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January 21, 2025

Thurston County Board of Commissioners  
3000 Pacific Avenue SE  
Olympia, Washington 98501

Dear Commissioners Mejia, Grant, Menser, Fournier, and Clouse:

Subject: Comments on the Board of County Commissioners Public Hearing on the Thurston County County-Wide Planning Policy amendments.  
Sent via email to: [county.commissioners@co.thurston.wa.us](mailto:county.commissioners@co.thurston.wa.us);  
[Andrew.Boughan@co.thurston.wa.us](mailto:Andrew.Boughan@co.thurston.wa.us)

Thank you for the opportunity to comment on the Thurston County County-Wide Planning Policy amendments. Futurewise strongly supports the amendments providing for the consultation with Indian Tribes and Nations. We recommend that Thurston County also commit to consulting with the Indian Tribes and Nations.

We do have concerns about the countywide planning policies for urban growth area swaps. Futurewise has worked on several proposed urban growth area swaps. We have yet to see a swap that complies with RCW 36.70A.110(8) or RCW 36.70A.130(3)(c). As is pointed out below, the proposed countywide policies also do not comply with important provisions of the RCW 36.70A.110(8) and RCW 36.70A.130(3)(c) and the Growth Management Act (GMA). Given this history, we recommend that Thurston County just drop attempts to conduct urban growth area swaps. Since they can only be done when there is no need to expand the urban growth area to accommodate necessary growth, they are more work than they are worth.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable, and opportunity-rich communities, that protect our most valuable farmlands, forests, and water resources, and encourage growth in urban growth areas to prevent poorly planned sprawl. Futurewise has members across Washington State including Thurston County.

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**Futurewise supports the General Policy on Consulting with Indian Tribes and Nations and recommends that Thurston County also commit to consulting with the Indian Tribes and Nations. Please see pages 3 and 4 of the redline draft.**

Futurewise strongly supports the amendments providing for the consultation with Indian Tribes and Nations. We recommend that Thurston County also commit to consulting with the Indian Tribes and Nations. RCW 36.70A.110(9) already requires Thurston County to consult with federally recognized Indian tribes at the earliest possible date prior to the revision of the county's urban growth area authorized by RCW 36.70A.110(8). Committing to consultations in the topics in the General Policy will benefit the County through improved decision making.

**The policy on Urban Growth Boundary Land Swaps needs improvement and is not worth the effort. Please see pages 6 and 7 of the redline draft.**

Futurewise has worked on several proposed urban growth area swaps. We have yet to see a swap that complies with RCW 36.70A.110(8) or RCW 36.70A.130(3)(c). As is pointed out below, the proposed countywide policies also do not comply with important provisions of the RCW 36.70A.110(8) and RCW 36.70A.130(3)(c) and the Growth Management Act (GMA). Given this history, we recommend that Thurston County just drop attempts to conduct urban growth area swaps. Since they can only be done when there is no need to expand the urban growth area to accommodate necessary growth, they are more work than they are worth.

RCW 36.70A.110(8) provides in that:

(8) If, during the county's annual review under RCW 36.70A.130(2)(a), the county determines revision of the urban growth area is not required to accommodate the population projection for the county made by the office of financial management for the succeeding 20-year period, but does determine that patterns of development have created pressure for development in areas exceeding the amount of available developable lands within the urban growth area, then the county may revise the urban growth area or areas based on identified patterns of development and likely future development pressure if the following requirements are met: ....

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RCW 36.70A.130(3)(c) provides in part that:

(c) If, during the county's review under (a) of this subsection, the county determines revision of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period, but does determine that patterns of development have created pressure in areas that exceed available, developable lands within the urban growth area, the urban growth area or areas may be revised to accommodate identified patterns of development and likely future development pressure for the succeeding 20-year period if the following requirements are met: ....

However, proposed Countywide Planning Policy 2.6 does not require a determination that a revision of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period for the urban growth area swaps. This is a condition precedent to any UGA swap and needs to be including in proposed Countywide Planning Policy 2.6.

RCW 36.70A.110(8) and RC 36.70A.130(3)(c) require the “county” to “determine that patterns of development have created pressure in areas that exceed available, developable lands within the urban growth area ...”<sup>1</sup> Proposed Countywide Planning Policy 2.6(a) provides in part that “[t]he county or a city or town has determined that patterns of development have created pressure for development in areas that exceed the amount of available developable lands within the Urban Growth Area ....”<sup>2</sup> Since RCW 36.70A.110(8) and RC 36.70A.130(3)(c) require the county to make this determination, proposed Countywide Planning Policy 2.6(a) should be revised to read as follows with our addition double underlined and our deletion double struck through: “[t]he county and the affected cities and towns ~~have or a city or town has~~ determined that patterns of development have created pressure for development in areas that exceed the amount of available developable lands within the Urban Growth Area ....”

RCW 36.70A.110(8)(d) requires that “[l]ess than 15 percent of the areas added to the urban growth area are critical areas other than critical aquifer recharge areas. Critical aquifer recharge areas must have been previously designated by the county and be maintained per county development regulations within the

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<sup>1</sup> Underlining added.

<sup>2</sup> Underlining added.

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expanded urban growth area and the revised urban growth area must not result in a net increase in critical aquifer recharge areas within the urban growth area ...” RCW 36.70A.130(3)(iii) provides that “[l]ess than 15 percent of the areas added to the urban growth area are critical areas ....” The requirement that the land added to the urban growth area is generally free of critical areas is important so that the land can be used for urban growth since the presumed goal of adding land to the urban growth area is to encourage urban growth.<sup>3</sup> These requirements should be added to proposed Countywide Planning Policy 2.6.

RCW 36.70A.110(8)(e) provides that “[t]he areas added to the urban growth areas are suitable for urban growth ....” Similarly, RCW 36.70A.130(3)(c)(iv) provides that “[t]he areas added to the urban growth areas are suitable for urban growth ....” The requirement that the land added to the urban growth area is suitable for urban growth is an important basic requirement since the presumed goal of adding land to the urban growth area is to encourage urban growth.<sup>4</sup> This requirement should be added to proposed Countywide Planning Policy 2.6.

We appreciate that proposed Countywide Planning Policy 2.6.d. provides that: “d. Revisions considered during a periodic update as established by RCW 36.70A.130(5)(b) must demonstrate consistency with the requirements of 36.70A.130(3)(c) and these County-Wide Planning Policies.” We certainly agree that urban growth area swaps must comply with the RCW 36.70A.130(3)(c). But there are other requirements applicable to urban growth area swaps including the procedural requirements for public participation in RCW 36.70A.035 and other Growth Management Act (GMA) sections and the substantive prohibitions on expanding urban growth areas into certain flood plains in RCW 36.70A.110(10). There are other limitations as well. We recommend that proposed Countywide Planning Policy 2.6.d. refer to the key requirements and then generally refer to the requirements in the GMA.

We appreciate that proposed Countywide Planning Policy 2.6.e. provides that: “e. Revisions considered as part of the county’s annual review of Comprehensive Plan amendments under 36.70A.130(2)(a) must demonstrate consistency with RCW 36.70A.110(8) and these County-Wide Planning Policies.” We certainly agree that urban growth area swaps must comply with the RCW 36.70A.110(8). But there are other requirements applicable to urban growth area swaps including the procedural requirements for public participation in RCW 36.70A.035 and other

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<sup>3</sup> RCW 36.70A.020(1).

<sup>4</sup> RCW 36.70A.020(1).

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GMA sections, the requirement to consult with federally recognized Indian tribes in RCW 36.70A.110(9), and the substantive prohibitions on expanding urban growth areas into certain flood plains in RCW 36.70A.110(10). There are other limitations as well. We recommend that proposed Countywide Planning Policy 2.6.e. refer to the key requirements, such as RCW 36.70A.110(9), and then generally refer to the requirements in the Growth Management Act.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 or email [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Tim Trohimovich".

Tim Trohimovich, WSBA No. 22367  
Director of Planning & Law