



# *City of Yelm*

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## *Site Plan Review Committee*

*105 Yelm Avenue West  
Yelm, WA 98597*

### **NOTICE OF DECISION**

DATE: December 24, 2018  
PROJECT NAME: Washington Apartments  
PROJECT LOCATION: XXX Washington Avenue SW, Yelm, WA  
PARCEL NUMBER: 75300901200 & 75300901400  
CASE NUMBER: 20180337

**NOTICE IS HEREBY GIVEN** that the Community Development Department issued a site plan review approval to Tim Fyrst at the above referenced location.

The complete decision may be viewed on the City's website at [www.yelmwa.gov](http://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.



# City of Yelm

## Site Plan Review Committee

105 Yelm Avenue West  
Yelm, WA 98597

### Site Plan Review 20180337

#### Findings of Fact, Conclusions of Law, and Decision

##### FINDINGS OF FACT

1. Tim Fyrst proposes to construct 15 apartment units at XXX Washington Avenue SW, identified by Assessor's Tax Parcel Numbers 75300901200 & 75300901400.
2. The property is approximately .997 acres and is currently vacant.
3. The property is zoned Central Business District (CBD) which is codified at Chapter 18.35 YMC. The Central Business District is intended to promote the special characteristics of the existing downtown Yelm area. Apartments are an allowed use in the CBD zone. [Section 18.35.020(C) YMC].
4. Tim Fyrst submitted a site plan review application on September 7, 2018, and it was determined to be complete on September 28, 2018. The applicant proposes to construct 15 apartment units, with on site and on street parking. The application materials included a preliminary site plan, and preliminary drainage report.
5. As required by Section 18.10.050 YMC, the Yelm Community Development Department mailed a Notice of Application to local and state agencies and surrounding property owners on October 2, 2018. In addition, the notice was published on the City's website on October 3, 2018 and published in the *Nisqually Valley News* on October 5, 2018. Comments were received from property owner within 300 feet expressing concern regarding on-street parking and lack of sidewalks. Conditions of approval for this application address these concerns.
6. The City contacted the applicant on October 18, 2018 with preliminary comments on the site plan submitted. The applicant chose to respond to the preliminary comments and submitted a revised site plan on December 10, 2018. The findings and conditions of approval are based on the revised site plan.
7. The project is exempt from SEPA review pursuant to Section 197-11-800 (1) WAC and Section 18.20.020 (A) (2).

8. 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 site is not currently connected to the City sewer system. Connection to the sewer system satisfies concurrency requirements.

- 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 site is not currently connected to the City water system. Connection to the water system satisfies concurrency requirements

- 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 parcel fronts Washington Avenue SW and Rice Street SW, which are both considered Commercial Collector streets that are not constructed to City Standards. The property is also bordered by an alley. Completion of frontage improvements on Washington and Rice, and payment of transportation facilities charges satisfies concurrency requirements.

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

Payment of the School Impact Fee at the time of building permit issuance satisfies concurrency requirements.

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

Payment of the Fire Impact Fee at the time of building permit issuance satisfies concurrency requirements.

9. 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 Central Business District zoning district (CBD). The surrounding property is residentially developed, with the exception of the properties to the northeast, which are commercially developed.
  - a. Apartments are allowed in the CBD as a permitted use. [Section 18.35.020(C) YMC]
  - b. Residential development in the CBD is subject to High Density Residential district development standards, which require a 25-foot setback from the front, 20-feet for flanking yards, 10 feet for side yards, and 25 feet for rear yards. [Section 18.35.040 YMC] The conceptual site plan shows conformance with this requirement.
  - c. Maximum building height is 35 feet. [Section 18.35.040 YMC]. The conceptual site plan shows conformance with this requirement.
  - d. Chapter 18.52 provides guidance for Ingress and egress. The applicant proposes a driveway approach that meets the standards found in the Yelm Development Guidelines.
  - e. Residential uses require two parking spaces per dwelling unit. Based on 15 units, 30 spaces are required. Minimum parking requirements may be waived where on-site parking is unachievable, and on street parking is available.

The conceptual plan shows 19 spaces on-site, and 11 on-street parking spaces, with adequate accessible handicap stalls. The proposed parking meets the minimum parking requirements.
10. Title 18 YMC provides guidance and regulation for site planning during development. Chapter 18.55 establishes landscaping requirements for various types of development.
  - a. Perimeter landscape includes an 8 foot planter area with a combination of evergreen and deciduous trees. The conceptual site plan shows adequately sized perimeter landscape areas.
  - b. Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas. This landscaping is achieved with frontage improvements.
  - c. Parking lot landscaping is intended to provide visual relief and shade in parking areas. The conceptual site plan does not adequately show parking lot landscape areas. The addition of landscape islands, and landscaping around buildings would meet this requirement.

A detailed landscape plan shall be submitted with civil construction plans.

- d. Chapter 18.57 requires the preservation of existing trees during construction. No existing trees shall be removed until a decision is made regarding the feasibility of preserving existing trees. The landscape plan submitted with civil plan review shall indicate all trees over eight inches in diameter. These trees shall be replaced on a one-to-one basis within required landscape areas. Street trees do not qualify as replacement trees.
  - e. Multi-family residential developments requires a dedication of recreation/open space of 10 percent or more of the gross area of the development. The area must be an area of land that is supplemental, and in addition to any setbacks, yard, streets, vehicular access or parking areas and similar areas ordinarily associated with residential development.
  - f. Chapter 18.59 requires trash enclosures to be incorporated into the architectural feature of the primary structure and landscaping. The enclosure shall be constructed of CMU, wood or architectural steel, with gates of similar durable materials, and sized and landscaped pursuant to Section 18.59.040 YMC.
  - g. Section 18.59.050 YMC provides guidance for illumination. Walkways shall be lit to a minimum of 2 foot candles. Parking lot illumination levels shall not exceed 0.1 foot candle at five feet past the edge of the property line(s). Fixtures shall be mounted to a maximum of 20 feet above grade.
  - h. Mailboxes for the site shall be cluster box units (CBU) and placed on site. [Section 18.59.080 YMC]
  - i. Pedestrian circulation is required from parking lots to buildings and from public sidewalks. The conceptual site plan shows future public sidewalk connection from Rice Street. Connection to the sidewalk on Washington Avenue is also required. [Section 18.60.030 YMC]
  - j. Section 18.35.040 (N) YMC provides guidance for building color and texture. Building colors shall be earth tones.
11. 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.

Visual reconnaissance from City staff show no indications of Mazama Pocket Gophers or Prairie Habitat found on the project site. The site is mostly covered by trees and dense vegetation.

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.

12. Chapter 13.04 YMC and Chapter 6 of the Development Guidelines establish requirements for connection to the City's water system.
  - a. Water service connections are by a service line and water meter in the public right-of-way. [Section 13.04.110 YMC]. Multi-family developments with more than four units are calculated at 75 percent of an equivalent residential unit (ERU). [Section 13.04.120 YMC].
  - b. The site is not currently connected to City water service. There is a 10-inch service main located in the alley. Connection to this line is required. Each building is required to have its owner meter. The applicant may install deduct meters for units if desired.
13. Fire protection to the buildings must be provided per the International Fire Code. The specific requirements for installation of additional fire hydrants will be determined

during civil plan review. The International building code (IBC) provides occupancy ratings for different types of uses. The fire coverage system for the proposed use must meet IBC requirements.

Identified in the 2002 City of Yelm Water Comprehensive Plan is a requirement to install fire hydrant locks as part of the City's water conservation and accountability program.

14. Chapter 13.08 YMC and Chapter 7 of the Development Guidelines establish requirements for connection to the City's sewer system.
  - a. The property is located in the City of Yelm's STEP sewer system service area, and is not connected to the City of Yelm's STEP sewer system. There is an existing -4-inch sewer main located in the alley. Connection to City sewer service is required.
  - b. The S.T.E.P. tank shall be sized based on the Criteria for Sewage Works Design (Orange Book) published by the Washington State Department of Ecology, and located in the front yard area.
15. 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 (SMMWW)* published by the Washington Department of Ecology. [Section Chapter 18.27 YMC]. The project as proposed triggers a Department of Ecology Industrial Stormwater General Permit and/or a Department of Ecology Construction Stormwater General Permit. (SWPPP).
16. Frontage improvements are required as part of development in the City. [Section 18.16.050 YMC]
  - a. Frontage improvements are required for all new development within the city, including change of use that requires a site plan review approval. The property fronts Rice Street and Washington Avenue, which are considered Commercial Collector Streets.
  - b. Traffic Facilities Charges are based on the Institute of Traffic Engineers Trip Generation guide. Multi-family residences create .60 new pm peak hour trips per unit.

#### **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. Tim Fyrst 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 Central Business District zoning classification, and meet all other requirements of the Yelm Municipal Code. Therefore, the preliminary site plan should be approved subject to the following conditions:

1. Connection to City sewer service is required. The STEP tank shall be sized based on the Criteria for Sewage Works Design (Orange Book) published by the Washington State Department of Ecology, and located in the front yard area..
2. Connection to City water service is required. Connection shall be to the service main located within the alley. Each building shall be served by a separate meter.
3. Payment of a Fire Impact Fee is due at the time of building permit issuance.
4. Rice Street and Washington Avenue shall be constructed to Commercial Collector street standards.
5. School mitigation fees are due at building permit issuance.
6. Thirty (30) parking stalls shall be provided.
7. Perimeter landscape shall include an 8-foot planter area with a combination of evergreen and deciduous trees, and shrubs. Parking lot landscaping is required in parking areas. A detailed landscape plan is required as part of civil plan submission. The landscape plan shall include indicate all trees over eight inches in diameter to be removed, and provide one-to-one mitigation planting.
8. Ten (10) percent of the gross acreage shall be dedicated as recreational open space. A recreation/open space improvement plan shall be submitted with civil plan submission.
9. Trash enclosures shall be enclosed and landscaped pursuant to Section 18.59.040 YMC, and location approved by Pacific Disposal.
10. Walkways shall be lit to a minimum of 2 foot candles. Parking lot illumination levels shall not exceed 0.1 foot candle at five feet past the edge of the property line(s). Fixtures shall be mounted to a maximum of 20 feet above grade. Pedestrian circulation plan shall be updated to meet Section 18.60.030 YMC.
11. Building colors and texture must be consistent with the earth tone standards of Section 18.35.040 (N) YMC.
12. Mailboxes shall be cluster box units and located on site.
13. Traffic Facilities charges are due at the time of building permit issuance.



- C. The site plan is valid for eighteen (18) months from the date of this approval. The applicant may request a six-month extension on the approval, if the request is made in writing prior to the expiration date of this approval.

**DECISION**

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

Dated this 24<sup>th</sup> day of December, 2018



Grant Beck,  
Community Development Director



Chad Bedlington,  
Public Works Director

Prepared this 19<sup>th</sup> day of December, 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.