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RECEIVED
MAY 19 2005

May 18, 2005

Mayor Rivas
Council Members
PO Box 479
Yelm, WA 98597

RE: Big-Box Retail Development

Dear Mayor Rivas and Council Members:

This letter is a follow-up to the City Council meeting last Wednesday, May 11, 2005, and comments made during public access time about the impacts of 'big-box retail development'.

Specifically, Dr. Gregory May indicated during public access time that the Yelm Commerce Group had "obtained the services of an Attorney and a Traffic Engineer to help us in fighting that big box store". The next day, the Community Development Department received a letter from Knoll Lowney, the attorney representing the Yelm Commerce Group. In the letter, Mr. Lowney states "As you are likely aware, a municipality can incur substantial costs in exercising its lead agency status in a case such as this, where extensive litigation is almost a certainty".

As the Council knows, appeals of all decisions by the Community Development Department relating to SEPA and land use decisions are heard first by the Hearing Examiner and then by the City Council.

At this time, because of the statements by Dr. May and Knoll Lowney, I am concerned with the Council continuing to receive any testimony about the impacts, pro or con, of a Wal-Mart locating in Yelm, even testimony disguised as being about a generic big box retail store. I would advise the Council to not allow any further testimony on the subject at City Council meetings and would also caution the Council that ex-parte contact outside Council meetings is also inappropriate and may jeopardize the Council's role in the land use and environmental appeal that is 'almost a certainty'.

COPY

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Very truly yours,

OWENS DAVIES, P.S.

A handwritten signature in black ink, appearing to read "B F Dille". The signature is written in a cursive style with a large initial "B" and "F".

Brent F. Dille

BFD/tek

cc: Mr. Grant Beck

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