

OFFICE OF THE HEARING EXAMINER

CITY OF YELM

REPORT AND DECISION

CASE NO.: MPD-05-0067-YL - TAHOMA TERRA

APPLICANT: Tahoma Terra LLC
4200 6th Avenue SE, Suite 301
Lacey, WA 98503

SUMMARY OF REQUEST:

The applicant has made application for a Master Plan Development on a 220 acre parcel of land located south of Berry Valley Road and east of Longmire Street. Concurrently with the Conceptual approval, Tahoma Terra has applied for a final master site plan for the portion of the property east of the Thompson Creek and a preliminary subdivision of 89 lots within the final master site plan area. The Conceptual Master Site Plan for the Master Plan Development includes areas identified for single family dwellings, multi-family dwellings, town homes, a community park and recreation area, and neighborhood commercial. The proposal would provide between 880 and 1,200 housing units upon completion.

SUMMARY OF DECISION:

It is hereby recommended that the Yelm City Council approve the Conceptual Master Site Plan of Tahoma Terra subject to the conditions contained herein.

PUBLIC HEARING:

After reviewing Planning and Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on July 11, 2005, at 9:00 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1" - Planning and Community Development Staff Report and Attachments

GRANT BECK appeared, presented the Community Development Department Staff Report, and testified that this southwest area of Yelm was annexed in 1993 as an MPC. The City has a blank slate for development with uses consistent with the comprehensive plan. The MPC has its own zoning code with little direction for the first master plan. The first subdivision must be consistent with the conceptual and final plan approval.

STEVE CHAMBERLAIN appeared on behalf of the request and testified that they have developed a conceptual plan for the entire 220 acres, a final plan for the area east of Thompson Creek, and a preliminary plat of 89 lots. The site previously supported a large dairy farm and was purchased for the MPC. The site is generally level with rolling pasture east of the creek. To the west of the creek the topography ascends to a higher plateau covered with trees. Soils on the site consist of topsoil and sand and gravel which are conducive to development. The dairy farm ceased operation in 1993 or 1994, but other cattle have grazed on the site since then. They will use a natural feature design incorporating the City design guidelines. They anticipate seven to ten years to develop the entire site. They will locate the commercial area east of the creek and townhouses with overlook the golf course. They anticipate between 700 and 1,200 dwelling units over the 220 acres. They will collect, treat, and discharge all stormwater drainage into the soil, and will have a few ponds in the good soil areas. Sanitary sewers will serve the project as well as a major arterial. The City will provide potable water and sanitary sewer service, and they will construct parks throughout the development.

JEFF SCHRAMM, traffic engineer, appeared and testified that he has provided traffic studies for the past ten years and conducted such study for the entire MPC. He evaluated a conceptual analysis for all phases, and for Phases 1 and 2 east of the creek. They will provide mitigation for this project in addition to the State and City plans. The entire traffic analysis and development for the annexation area were considered by the City and the State. The MDNS sets forth mitigating measures for traffic which includes an approximate \$1 million dollar impact fee in addition to the road improvements. The 89 lot subdivision will require improvement of Longmire Street to Yelm Avenue to modified collector standards with shoulders and bike lanes. They will improve the Yelm/Longmire intersection with a center turn lane. Future development will require an extension of Killion Road as a new road to serve the development. No development will occur west of the creek until the initial connection is made. They will also install a new traffic signal and will widen both roads. These improvements will accommodate Phases 3 through 5. For the balance of the site they will improve Mosman Avenue and realign it to a four leg intersection which is also consistent with the City TIP. They will provide access to SR-510 by either Mosman or the new road connection to the south. All of the improvements are consistent with the City's plans and methods of determining mitigation.

STEVE SHANEWISE appeared and testified that he is a wetland scientist and studied the wetlands on the site. A wetland near the south property line drains north to the creek and the creek channel is in the wetland. All wetlands meet the definition of Category 2 for which the ordinance requires a 75 foot wide buffer, as compared with their 100 foot wide buffer. They will construct ballfields, park, and lawn in the creek bottom, and will remove fill from

the wetlands and will cross the creek with a bridge. Construction will affect .5 to .6 acres of wetlands. They will restore two to four acres of drained wetlands.

MR. CHAMBERLAIN reappeared and testified that they will utilize purple pipe or recycled water from the sewer treatment plant for irrigation. While the water is not considered drinkable, it is treated to that standard.

BOB DROLL, landscape architect, appeared and testified that 80% of his work is in the park and recreational fields. Larger developments can impact a City. They propose 60 acres of open space and parks and about 25% will be developed into active recreational areas. The balance will consist of habitat and open space. Neighborhood parks will contain playground apparatus for elementary children. They will also have activities for adults and seniors to include over a mile of walking trails consisting of paved, boardwalk, and crushed rock. They will have pocket parks within subdivisions also. The main park will have two picnic shelters.

MR. CHAMBERLAIN reappeared and testified that the applicant has 60 years experience in developing property and in home building. This will be the most unique development in the City and Quadrant Homes will build all of the residential dwellings. Phase 1 will consist of 89 lots. They will carry the same theme throughout the development starting with the residences in Phase 1 which will be single family residential exclusively. The primary access for the subdivision will be from Longer and they will work with adjoining property owners to minimize the impacts of construction. They will also bring utilities down Longer and will accommodate storm drainage on site.

JIM STROTT, Quadrant Homes, testified that his company is the largest home builder in the State and that they offer an entry level product. They have a mix of lots on this site and buyers can determine the size and quality of the home. They will have competitive pricing. They anticipate constructing two homes per week to manage the growth. They anticipate home sizes of 1,800 square feet which will sell for between \$150,000 and \$175,000 and 3,200 square foot homes which will sell for \$300,000 or more.

MR. BECK reappeared and testified that SEPA review has required different conditions for different phases. They have tied the MDNS measures to the number of trips generated not to the phases. Police stations in the area are substandard and the applicant will pay a police facility charge of \$310 per unit for replacement of the existing structure. Staff finds the project consistent with the comprehensive plan and the applicant had to provide more units to obtain the minimum four dwelling units per acre. The Land Use Element promotes mixed uses such as townhouses and neighborhood commercials, but not to compete with the downtown businesses. They will have a range of housing and housing prices. They will also provide parks and open space, but install the parks before development as they go along. The dairy farm had water rights and transferred them to the applicant. A condition of approval requires that development beyond the 89 units have a water transfer. The final development plan contains fixed development regulations for the phases covered. The Master Site Plan limits the size of the neighborhood commercial to ensure that it will not

compete with downtown businesses. The pocket parks will be constructed in individual neighborhoods throughout all phases so that children don't need to go far from home. The subdivision conditions are straight forward and staff recommends approval subject to the mitigating measures and conditions.

MARGARET CLAPP appeared and testified that she is very impressed with the proposal and served on the Planning Commission during the southwest annexation. This MPC is what the commission members desired, and it meets all of the tests to include significant open space. She wants to see the wetland mitigation work and believes the applicant has done a first class job and will provide all infrastructure.

DIANE D'ACUTI appeared and concurs with Ms. Clapp. She did has transportation questions as she does not believe one stop light will handle the increased traffic. She also discussed the setbacks from Thompson Creek and ascertained that the applicant is vested under the old ordinance which requires less of a buffer. Thompson Creek will not flow unless someone cleans it out. Adding more water will cause the creek to back up and the streets to flood.

JAMES ZUKOWSKI appeared, asked questions, and obtained the following answers. The conceptual plan covers 220 acres and will result in construction of 800 to 1,200 residential units. The final plan covering the area east of the creek will result in approximately 216 units to include townhomes and commercial. He believes the Mosman extension a problem due to ownership issues. The critical areas located at the north end of the Thompson ballfields are still within a 100 foot buffer. He questioned the geotechnical hazard area for the extension of the boulevard. He questioned how trails would cross the creek and whether the picnic shelters would be for general citizen use or just for residents of the MPC and who is in charge.

JEAN HANDLEY appeared and testified that she was at the last Planning Commission meeting which updated the Critical Areas Ordinance. Now a subcommittee will testify as to the new regulations. The present regulations are outdated and she is concerned about retention of trees and the road widening. She questioned the source of funds which the City will use to build improvements. With the new population growth, Yelm will compete with other cities for grants. No one has discussed the impact on the fire department, but it will have a large impact and create a large burden. The fire department may need another building in addition to the police department. She questioned whether emergency vehicle access would be a problem for the lots. If an earthquake occurs, the State will not have any funds for this project. The City should stop the MPC if the State can't fund the improvements. She referred to the United States Supreme Court decision in the Mosman Road issue and requested a condition prohibiting the City from exercising eminent domain.

HENRY DRAGT appeared and testified that he owned and ran the dairy on the site, and sold the property in December. The sale was a fulfillment of his plans for the site since 1993. The City annexed the parcel in October, 2004, and approved the southwest area for a conceptual master plan for development to include this parcel. The critical areas study

determined no significant impact. He believes the plan a great benefit for the City.

JENISE MUGLER appeared and testified that she owns the property south of the development and that the MDNS is out of date. In 1999 the checklist showed the development plans with more open space along the borders. The townhouses have now changed to a high density development. The applicant must revisit the plan as the apartments are shown right on her property line along the south border. The creek goes through the corner and she desires more open space. Either offset the apartments or provide a greenbelt. The apartments are part of Phase 2.

ROSALIE SAECKER appeared and testified that she regularly uses Longmire. The applicant should construct all road improvements to include bike paths and sidewalks along Longmire. They should provide a bus stop at Yelm Avenue and Longmire. She questioned how the development will minimize traffic on Berry Valley Road.

GEORGE SWARTZ appeared and testified that he owns the property shown by red line and that he was left out of the loop. His concern is eminent domain because his parcel is necessary to extend Mosman Street.

MR. CHAMBERLAIN reappeared and testified that the current code requires a buffer of 75 feet, but they have expanded the buffer to at least 100 feet. The ballfields are outside of the 100 foot buffer. The impact of cattle on the creek is considerably greater than urban development. Their development will be compatible with the creek. Phase 1 consists of 89 lots. The picnic shelters are primarily for the use of the residents, but others can use them as well. The homeowner's association can rent the shelters to outside organizations. Trees lost on the site will be due to roads and development, but they will not lose that many trees. The site was logged many years ago, and they will replant trees where they can. The development will pay for its impacts with the taxes, impact fees, and required mitigation. They have worked with the City to mitigate impacts on the fire department and police department. They are looking at an area within the commercial portion of the MPC for the police department. They do not want to compete with downtown business. They do not propose a big box store, just neighborhood area uses. Such would prevent residents from having to go to SR-510 or SR-507. The townhomes can enhance the MPC by providing a mixed residential use. The townhomes are compatible with the creek and the golf course and will contain 18 to 20 units. They have no other opportunities for townhomes on Phases 1 and 2. All internal roads will have sidewalks and bike paths. Longmire will be the preferred route which will keep traffic off of Berry Valley. The timing of construction will direct traffic to the boulevard, and neither Longmire nor Berry Valley will serve as the main access. They will regrade the steep areas to balance the site to minimize traffic during the construction period. They have elevated the trails through the wetlands and across the creek. Critical areas abut the south side of the site, and the nearest townhouse will be set back 50 feet from the property line.

MR. BECK reappeared and testified that both the comprehensive plan and GMA require the applicant to use the best available science. Wetland restoration is a big part of the project.

Impacts on the fire department had a large amount of discussion in the MDNS, but the City can't justify the use of impact fees. The issue is the number of firefighters and not the fire department's capital facilities. The fire department has no plan to increase capital facilities. Most of the infrastructure will be located in Thurston Highlands and will be in place for that development. They could condition the south property line setback. The standards for that development are in the guidelines. They could codify that requirement which would concern the non-golf course property. The State does not allow eminent domain for business or economic purposes. The decision on Mosman is seven to ten years down the road.

MS. MUGLER reappeared and testified that the townhouses should measure 100 feet from the off-site wetlands.

MS. HANDLEY reappeared and testified that the applicant evaluated the creek in a drought and did not get a true picture of its flow.

MS. KELLY PETERSON appeared and questioned the impact of 1,200 homes on the water supply.

MR. BECK testified that the City would have the right to the water, but the depth of withdrawal is not decided. The City could draw from other aquifers.

MS. NEWBY appeared and testified that she resides on Longmire Street and that trucks pass 25 feet from her window. A restaurant already exists at the Killion extension. She sees years of traffic and wants Berry Valley extended.

DARLENE BAKER appeared and testified regarding drinking water wells.

No one spoke further in this matter and so the Examiner took the request under advisement.

NOTE: A complete record of this hearing is available in the City of Yelm Community Development Department

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, viewed the property, heard testimony, and taken this matter under advisement.
2. The City's SEPA Responsible Official issued and published a Mitigated Determination of Nonsignificance on May 24, 2005, based on Section 197-11-158 WAC.

3. A Notice of Public Hearing was mailed to the applicant and parties of record on June 20, 2005. This notice was also posted at City Hall and on the City of Yelm web site on the same date, and published in the *Nisqually Valley News* on June 24, 2005.
4. The applicant has a possessory ownership interest in a generally rectangular, 220 acre parcel of property located south of SR-510 and west of SR-507 in the southwest portion of the City of Yelm. The applicant requests Conceptual Master Site Plan approval for the entire parcel; Final master site plan approval for the portion of the parcel located east of Thompson Creek consisting of approximately 55 acres; and preliminary plat approval for Phase 1, located in the northwest corner of the site, an 89 single-family residential lots on 15 acres.
5. The Draght family previously used the parcel for a dairy farm for many years, but ceased operation in 1993. Improvements on the site include a home and outbuildings associated with the dairy, and development of the site will require removal of all such improvements. Thompson Creek, a Type F stream and it's associated floodplain and wetlands, bisects the eastern portion of the site in a north/south direction. A road used in conjunction with the dairy farm crosses Thompson Creek near the center of the site. Topography is relatively flat, but west of the creek, the topography rises as much as 50 feet with bluffs of 22-30 feet. Vegetation consists of pasture grass with forested areas in the northeast and southwest portions.
6. Abutting uses to the west, east and south consist of vacant parcels, agricultural uses, and single family dwellings on large lots. The Nisqually Valley Golf Course abuts the northeast corner. Berry Valley Road Southeast abuts the north portion of the west property line, and Durant Street abuts a portion of the north property line. Longmire Street SE dead ends at Durant Street and an extension of Longmire provides access to the dairy farm buildings.
7. The site is a portion of the 1993 southwest Yelm annexation which also included the 1,300-acre Thurston Highlands property, the golf course, and 150 additional acres. As part of the annexation process, the City prepared an Environmental Impact Statement (EIS) that assessed the impacts of up to 5,000 dwelling units to include several potential master plan communities, including the present site. In 1994 owners of the 1,260-acre Thurston Highlands property and the present site obtained conceptual master plan approval for a master plan development which included both properties. The City required preparation of a Supplemental Environmental Impact Statement (SEIS) prior to approval. The applicant performed little, if any, work on the project, and in accordance with the Yelm Municipal Code (YMC), the approval lapsed after five years. In 1999 another previous owner submitted an application for a master plan development for the present 220-acre parcel which the Yelm City Council approved subject to the preservation of the right-of-way for a boulevard designed to serve the project. However, the previous applicant did not meet City requirements, and the City

deemed the application withdrawn for lack of progress. The present applicant, Tahoma Terra LLC., submitted its application on March 21, 2005.

8. Chapter 17.62 YMC, sets forth the requirements and procedures for master plan developments. Section 17.62.040 YMC authorizes specific development within an MPC as follows:
 - A. Conceptual review and approval of the master plan;
 - B. Adoption of a final master plan for the site;
 - C. Approval of specific development actions in accordance with phasing in the master plan.
9. The applicant requests approval of a conceptual master plan for the entire 220-acre parcel. The conceptual plan serves as a guide to future detailed planning and development for the project site. The conceptual plan identifies generalized land uses, transportation circulation routes, and services. The Examiner conducts a public hearing and then makes a written recommendation to the City Council for final action. The final master site plan shows major development features and services for the portion of the site included therein, including phasing and means of financing services. The Examiner conducts a public hearing and makes a recommendation to the City Council for final action. Specific development applications within the MPC are reviewed for consistency with the approved conceptual and final master site plan.
10. The Tahoma Terra Conceptual Master Plan application shows that 33% of the 220 acre site will remain in open space to include 24-acres of wetlands and creek, and 38-acres of open space. The net developable area of 147-acres will result in a minimum of 880 dwelling units and maximum of 1,200 units. The example in the application, shows 1,092 dwelling units broken down into 872 single family units, 80 townhouses, 140 apartments. The application also shows between 1 and 10-acres of commercial uses.
11. The Conceptual Master Site Plan shows that Phases 1 and 2 are located north of Thompson Creek and consist of mostly single-family residential homes at densities of four to six dwelling units per acre (northwest corner). Sandwiched between the said residential area and the open space associated with Thompson Creek are the neighborhood commercial uses. Moderate density residential development at six to ten units per acre extends in a narrow band southeast from the single family units along the north property line to the east property line. The applicant proposes townhouses for this area which will abut both the golf course and wetlands. South of the open space in the eastern portion of the site, the applicant proposes moderate density residential uses at six to ten units per acre and high density residential development at 10 to 24 units per acre. Open space associated with steep slopes is located in the southeast corner and the balance of the site (almost 50%) is set aside for single family residential at four to six

dwelling units per acre. Phase 1, consisting of 89 single family residential lots, is located in the northwest corner: and Phase 2, which comprises the balance of the site east of Thompson Creek, is located between the creek and Phase 1. Phases 3 through 8, consist of the a large, single family area south of the creek, and Phase 9, consists of moderate and high density residential uses immediately south of the creek.

12. Section 17.62.050 YMC provides that the conceptual plan must identify generalized land uses, transportation circulation routes, and services. As previously found, the applicant has identified proposed uses and phasing. The transportation system includes internal plat roads connecting to Longmire Street, Berry Valley Road and via Mosman Street to SR 507. The master plan also shows a new arterial boulevard extending southeast from Killion Road through the site and across Thompson Creek to the south property line. Said road will eventually extend through other master plan developments to SR-507. The conceptual plan satisfies Section 17.62.050 YMC.
13. Section 17.62.050(C) YMC sets forth the requirement for the form and content of an application for conceptual approval. The application satisfies all requirements set forth therein. Subsection (i) requires the applicant to show the means by which the master plan meets the objectives of YMC 17.62.020. Findings on each objective set forth therein are hereby made as follows:
 - A. Approval of the MPC will assure future growth and development in accord with the City's comprehensive plan and planning policies. This proposed MPC implements long-term goals of the City commencing with it's decision to annex the property along with other properties in 1993. The proposal is also consistent with two other MPC approvals covering the same property. The MPC complies with specific comprehensive plan policies.
 - B. This large scale project will incorporate a full range of land uses consistent with the comprehensive plan to include multi-family, townhouse, and single-family residential development, neighborhood commercial uses, and significant parks and open spaces.
 - C. The MPC represents safe, efficient, and economic use of the land as it proposes high density neighborhoods, moderate density neighborhoods, commercial uses, parks, and pedestrian trial systems.
 - D. The City of Yelm will provide water and sanitary sewer services, and the applicant will construct the storm drainage system to meet City standards. Furthermore, the applicant will use reclaimed water from the City sewer treatment plant to provide irrigation for ballfields, landscaped areas, and playgrounds. Puget Sound Energy will provide electrical service and

natural gas.

- E. The MPC provides opportunities for decreased trip-lengths of automobile travel, increased public access to mass transit, bicycle routes, and other alternative modes of transportation. The MPC is located close to the downtown business district of the City and within easy walking distance of local recreation and school facilities. The neighborhoods will have abundant walkways, alleys, parks, and trails to provide safe walking and bicycling routes. The compact residential groupings will encourage use of mass transit and alternative modes of transportation. Location of neighborhood commercial uses within the site will eliminate the need for many off-site shopping trips.
- F. Compliance with building code requirements will ensure reduction of energy consumption and demand, and the significant open space acreage will minimize degradation of wildlife habitat and natural features. Zero lot line, cluster housing, and multi-family buildings will contribute to efficient land use and reduce demands on energy consumption. Significant stream and wetland buffers ensure preservation of the most critical wildlife habitats.
- G. The MPC will minimize impacts on existing neighborhoods by eventually providing a boulevard access directly from SR 510 to SR 507, will encourage neighborhood scale businesses to serve residents of the MPC, and will provide internal trails and parks for on-site recreational opportunities.
- H. This criteria requires blending of commercial and industrial building designs. However, the MPC proposes no industrial uses and no large commercial areas.

The proposed MPC satisfies all criteria set forth in section 17.62.020 YMC.

- 14. Section 17.62.020(A) YMC requires that an MPC be “in accordance with the comprehensive plan and planning policies of the City” as set forth on Pages 9-32 of the Staff Report (Exhibit “1”). The project satisfies all applicable comprehensive plan goals and policies. Staff’s assessment is hereby incorporated by this reference as if set forth in full.
- 15. The project meets Growth Management Act planning parameters as it proposes an overall urban density of four dwelling units per net developable acre, and all municipal utilities such as sewer, potable water, fire flow, and irrigation water will serve the site. The commercial portion of the MPC complies with policies of the commercial development element of the comprehensive plan as the proposed uses will not compete with the downtown businesses, nor will they draw patrons

from other residential areas. Limitations on the size of buildings and the commercial area acreage will ensure that a new commercial core is not created. A condition of approval requires the commercial area ready for construction prior to development occurring south of Thompson Creek. The open space areas will provide passive and active recreational opportunities and are intended to serve all residents of the City. The 60-acres of permanent open space greatly exceeds the minimum requirement of 5% of gross area.

16. As previously found, the project proposes a variety of housing types and sizes which will provide affordable building sites, and therefore should attract customers of varying income and age levels. Staff has required the applicant to construct 48-multi family units, for every 300 single-family units to ensure a variety of affordable housing opportunities. The multi-family element represents approximately 14% of the total projected housing units. Sidewalks, pathways, and trails will provide pedestrian orientation throughout the entire project.
17. The most critical issue affecting approval of the MPC is traffic mitigation. Upon build-out, the project will generate between 1,400 to 1,600 p.m. peak hour trips and 13,300 to 15,300 average daily trips. The City has imposed a mitigating measure in the MDNS which requires numerous road improvements triggered by increases in project traffic. The applicant must also comply with the City's transportation facility charge, which will upon build-out, result in the payment of more than one million dollars. In addition, the applicant must construct the following traffic improvements:
 - A. Prior to the first final subdivision approval, reconstruct Longmire Street to a modified collector standard from the project entry to Yelm Avenue West (SR-510).
 - B. Prior to approval of any final subdivision which includes the 90th p.m. peak hour trip construct a center left-turn lane on Yelm Ave West at the Longmire Street intersection with sufficient capacity to serve anticipated project traffic volumes.
 - C. Prior to the 513th p.m. peak hour trip, construct an extension of Killion Road from the property to Yelm Ave West, re-align the said intersection, construct a traffic signal, and construct left turn lanes on all four legs of the intersection.
 - D. Prior to the 1,100th p.m. peak hour trip, reconstruct Mosman Ave to modified collector standards from Longmire Street to SR-507, and also construct the Mosman Avenue/ SR-507 intersection to include re-alignment and a center left turn lane on SR-507.
 - E. Prior to the 1,301st p.m. peak hour trip, define and construct the Mosman

Avenue connector between Longmire Street and Solberg Street, or continue the Killion Road Boulevard to SR 507 through the Thurston Highlands Property.

The applicant has demonstrated through the environmental review process that the proposed transportation system improvements will accommodate the traffic and maintain acceptable levels of service for current and future residents.

18. The proposed open space plan meets the objectives of the parks and open space element of the comprehensive plan. The City anticipates between 2,000 and 2,800 new residents will live in the MPC, and the parks level of service policy requires 5-acres of open space per 1,000-projected population. Said policy would require Tahoma Terra LLC., to provide between 10 and 14-acres of open space suitable for active recreational opportunities. The proposal provides approximately 60-acres of open space and well over 14-acres of improved active recreational areas. Land use goals require an MPC to maintain a minimum of 25% of the total land area as permanent open space. The Tahoma Terra project maintains approximately 27% of the total area in open space. The applicant will also provide small neighborhood pocket-parks with appropriate elementary-aged activity equipment.
19. The project satisfies elements of the Natural Element, Goals and Policies of the comprehensive plan as the applicant will protect and enhance Thompson Creek, a fish-bearing stream, and the wetlands and floodplains associated therewith. The applicant has provided greater buffers than required under the applicable critical areas ordinance, and will improve wetlands degraded by the dairy farming operation.
20. The entire City is designated as a critical aquifer recharge area, and the applicant must meet the requirements of the 1992 Department of Ecology storm-water manual as adopted by the City. Such requires treatment of storm water prior to release. The applicant proposes to utilize rain gardens as the storm water treatment method. The environmental documents show plant and animal priority species and habitat in the vicinity of the site. The applicant will preserve and enhance the predominant oak woodland and Shore Pine plant communities located along the Thompson Creek corridor and will preserve them in open space.
21. The City does not own sufficient water rights to serve the MPC, but the City has applied to the Washington Department of Ecology for water rights for the southwest annexation area. While the City has not received additional rights, Tahoma Terra has water rights associated with the previous dairy farm. The applicant has assigned these water rights to the City and the City has applied to DOE for a transfer which, if approved, would allow the City to provide domestic water for the initial portion of the development. A previous owner of the property

participated in a Sewer Local Improvement District (LID), and the City will therefore provide water and sewer connections for 89 units.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The Applicant has established that the request for Conceptual Master Site Plan approval for Tahoma Terra is consistent with applicable policies of the City of Yelm comprehensive plan and satisfies all criteria set forth in Chapter 17.62 YMC. Therefore, the Conceptual Master Site Plan approval for the Tahoma Terra project should be approved subject to the following conditions:
 1. The conditions of the Mitigated Determination of Non-significance are hereby referenced and are considered conditions of this approval.
 2. The average density of the proposal be not less than four dwelling units per net developable acre within each final master plan area, consistent with Growth Management policies.
 3. Proposed neighborhood commercial areas shall be centrally located within the master plan development and shall be screened from residential neighborhoods.
 4. A minimum of 55 acres (25% of the site) shall be set aside as permanent open space with a variety of active and passive recreational improvements. An area within the identified open space equivalent to five percent of the gross area of each final master site plan application shall be identified and improved within the community park area as part of each final master site plan approval and implementation.
 5. A minimum of 55 acres (25% of the total land area) shall accommodate medium and high density residential development. This can be accomplished through all four proposed land use designations.
 6. Prior to approval of any residential development west of Thompson Creek, the neighborhood commercial center should be improved and ready for the construction of commercial buildings. Improved means that any applicable land use or land division approvals have been issued and all required site improvements for the land use or land division approval has been completed.
 7. For every 300 single family detached, duplex, or town home dwelling units, 48 multi-family units shall be constructed. The multi-family dwelling units

required to meet the prescribed ratio shall be under construction prior to issuance of building permits for the next block of single family dwelling, duplex, or town home dwelling units.

8. Prior to approval of any development within a final master site plan approval area, the applicant shall prepare an infrastructure plan that includes water, sanitary sewer, reclaimed water, and streets. The plan shall be consistent with the Capital Facilities Plans for the City and shall include sufficient design detail in order to review subsequent development approvals. The plan shall be submitted to and approved by the City prior to the issuance of building permits for dwellings or commercial buildings within each approved development within a final master plan area.
9. Each final master plan shall include provisions for a full network of sidewalks and pathways throughout the master plan to encourage multimodal opportunities. The boulevard shall accommodate transit stops for school and public transit opportunities.
10. Each final master plan application shall provide for the continuation of streets within the Yelm Urban Growth Area pursuant to the policies of the Comprehensive Plan.
11. A minimum of 55 acres (25% of the site) shall be identified as permanent open space with a variety of formal and informal recreational improvements. Prior to dwelling construction in any development, land equivalent to five percent of the gross area of each Final Master Plan area shall be developed within the community park area.
12. Every final master plan shall include provisions for one pocket park for every 50 residential units within a neighborhood. Larger 'community' parks of between ½ acre and 5 acres which are centrally located may be substituted for half the required 'pocket' parks at a ratio of 1 acre for every 50 lots.

RECOMMENDATION:

It is hereby recommended that the Yelm City Council approve the Conceptual Master Site Plan of Tahoma Terra subject to the conditions contained in the conclusions above.

ORDERED this 2nd day of August, 2005.

STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this 2nd day of August, 2005, to the following:

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