

**OFFICE OF THE HEARING EXAMINER**

**CITY OF YELM**

**REPORT AND DECISION**

**CASE NO.:** SUB-05-0068-YL (part of MPD-05-0067-YL)

**APPLICANT:** Tahoma Terra LLC  
4200 6<sup>th</sup> Avenue SE, Suite 301  
Lacey, WA 98503

**SUMMARY OF REQUEST:**

The applicant is preliminary plat approval to allow construction of 89 single family units, on approximately 20 acres. The applicant has applied for approval of a Conceptual Master Plan Development of approximately 220 acres, Final Master Plan approval for approximately 40 acres, and preliminary plat approval of approximately 20 acres. Included in the Final Master Site Plan is the completion of commercial space and developed open space.

**SUMMARY OF DECISION:**

Request granted, subject to conditions.

**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 slat 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 an irregularly shaped, 15 acre parcel of property abutting the west side of Durant Street, the south side of Berry Valley Road, and the north side of Longmire Street within the southwest portion of the City of Yelm. The applicant requests preliminary plat approval to allow subdivision of the site into 89 single family residential lots with an average lot size of 5,500 square feet.
5. The proposed preliminary plat is Phase 1 of the Tahoma Terra Master Planned Community (MPC) which contemplates between 800 and 1,200 residential units on 220 acres. Tahoma Terra has received conceptual master plan approval for the entire 220 acres and final master plan approval for Phases 1 and 2 located east of Thompson Creek. The preliminary plat is in accordance with the approved final master plan.
6. The preliminary plat map shows access provided from Longmire Street and Berry Valley Road. An internal plat road extends between said roads and four internal plat roads extend to the west property line of Phase 1 and will provide access into Phase 2 upon its development. The site is located within the Low Density Residential (R4-6) classification of the Tahoma Terra Final Master Plan Development Guidelines. Said classification authorizes residential single family subdivisions as outright permitted uses and allows a minimum density of four dwelling units per gross acre and a maximum density of six dwelling units per gross acre. The applicant proposes a residential single family subdivision at a density of 5.9 dwelling units per gross acre. Said classification provides building height, off-street parking, lot access, and setback requirements which all lots and structures thereon must meet.
7. Chapter 14.12 of the Yelm Municipal Code (YMC) requires new subdivisions to provide a minimum of 5% of the gross area as usable open space. While the preliminary plat shows no open space, the Tahoma Terra MPC provides approximately 60 acres of open space land which includes Thompson Creek and its associated floodplain and wetland system. The applicant will enhance this area with park facilities and footpaths. The conceptual and final master plans require a minimum of one pocket park for every 50 dwelling units, or a combination of pocket parks with a centrally located larger park serving the subdivisions. Such will ensure that the plat makes appropriate provision for open spaces, parks and recreation, and playgrounds.
8. A mitigating measures in the MDNS requires the applicant to enter a school mitigation agreement with the Yelm School District. Entry of such agreement will ensure appropriate provision for schools and school grounds.
9. The applicant has elected to use City street standards for all interior, local access,

residential streets within the subdivision. The applicant will construct all streets to the local access standard which includes two, 11 foot wide travel lanes; two, seven foot wide parking lanes; concrete, rolled edge curb and gutter; six foot wide planter strip with street trees 35 feet on center; five foot sidewalk on one side of the street; and street lighting. The applicant will dedicate all streets to the City upon final plat approval. As previously found, the subdivision provides for continuation of streets to adjoining subdivisions. The conceptual plan shows a street grid system and continuation of all streets throughout future development within the MPC. The preliminary plat will comply with the City's Transportation Facility Charge, and will also construct the traffic improvements required by the MDNS. These measures include the reconstruction of Longmire Street to a modified collector standard from the project entry to SR-510. Furthermore, the MDNS requires that prior to approval of any development permit which includes the 90<sup>th</sup> peak p.m. trip generated from the project, the applicant must construct a center left turn lane on SR-510 at the Longmire Street intersection with sufficient storage to serve anticipated traffic volumes. According to the applicant's traffic study, Phase 1 will generate 90 p.m. peak hour trips, and therefore prior to final plat approval, the applicant must reconstruct Longmire Street and install a center left turn lane. Such improvements and payments will ensure that the Phase 1 preliminary plat makes appropriate provision for streets, roads, alleys, and other public ways.

10. The City of Yelm will provide both domestic and fire flow to the site, and the applicant will decommission any existing water wells pursuant to Department of Ecology (DOE) standards. The applicant will assign/dedicate water rights associated with said wells to the City which shall use said water to supply Phase 1. The applicant will also use reclaimed water from the City's wastewater treatment plant for irrigation, decorative fountains, street cleaning, dust control, firefighting, and other uses with the exception of public consumption. The City will also provide sanitary sewer service to each lot. The preliminary plat makes appropriate provision for potable water supplies and sanitary waste.
11. The applicant will design the storm water drainage system to City standards as set forth in the 1992 Department of Ecology Stormwater Manual. Said standards requires all development to both treat and control stormwater. The conceptual design provides both treatment and infiltration and includes low impact development technologies for stormwater treatment to include rain gardens. The City has reviewed the conceptual report and finds it appropriate. The plat makes appropriate provision for drainage ways.
12. The applicant will construct sidewalks on at least one side of internal plat roads and will provide adequate street lighting to include street lights at internal street intersections and pedestrian scale lighting along internal portions of residential streets. The plat makes appropriate provision for safe walking conditions.
13. The applicant will comply with all City landscaping standards and has proposed a

street tree planting plan which incorporates such requirements. The applicant will also landscape the open space areas and storm water facilities. The perimeter must have Type 2 landscaping or a fence.

## **CONCLUSIONS:**

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The proposed preliminary plat makes appropriate provision for the public health, safety, and general welfare for open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds, and safe walking conditions.
3. The proposed subdivision is in conformity with the Low Density Residential zone classification of the Tahoma Terra Development Guidelines.
4. All public facilities impacted by the subdivision are adequate and available to serve the development.
5. The project is within the City's sewer service area and said system has capacity to serve all lots.
6. The proposed preliminary plat will serve the public use and interest by providing an attractive location for a single family residential subdivision and by helping implement the Tahoma Terra Master Planned Community, and therefore should be approved subject to the following conditions:
  1. The proponent shall comply with the mitigation requirements of the MDNS issued on May 24, 2005, which include:
    - The developer shall mitigate transportation impacts through the payment of a transportation facility charge (TFC) pursuant to Chapter 15.40 YMC. The fee shall be paid at the time of building permit issuance.
    - The applicant shall be responsible for the following transportation improvements:
      - Prior to the final subdivision approval of any lots the applicant shall reconstruct Longmire Street to a modified collector standard from the project entry to Yelm Avenue West (SR 510).
      - Prior to the approval of any development permit (including a



Community.

- The developer shall enter into an agreement with Yelm Community Schools to mitigate project impacts to the School District.
  - Prior to the approval of any development permit (including a final subdivision) beyond the 89th lot, the applicant shall convey water rights to the City of Yelm sufficient to serve the proposed use within that area of the final master site plan and the first 89 lots. The conveyance shall be made to the City through a water rights agreement between Tahoma Terra, LLC and the City of Yelm. This condition is not applicable if the City obtains water rights through the Department of Ecology which are sufficient to serve the projected density of the City, its urban growth area, and the subject property.
  - Prior to disturbance of any identified geologic hazard area, the applicant shall submit to the City of Yelm Community Development Department a geotechnical report that identifies established best management practices for all activity within the geologic hazard areas and only allows activities which:
    - will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;
    - will not adversely impact other critical areas;
    - are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions;
    - are certified as safe as designed by a qualified engineer or geologist.
  - Prior to building permit issuance, the applicant shall enter into a mitigation agreement with the City of Yelm which includes a mitigation fee toward the replacement of a police station required to be expanded in order to serve the proposed development. The mitigation fee shall be based on the applicant's aliquot impact on the need for replacement police station, which is \$310 per housing unit.
2. Each dwelling unit with the subdivision shall connect to the City water system. The applicant has provided to the City a "Water Right Conveyance and Right-of-Entry Agreement". This conveyance establishes the water connection fees.

3. The existing wells shall be abandoned per Washington State Department of Ecology standards. Any water rights associated with the well shall be deeded to the City of Yelm.
4. All conditions for cross connection control as required in Section 246-290-490 WAC.
5. Each dwelling within the subdivision shall connect to the City S.T.E.P. sewer system. The connection fee and inspection fee will be established at the time of building permit issuance. Existing septic systems shall be abandoned per the Thurston County Department of Health standards.
6. The applicant shall connect to the City's reclaimed water system. All irrigation systems for planting strips and required landscaping located within any open space, stormwater tracts, and the Boulevard shall be served by an irrigation system utilizing reclaimed water where available. The civil plans shall identify proposed reclaimed water lines, meters, and valves.
7. The applicant shall provide a final landscape and irrigation plan for this subdivision as a part of civil plan submission. Landscape plans shall meet Chapter 17.80 YMC, or as amended in the Final Master Plan approval.
8. The applicant shall provide for a minimum of one "pocket park" for the preliminary plat of 89 lots, and the completion of the proposed three (3) acres of open space area located at the southwest end of Longmire Street.
9. The proponent shall design and construct all stormwater facilities in accordance with the 1992 DOE Stormwater Manual, as adopted by the City of Yelm, and as amended in the Final Master Plan Approval. Best Management Practices (BMP's) are required during construction.
10. The final stormwater plan shall be submitted with civil engineering plans and shall include an operation and maintenance plan.
11. Storm water facilities shall be located in a separate recorded tract owned and maintained by the homeowners association.
12. All roof drain runoff shall be infiltrated on each lot utilizing individual drywells.
13. The stormwater system shall be held in common by the Homeowners Association. The Homeowners Agreement shall include provisions for the assessment of fees against individual lots for the maintenance and repair of the stormwater facilities.

14. The proponent shall submit a fire hydrant plan to the Community Development Department for review and approval as part of the civil engineering plans prior to final subdivision approval.
15. The proponent shall submit fire flow calculations for all existing and proposed hydrants. All hydrants must meet minimum City standards.
16. The proponent shall be responsible for the installation of hydrant locks on all fire hydrants required and installed as part of development. The proponent shall coordinate with the Yelm Public Works Department to purchase and install required hydrant locks. Hydrant lock details shall be included in civil plan submission.
17. Street lighting will be required. Civil plan submittal shall include a lighting design plan for review and approval.
18. Prior to the submission of final plat application, the proponent will provide the Community Development Department an addressing map for approval.
19. Prior to the submission of final plat application, a subdivision name must be reserved with the Thurston County Auditor's Office.
20. The proponent shall submit a final landscaping and irrigation plan for this plat, along with the phased open space improvements with civil engineering plans.
21. The proponent shall provide a performance assurance device in order to provide for maintenance of the required landscaping for this plat, until the tenant or homeowners' association becomes responsible for landscaping maintenance. The performance assurance device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.

**DECISION:**

The request for preliminary plat approval of Phase 1 of the Tahoma Terra Master Planned Community is hereby granted subject to the conditions contained in the conclusions above.

**ORDERED** this 2<sup>nd</sup> day of August, 2005.

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**STEPHEN K. CAUSSEAU, JR.**  
Hearing Examiner

**TRANSMITTED** this 2<sup>nd</sup> day of August, 2005, to the following:

**APPLICANT:**Tahoma Terra LLC  
4200 6<sup>th</sup> Avenue SE, Suite 301  
Lacey, WA 98503

**ENGINEER:** SCA Consulting Group  
4200 6<sup>th</sup> Avenue SE, Ste. 301  
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**NOTICE**

1. **RECONSIDERATION:** Any interested party or agency of record, oral or written, that disagrees with the decision of the hearing examiner may make a written request for reconsideration by the hearing examiner. Said request shall set forth specific errors relating to:

- A. Erroneous procedures;
- B. Errors of law objected to at the public hearing by the person requesting reconsideration;
- C. Incomplete record;
- D. An error in interpreting the comprehensive plan or other relevant material; or
- E. Newly discovered material evidence which was not available at the time of the

hearing. The term "new evidence" shall mean only evidence discovered after the hearing held by the hearing examiner and shall not include evidence which was available or which could reasonably have been available and simply not presented at the hearing for whatever reason.

The request must be filed no later than 4:30 p.m. on August 15, 2005 (10 days from mailing) with the Community Development Department 105 Yelm Avenue West, Yelm, WA 98597. This request shall set forth the bases for reconsideration as limited by the above. The hearing examiner shall review said request in light of the record and take such further action as he deems proper. The hearing examiner may request further information which

shall be provided within 10 days of the request.

2. **APPEAL OF EXAMINER'S DECISION**: The final decision by the Examiner may be appealed to the city council, by any aggrieved person or agency of record, oral or written that disagrees with the decision of the hearing examiner, except threshold determinations (YMC 15.49.160) in accordance with Section 2.26.150 of the Yelm Municipal Code (YMC).

**NOTE:** In an effort to avoid confusion at the time of filing a request for reconsideration, please attach this page to the request for reconsideration.