size criteria.
• Provides rural-based economic development in this portion of rural Thurston County, while maintaining rural character.
• Provides revitalization of an underdeveloped area.
• Encourages small business.
• Creates additional opportunities for residents to live, work and gather in this rural area.
• Creates additional future taxable business and revenue for the County.
• Creates logical outer boundaries for a commercial LAMIRD on this corner.

Con:
• Would allow for a larger commercial use and permitted building size in a sensitive area.
• Per the comment letters submitted for this application, future commercial development may be faced with environmental mitigation and the McAllister GSA water and sewage constraints, as well as any access spacing concerns.
• Potential impact to identified critical areas and habitat.
• Property C is primarily residential, with minimal historic commercial activity. Access to the property is limited to one driveway on the northern edge of the property, and is the only access point to the adjacent property to the south, through a deed on the property.

Option 4:
Amend the Comprehensive Plan Future Land Use Map to change the designation and associated zoning of the full 5 acres of property A, as well as property B to Rural Commercial Center (RCC). This creates approximately 6 acres of RCC (a commercial LAMIRD) on the corner of Yelm Highway and Spurgeon Creek. Additionally, designate property C as MGSA, to match the adjacent residential zoning designations. This removes the 0.24-acre property from a commercial designation.

Pro:
• Creates a consistent Future Land Use Map designation and associated zoning.
• Maintains consistency with Comprehensive Plan designation and size criteria.
• Provides rural-based economic development in this portion of rural Thurston County, while maintaining rural character.
• Provides revitalization of an underdeveloped area.
• Encourages small business.
• Creates additional opportunities for residents to live, work and gather in this rural area.
• Creates additional future taxable business and revenue for the County.
• Creates logical outer boundaries for a commercial LAMIRD on this corner.

Con:
• Would allow for a larger commercial use and permitted building size in a sensitive area.
• Per the comment letters submitted for this application, future commercial development may be faced with environmental mitigation and the McAllister GSA water and sewage constraints, as well as any access spacing concerns.
• Potential impact to identified critical areas and habitat.
• Removes the commercial designation on property C, limiting future land use options.

AFFECTED AGENCY, JURISDICTION AND DEPARTMENT COMMENTS
The application and SEPA checklist were sent to the agencies, jurisdictions and Thurston County departments listed on the attached distribution list. Staff received comment from the following:
<table>
<thead>
<tr>
<th>Agency, Jurisdiction or Department</th>
<th>Summary of Comments</th>
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<tbody>
<tr>
<td>Nisqually Indian Tribe</td>
<td>No objections to the site-specific comprehensive plan and land use amendment.</td>
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<tr>
<td>City of Lacey</td>
<td>Recent City of Lacey traffic counts find that more than 13,000 vehicles travel this stretch of Yelm Highway on an average weekday. An expanded commercial site with a high volume of pass-by traffic would serve well beyond a population of 5,000 (the limitation set by the NC zone) based solely on the number of pass-by trips by commuters between Yelm and Lacey. Not only would an expansion of this zone to five acres be inconsistent with the site size characteristics identified in the Thurston County Comprehensive Plan, but it would also be inconsistent with the intent to serve only nearby residents. The Land Use and Economic Development Elements for Lacey and the Lacey Urban Growth area identifies commercial lands throughout the Lacey Urban Growth Area sized to provide employment and serve residents for the next 20-year planning horizon. Should rezones to add additional commercial lands within the rural county directly adjacent to the UGA be approved, then adjustments may have to occur to the amount of commercial land designated within the Lacey UGA. The purpose of the existing McAllister Springs Geologically Sensitive Area zone is to prevent impacts to a vulnerable groundwater source where the Cities of Lacey and Olympia get much of their drinking water supply. The City is concerned about the impacts that an on-site septic system may have that serves a large commercial area.</td>
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<tr>
<td>Washington Department of Fish and Wildlife (WDFW)</td>
<td>Mazama Pocket Gopher: Data for the Spooner property and the surrounding area has shown documented gopher presence since 2003. One historic record dated 1966 is less than ¼ mile from the property. The parcel is part of a large area containing suitable gopher habitat and supporting continuous presence. Oregon white oak: The oaks present on the Spooner parcel are mature oaks of a significant diameter at breast height and with large canopies. They possess the qualities that make them priority habitat. They are also adjacent to other groups</td>
</tr>
</tbody>
</table>
of mature Oregon white oaks on the parcels immediately to the west and to the east (across Spurgeon Creek Road). The proximity of all these mature oaks increases their habitat value over that of a single mature tree.

<table>
<thead>
<tr>
<th>Public Health and Social Services Environmental Health Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed change in land use designation does not alter or eliminate any Environmental Health requirements, including approved drinking water supplies, sewage disposal, solid waste and hazardous materials, and food service permits. Therefore, all future development must comply with the Thurston County Sanitary Code, associated policies, and applicable Washington Administrative Codes.</td>
</tr>
</tbody>
</table>

Records indicate the property was previously served by two on-site sewage systems. There are no records indicating the systems have been properly abandoned.

In addition to other requirements imposed by the Thurston County Sanitary Code, additional requirements apply within the McAllister GSA. It should be noted that building site approvals may be issued for uses other than single or multi-family residential within the McAllister GSA only if the designed on-site sewage system flow is no greater than 450 gallons per five acres per day, and the wastewater strength entering the on-site sewage system is equivalent to typical residential waste strength.

A hydrogeological report may be required at the time of future development to assess nitrate loading from on-site sewage system effluent to the underlying aquifer. Development proposals may be unacceptable if a hydrogeological report concludes that it will reduce the Assimilative Capacity of the aquifer by more than ten percent.

The property is also located within a Category I Aquifer Recharge Area as defined by the Thurston County Critical Areas Ordinance, within a Group A public water system wellhead protection area, and within a mapped area of EDB (ethylene dibromide) pesticide contamination and elevated nitrates in the underlying aquifer.

<table>
<thead>
<tr>
<th>Public Works Development Review Section</th>
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</thead>
<tbody>
<tr>
<td>Roadway Classification and Access Spacing:</td>
</tr>
<tr>
<td>Yelm Highway is classified as an Arterial with 10,007 average daily trips (2009 count) and access spacing of 500’ minimum.</td>
</tr>
</tbody>
</table>
Spurgeon Creek Rd is classified as a Collector with 3499 average daily trips (2013 count) and access spacing of 300’ minimum.

ATTACHMENTS
Attachment A1-3: Primary uses and characteristics for the MGSA, NC and RCC
Attachment B: Comment Letters
Attachment C: Application Materials
Attachment D: Map Options
Attachment E: RCW 36.70a.070(5)(d) LAMIRD Criteria