



City of Yelm

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AGENDA

Yelm Planning Commission

Monday, March 18, 2019 – 5:00 pm

YELM CITY HALL

106 2ND STREET SE

1. **Call to Order**
2. **Roll Call**
3. **Agenda Approval**
4. **Approval of Minutes**
Minutes from February 19, 2019 attached
5. **Public Comment or Communications**
6. **Public Hearing Draft Downtown Transportation Strategy**
7. **Subcommittee Reports**
8. **Adjourn**

Next Planning Commission Meeting

Monday, April 15, 2019 – 4:00 pm

YELM CITY HALL

106 2ND STREET SE

Enclosures are available to non-Commission members upon request.

All regular Yelm Planning Commission meetings are recorded. Meetings may be viewed at www.yelmwa.gov or a copy may be purchased by contacting the City Clerk's office at 360.458.8402.

It is the City of Yelm's policy to provide reasonable accommodations for people with disabilities. If you require reasonable accommodations to participate at a Planning Commission meeting, please contact the City Clerk's office at 360.458.8402 at least four (4) working days prior to meeting. Information on the Americans with Disabilities Act and the Title VI Statement is available at www.yelmwa.gov/human-resources.

YELM PLANNING COMMISSION MINUTES
FEBRUARY 19, 2019 – 4:00 PM
YELM CITY HALL

Jerry Fugich called the meeting to order at 4:00 pm

Members present: Jerry Fugich, John Graver, Bob Howard, Anne Wahrmund, Floyd Sheldon, Carlos Perez, and John Thomson

Members Absent:

Staff: Tami Merriman, Dana Spivey

Approval of Agenda:

MOTION BY ANNE WAHRMUND, SECONDED BY JOHN GRAVER TO APPROVE THE AGENDA. ALL WERE IN FAVOR.

Approval of Minutes:

MOTION BY JOHN GRAVER, SECONDED BY FLOYD SHELDON TO APPROVE THE JANUARY 22, 2019 MINUTES. ALL WERE IN FAVOR.

Public Comment & Communications:

Steve Klein read a document regarding the City's deed of 640 acres within the Thurston Highlands. Mr. Klein feels that the Planning Commission should be informed. The document is attached.

Tami Merriman introduced Derek McCoy, the new City of Yelm Development Review Engineer.

Downtown Corridor Plan

Tami Merriman requested 3 volunteers to form a subcommittee to review the draft downtown corridor plan before the plan is presented to the public. Carlos Perez, Floyd Sheldon, and John Graver will meet on Tuesday March 5 to receive the draft. The Planning Commission will hold a public hearing on March 18, 2019, at 5 PM. The draft plan will be made available to the public around March 8, 2019

Subcommittee Report:

Carlos Perez inquired about the new website. He could not find the Planning Commissioners page. Carlos Perez also confirmed the Short Course on Local Planning training Wednesday, February 20, 2019.

Anne Wahrmund presented the Commission with renderings of the new splash park and playground. John Thomson suggested security cameras be placed at the new equipment.

John Graver reported that the first City Community Garden meeting will be held Thursday, February 21, 2019 at the Yelm High School.

Jerry Fugich alerted the Commission that two bills were on the floor, SB5160, and HB1804 relating to property tax exemptions for veterans.

Adjourn: MOTION BY JOHN THOMSON, SECONDED BY JOHN GRAVER TO ADJOURN THE MEETING. ALL WERE IN FAVOR. MEETING WAS ADJOURNED AT 4:50 PM

Respectfully submitted,

Tami Merriman, Associate Planner

Date

Jerry Fugich, Chair

Date

February 19, 2019

To Yelm Planning Commission:

I came before this body on August 20, 2018 concerning several issues, including one from June 26, 2018, where Yelm city council member Joe DePinto's questions about a citizen telling him that Mayor JW Foster had unilaterally signed a Deed in Lieu of Foreclosure on behalf of the City of Yelm with the high-profile owner of a 640 acre parcel in city limits. Foster signed the deal December 29, 2017, without consulting the Yelm city council as to the ramifications, did not obtain their explicit public vote of approval, nor scheduled a public comment period on the council's agenda. The evening of June 28th was the first time the council became aware of this deal signed six months earlier. Mayor Foster confirmed he had done this.

Subsequently, thanks to the emphatic reminder of Councilor Molly Carmody to the mayor, city administrator, and the council that three councilors asked for a full briefing that was supposed to occur at the December 2018 Study Session, this topic finally was discussed at the February 5, 2019, Study Session. That evening under direct questions, the council was told by the mayor that if the land owner defaults in December 2019, the city becomes the land-owner and is responsible for the debt of over \$1 million plus interest and becomes responsible for the LID.

There was a discussion about planning for this potential and Mayor Foster guided the council to defer taking any action until closer to the contract's end date this December to see what the owners would do. The likelihood that these owners are suddenly going to pay the back-taxes, penalties and interest to make themselves whole, while possible, is highly unrealistic at this point, especially that Foster already gave them a 2-year-extension deal to then save them from defaulting in December 2017.

These well-known Seattle owners purchased the land in November 2010 from the Thurston Highlands owners who defaulted 2 years earlier, so these buyers must have thought this was a good deal for future development at default prices during the economic downturn. Six months earlier, the Washington State Appeals Court overturned JZ Knight's Superior Court water case win with the city. No one expected Knight to appeal her case to the Washington Supreme Court, yet while the sale of the property was well underway to the high-profile owners, the Supreme Court granted review to Knight's case on November 2, 2010. The owners could not do anything with the land while the water issue was being litigated because Knight had senior water rights standing with the original land sellers, Thurston Highlands, LLC. If they developed and Knight won, the owners could potentially be liable for homes with no water access. Knight's water case was granted in her favor by the Washington Supreme Court in December 2011, followed soon thereafter by Foster's water case against the city, reducing the city's available water.

My point:

The city council should be collaborating NOW in planning for the owners to default and the city holding the Deed and LID responsibility outright. These owners have kept their other 2 large parcels paid to-date, so there is a very good potential they are going to jettison this 3rd parcel, especially with so much debt in back taxes, interest, penalties, and \$193,333 in unsettled liens.

Councilor Wood said this 640 acres of land is a "Mazzeratti," when such is far from the case. The city has no water to currently support the property and certainly will have to plan wisely for what water they will receive from Ecology following the Hirst decision. The land may not be of much value to the city except as a solar farm.

Why is Foster protecting the land owners with his obfuscation on all of this and kicking the can down the road in not now planning for the city to possibly hold the bag? His first responsibility is to the public interests he took an oath to protect.

The entire manner in which he has handled this 640 deal is the very sign of an exceptionally poor manager. A proper leader would not wait until the end of the year when the contract expires to craft any contingencies! The mayor should be directing the Planning Commission and Community Development now to create options for consideration, yet the mayor is protecting the land owners instead of his first responsibility to serve the public interests he took an oath to protect.

If the city is left holding the deed + LID responsibility + interest at the end of this year, that will add over \$1 million in debt to the city's balance sheet, on top of the \$1 million in 2018 to purchase/renovate this city hall building, plus deferred Public Works maintenance/upgrades. And the most recent statistics released by Thurston County reflect real estate availability is now in a buyers market, meaning property availability has increased as more owners sell. In addition, reported last week were stories that personal credit card debt has skyrocketed and savings have dropped. These are indicative there are storm clouds on the horizon and the city should be prepared in all ways.

While no surprise that the *Nisqually Valley News* (NVN) covered other Feb. 5th Study Session issues and omitted this story, how will the public or you know? Interestingly, no briefing on this deal is on your agenda either. I recommend this body get a full briefing, ask questions and PLAN for any alternative. That is being well prepared. Thank you.

Steve Klein

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