

City of Yelm

Site Plan Review Committee

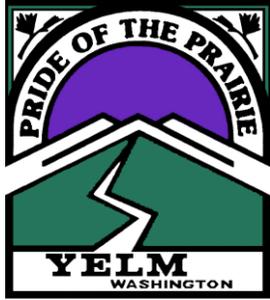
*105 Yelm Avenue West
Yelm, WA 98597*

NOTICE OF DECISION

DATE: September 19, 2018
PROJECT NAME: El Taco Amigo 3
PROJECT LOCATION: 1110 Yelm Ave E, Suite A, Yelm, WA 98597
PARCEL NUMBER: 22730110207
CASE NUMBER: 20180331

NOTICE IS HEREBY GIVEN that the Community Development Department issued a site plan review approval to Yalina Mondragon-Valencia at the above referenced location.

The complete decision may be viewed on the City's website at www.yelmwa.gov and choosing 'Document Library' then 'Currently Under Review' from the menu system. A copy of the decision may also be obtained at the Community Development Department in City Hall at 105 Yelm Avenue West, Yelm, WA 98597 during normal business hours for a fee of 15 cents per page. For additional information, please contact the Community Development Department at 360-458-3835.



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105 Yelm Avenue West
Yelm, WA 98597

Site Plan Review 20180331

Findings of Fact, Conclusions of Law, and Decision

FINDINGS OF FACT

1. Yalina Mondragon-Valencia owns the mobile food vending business to be located at 1110 Yelm Ave E, Suite A, identified by Assessor's Tax Parcel Number 22730110207. This approval is for the operation of a mobile food vendor at this location.
2. The property is approximately .71 acres and owned by Yelm Plaza LLC. The site is leased to King Cronic Group, LLC, who is subletting Suite A and parking to El Taco Amigo 3. The property is zoned Commercial (C-1) which is codified at Chapter 18.36 YMC. The Commercial District is intended to provide for the location of business centers to serve the needs of the community for convenience goods and services. Retail and service establishments are allowed uses in the C-1 zone. [Section 18.35.020 YMC].
3. Yalina Mondragon-Valencia submitted a site plan review application on September 11, 2018. The application materials included a preliminary site plan showing the location of the mobile food vending unit and associated parking.
4. The project is exempt from environmental review as the existing building is less than 10,000 square feet and less than 90 parking stalls are required. [Section 18.20.020 YMC and Section 197-11-800 WAC]
5. Chapter 18.16 YMC requires a determination that the infrastructure facilities necessary to serve a proposed development are in place or planned for and properly funded with a reasonable expectation that the facilities will be in place at the time needed to preserve adopted levels of service.
 - a. Concurrency with sewer infrastructure means the project is within an area approved for sewer pursuant to the adopted sewer comprehensive plan for the City and improvements necessary to provide facilities and services are present to meet the needs of the proposed development.

The mobile food vending unit is self-contained. The applicant has a written agreement with the adjoining business owner to have access to an existing commercial unit for access to restroom facilities; this satisfies concurrency requirements for sewer.

- b. Concurrency with water infrastructure means the project is within an area approved for municipal water service pursuant to the adopted water comprehensive plan for the City and improvements necessary to provide services are present.

The mobile food vending unit is self-contained. The applicant has a written agreement with the adjoining business owner to have access to an existing commercial unit for access to restroom facilities; this satisfies concurrency requirements for water.

- c. Concurrency with transportation infrastructure means that the project completes frontage improvements, makes off-site improvements required for the safe movement of traffic and pedestrians if impacted by traffic from the development, and pays a traffic facilities charge.

The mobile food unit is located on an improved commercial parcel with access from Yelm Avenue East and Plaza Drive which are both constructed to City standards.

- d. Concurrency with school infrastructure means the developer pays a school impact fee at the time of construction.

The proposal will have no impact on the School system as it will not increase student population.

- e. Concurrency with fire protection means the developer pays a fire impact fee at the time of construction.

The proposal does not increase the square footage of the building that requires the fire impact fee.

- 8. Title 18 YMC is the Unified Development Code for the City of Yelm and establishes standards for development within the various zoning districts. The subject property is identified by the Zoning Map as being within the Commercial zoning district. All surrounding properties are commercially developed.

- a. Retail and service oriented establishments are allowed in the C-1 zoning district as a permitted use. [Section 18.36.020 YMC]

- b. The mobile food vending unit is proposed to be located within an approved parking stall, which meets the district setback requirements. [Sections 18.36.040 and 18.68.030 YMC]

- c. Chapter 18.52 provides guidance for Ingress and egress. Access to the mobile food vending unit is from approved accesses on Yelm Avenue and Plaza Drive.

- d. Retail and service establishments require one parking space per 250 feet of gross floor area. El Taco Amigo has leased Suite A and associated parking stalls from King Cronin Group.
9. The Yelm Critical Areas and Resource Lands, Chapter 18.21 YMC provides protection for critical aquifer recharge areas, frequently flooded areas, wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas.
 - a. All of Yelm is identified as a critical aquifer recharge area. Compliance with Federal, State, and County water source protection regulations and with the City's adopted stormwater regulations is required to protect the aquifer. [Section 18.21.070 (C) YMC]
 - b. The Mazama Pocket Gopher has been listed as a threatened species by the Washington Department of Fish and Wildlife since at least 2008. Yelm has protected this species through the implementation of the Critical Areas Code. When a development occurs on property suspected to be occupied by the Mazama Pocket Gopher, the Community Development Department has required the applicant prepare a critical areas report which would include mitigation measures if it was determined that pocket gophers would be impacted by the proposed development. The Washington Department of Fish and Wildlife is provided with notice of all threshold determinations issued pursuant to the State Environmental Policy Act and the City consults with the Department when a critical areas report is required.

In April, 2014, the U.S. Fish and Wildlife Service listed the Yelm subspecies of the Mazama Pocket Gopher as threatened under the Endangered Species Act. While the City of Yelm is not responsible for implementation or enforcement of the Endangered Species Act, it consults with the Service and provides notice to applicants that the pocket gopher is a federally protected species and a permit from the U.S. Fish and Wildlife Service may be required.

The parcel is covered asphalt. Visual reconnaissance showed no evidence of gopher activity.

Compliance with Yelm's requirements under the Critical Areas Code does not ensure compliance with the provisions of the Endangered Species Act. The applicant should contact the US Fish and Wildlife Service with any questions about compliance with Federal standards for threatened species.
 10. Chapter 13.04 YMC and Chapter 6 of the Development Guidelines establish requirements for connection to the City's water system.

- a. The existing building is currently served by City water. The applicant has use of the existing building for restroom facilities. Water service hose may not be located overhead or lying on the sidewalk.
 - b. The City implements a cross-connection and backflow control program pursuant to Title 43 RCW and Chapter 248-54 WAC. [Section 13.04.220 YMC] A backflow prevention assembly is installed at this site.
11. Chapter 13.08 YMC and Chapter 7 of the Development Guidelines establish requirements for connection to the City's sewer system.
- a. The site is currently served by City sewer.
 - b. Connection to the sewer system is not allowed for the mobile unit. Waste water disposal must be approved by Thurston County Public Health Department.
12. All of Yelm is considered a critical aquifer discharge area. The control and treatment of stormwater is required to protect the critical aquifer. The City has adopted the latest edition of the *Stormwater Management Manual for Western Washington* published by the Washington Department of Ecology. [Section Chapter 18.27 YMC].
- The proposal does not include additional impervious surface.
13. Chapter 18.68 YMC provides general requirements for the location of mobile food vending units. The mobile food vending unit meets the requirements of this chapter as the size of the unit is less than 300 square feet, restroom facilities are secured in writing and available in Suite A of the building on site, the unit meets the setback requirements of the building, the unit is self-contained, the use does not take more than 15 percent of the required parking spaces, and provides safe and accessible vehicular and pedestrian maneuvering area for its customers. Electrical service connection may be provided by the adjacent property owner; however electrical lines are not allowed overhead or lying on the sidewalk.

CONCLUSIONS OF LAW

- A. Section 18.13.020 (B) YMC allows the Site Plan Review Committee to approve a proposal when the preliminary site plan conforms to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances.
- B. Yalina Mondragon-Valencia has established that the request for site plan review approval can satisfy all criteria set forth in Section 18.13.020(C) YMC, meet all requirements of the Commercial zoning classification, and meet all other requirements of the Yelm Municipal Code. Therefore, the preliminary plan and use should be approved subject to the following conditions:

1. A City of Yelm Business license is required.
 2. Utility service lines are prohibited overhead or lying on the sidewalk.
 3. Waste water disposal must be approved by Thurston County Public Health Department.
- C. The mobile food vending approval is valid for twelve (12) months from the date of this approval. The mobile unit may move to another location within the City under this approval, with a revised site plan. The applicant may renew this approval for an additional twelve (12) months with an updated application and site plan.

DECISION

The request for site plan review approval is hereby granted subject to the conditions contained in the conclusions above.

Dated this 19th day of September, 2018



Grant Beck,
Community Development Director



Chad Bedlington,
Public Works Director



Chris Vaccaro, Building Official

Prepared this 19th day of September, 2018



Tami Merriman,
Associate Planner

APPEAL

The Site Plan Review Committee's decision in this matter may be appealed pursuant to Chapter 18.10 YMC, to the City of Yelm Hearing Examiner no later than 21 days from the date of this decision. An appeal must be in writing, contain specific factual objections, and include the appeal fee of \$1,250.00.