

# OWENS DAVIES

ATTORNEYS AT LAW

*A Legacy of Wisdom Shared*

**Owens Davies Fristoe Taylor & Shultz, P.S.**

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Newsletter • Fall 2009

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## **Pending Changes May Reduce Amount of Useable Land**

Property owners can expect buffers around streams, lakes and marine shorelines to increase significantly as updates to various planning and regulatory documents are adopted by Thurston County and its cities.

The changes are being prompted by required reviews of the **Growth Management Act, Comprehensive Plans and Development Regulations**, and the **Shoreline Master Program**. These combine to create a complex, shifting regulatory landscape.



### *Change . . . It is a Comin'*

All cities and counties in Washington are required by the Growth Management Act to review, evaluate, and adopt as needed, amendments to their comprehensive plans and development regulations every seven years. In particular, this includes Critical Areas ordinances. Local governments must apply "best available science" during this process, which Thurston County is required to have completed by December 1, 2011.

By this same date, the county must also update its Shoreline Master Program. This past spring, Thurston County held public workshops regarding the eight required elements for the Shoreline Master Program update.

### *Specific Critical Areas Changes*

*Wetlands which provide wildlife habitat, such as for migratory bird nesting, are expected to require a buffer in the 300-foot range.*

Among proposed changes, the most notable for many people will be the increased buffers around Critical Areas such as streams, lakes, and marine shorelines. These setbacks will likely reduce the amount of land useable by many property owners.

There are five types of Critical Areas: 1) aquifer recharge areas, 2) frequently flooded areas, 3) geologically hazardous areas (vulnerable to floods, earthquakes, slides and other geological dangers), 4) wetlands and 5) important wildlife habitat, such as prairies.

*Continued on back page*

## Owens Davies Veteran Enjoys Practicing Law in Our Region



*Kirk Veis*

A native of Montana, Kirk Veis joined Owens Davies in 1990 after practicing law with the largest

law firm in Seattle. Bringing expertise in business and real estate law, Kirk found Olympia's culture was more balanced and community-focused. The culture here may be more relaxed, but Kirk maintains his reputation for exactness. "Kirk is the most thorough and careful attorney I know," said fellow lawyer Brent Dille.

Transactional law – planning, negotiating, and creating documents related to business transactions and contracts – is one of Kirk's strong suits. He assists clients with everything from business formations and sales, to financings and acquisitions, to the transfers of companies to the next generation.

Providing "common sense" from a legal perspective, is another of Kirk's specialties. "A client will call and say, 'I may have a problem with . . . ' and they want to know what they should do. We discuss the law and potential solutions, and I help them evaluate the risk related to any action they may take," he said. The goal is to resolve

the conflict as efficiently and inexpensively as possible.

Kirk received a Bachelor of Business Administration degree, summa cum laude, from Pacific Lutheran University, and a law degree from Stanford Law School where he was in the top 10% of his class and elected to the Order of the Coif.

Kirk is a founder and current director of Washington Business Bank, and has served on the boards of the Olympia Symphony Orchestra, and the Hands on Children's Museum.

*Kirk M Veis*  
[kveis@owensdavies.com](mailto:kveis@owensdavies.com)

## Frank Owens Joins Robert Fristoe as Bar Association Lawyer of the Year Recipient

In May, Frank "Buck" Owens received the 2009 Daniel R. Bigelow Lawyer of the Year award



*Frank Owens*

for his outstanding professional and community service. He joins colleague Robert Fristoe, who received the same recognition in 2003, putting Owens Davies in the unique position of having two attorneys who have received this prestigious award.

"The Bigelow award is the Thurston County Bar Association's greatest



*Robert Fristoe*

honor," noted association President Allen Miller. Daniel Bigelow, a Harvard educated lawyer, was instrumental in the creation of the Washington Territory and a vocal advocate for equal rights, women's suffrage and public education.

Owens has served on the boards of Saint Martin's University, the Olympia Downtown Rotary, the Community Foundation of South Puget Sound, and the Providence St. Peter Hospital Foundation.

## Celebrating One Year Anniversary

September marks the one year anniversary of Owens Davies' consolidation with Fristoe Taylor & Schultz, a firm that traces its roots back to the early 1900s. The firm officially incorporated in 1944 as Brodie Fristoe Brodie. Robert Fristoe joined the Thurston County Bar Association in 1949 and celebrates 60 years with the organization this September. Fristoe, Don Taylor and Theodore Schultz grew the business into a well respected firm, specializing in business law. "It is a perfect fit. Our firms combine to give us depth and expertise especially in business and estate planning," said Mike Mayberry, partner.

## DID YOU KNOW?

### Avoiding Common Mistakes in Estate Planning



Many assets are transferred at death through beneficiary designations in such things as IRAs, life insurance policies, 401 (k)s, and annuities. If not done right, these designations can lead to unintentional disinheritance. This is one of the biggest mistake in estate planning: misunderstanding of beneficiary designations.

#### The Problem

It's very typical to see a beneficiary designation say, "To my spouse if he or she is living, otherwise to my then-living children." However if one of your children predeceases you, your grandchildren from your deceased child would be left out.

Additionally, the language "If my spouse isn't living, I give it to little Susie . . ." can be problematic if along comes little Johnny and you don't change the beneficiary designation. Johnny, and any of his children, would be left out. In these cases, you may end up unintentionally disinheriting your family.

#### One Solution: A Trust

Instead of naming children as beneficiaries, yet still avoiding a court appointed guardian, you can establish a trust. When your inheritance is paid to a trust, the trustee takes over, and there is usually no court accounting.

Trusts are also beneficial for out of state property and for individuals with special needs or disabilities. A trust not only helps provide them with long term care, but also helps protect them from having to repay governmental agencies for services or benefits once they come into money. Trusts are also appropriate

for adult children with substance abuse problems and family members with a history of financial mismanagement.

#### Underutilized Estate-Planning Maneuvers

Gifting is another way to increase the amount of money going to your beneficiaries. Every taxpayer can give \$13,000 per year tax free to as many individuals as they want. Additionally, you can pay directly for medical and education expenses without limit. Lastly, charities don't pay income tax. So if charitable giving is part of your plan, leave those organizations assets from accounts like IRAs that would have a tax liability for your family.



For more information on estate planning, contact Brent Dille at [bdille@owensdavies.com](mailto:bdille@owensdavies.com)

### Experienced Trial Lawyer Joins Firm Specializing in Criminal Law



Attorney Denise W. Derricott joined Owens Davies earlier this year and plans to stay in this community

a long time. "I love it here! I feel like this town was made for me!"

Those words have tremendous significance coming from a woman who has lived in dozens of locations across the county.

Derricott is a trial lawyer, specializing in criminal law including domestic violence and DUI cases. She has more than 1,000 cases under her belt with experience as a public

defender in both Thurston and Snohomish counties. Derricott earned a Bachelors of Arts in Rhetoric cum laude from Indiana University, where she was a member of the Lambda Pi Eta honor society, and a law degree from the Seattle University School of Law.

Denise Derricott  
[dderricott@owensdavies.com](mailto:dderricott@owensdavies.com)

## Our Areas of Expertise

Real Estate –  
Transactions & Development

Real Estate Disputes

Business Transactions,  
Corporate & Taxation

Municipal Law

Estate Planning & Probate

Personal Injury & Wrongful Death

Criminal Defense Including  
Domestic Violence & DUI

Appeals

Employment Law

Litigation & Business Disputes

Environmental Remediation

Land Use & Environmental Law

Insurance Coverage

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*Pending Changes - continued from page 1*

**Stream Buffers**, which are now generally between 25 and 100 feet, may be increased to a minimum of 100 feet. If the stream is fish bearing, or there are other wildlife dependent riparian areas, the buffers would increase up to 250 feet.

Proposed new **Wetland Buffers** would have a much lower size threshold, regulating all wetlands 1,000 square feet or greater.

Currently regulations only apply to non-jurisdictional, rural area wetlands more than 22,000 square feet and urban growth area wetlands more than 11,000 square feet.

Wetlands which provide wildlife habitat, such as for migratory bird nesting, are expected to require a buffer in the 300-foot range. Other buffers not associated with wildlife habitat will generally be about 100 feet. Incentives and disincentives are proposed for wetland buffers, with activities enhancing wetlands possibly resulting in a reduced buffer requirement.

**Lake, Marine Shoreline and Pond Buffers** are proposed to double from 50 feet to 100 feet.

Current wildlife habitat regulations provide significant buffers from

nesting sites of priority species as well as species of local concern. New regulations are designed to expand protection to areas of feeding and mating, although the buffer itself may be less.

*For more information on land use issues, contact Mick Phillips  
rphillips@owensdavies.com*



## Owens Davies Sponsors First Annual EDC Real Estate Forum



Owens Davies has partnered with

the Thurston County Economic Development Council (EDC) to sponsor the first Annual Real Estate Forum on Tuesday, September 23,

from 11 a.m. – 1 p.m. at Indian Summer Golf & Country Club.

The EDC has a record of successfully attracting new industries and businesses, retaining existing employers, and helping local businesses expand. The EDC attributes its success to strategic

and creative partnerships with corporate leaders, such as Owens Davies.

For more information on the Forum, and to register, visit [www.ThurstonEDC.com](http://www.ThurstonEDC.com) or call 360.754.6320.