



# *City of Yelm*

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## *Site Plan Review Committee*

*105 Yelm Avenue West  
Yelm, WA 98597*

### **NOTICE OF DECISION**

DATE: January 24, 2018  
PROJECT NAME: Cowles  
PROJECT LOCATION: 112 Yelm Ave E, Yelm, WA 98597  
PARCEL NUMBER: 64400600500  
CASE NUMBER: 20180107

**NOTICE IS HEREBY GIVEN** that the Community Development Department issued a site plan review approval to William Cowles 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 20180107

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

##### FINDINGS OF FACT

1. William Cowles owns the building located at 112 Yelm Ave E, identified by Assessor's Tax Parcel Number 64400600500. The interior of the building has been divided and leased to two separate businesses.
2. The property is approximately .28 acres. There is a 3,600+/- square foot building with an unimproved gravel area at the side of building. The property is zoned Central Business District (CBD) which is codified at Chapter 18.35 YMC. The Central Business District is intended to provide for the location of a pedestrian shopping atmosphere, and promote the rehabilitation of existing structures. Retail and service establishments are allowed uses in the CBD zone. [Section 18.35.020 YMC].
3. William Cowles submitted a site plan review application on January 11, 2018. The application materials included a preliminary site plan.
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 building is connected to City sewer services, this 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 building is connected to City water services, this 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 Yelm Avenue East, 2<sup>nd</sup> Street, and adjacent to an improved alley in the rear. Yelm Avenue and 2 Street are not constructed to City Standards. The applicant has requested a deferral of frontage improvements based on low traffic generation. A signed agreement for deferral of frontage improvements would meet concurrency requirements. Dedication of right-of-way is needed to provide for future frontage improvements.

- 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 City Council has waived fire impact fees by Resolution 533 until the SE Thurston Regional Fire Authority establishes a region wide impact fee. This fee is subject to change by resolution of the City Council and is collected at the time of building permit issuance.

- 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 Central Business District zoning district. Properties to the west, south, and east area improved with existing businesses, and there is an improved parking lot for the Yelm Community School Administration Building to the north.

- a. Retail and service oriented establishments are allowed in the CBD zoning district as a permitted use. [Section 18.35.020 YMC]

- b. There are no setback requirements for commercial uses in the CBD zoning district. [Section 18.35.040 YMC] The proposed buildings meet the CBD district setback requirements.
- c. Buildings in the CBD zoning district may be up to 35 feet in height. [Section 18.35.040 YMC]. The proposed buildings meet the height requirement for the CBD district.
- d. Chapter 18.52 provides guidance for Ingress and egress. Access to this building from the street is served by on-street parking. A new driveway access is proposed from the alley. Commercial driveway widths shall not exceed 36 feet and meet minimum driveway standards found in the Yelm Development Guidelines.
- e. Retail and service establishments require one parking space per 250 feet of gross floor area. A portion of the building is retail space, while the other portion includes some retail with music instruction. The CBD zoning district allows site plan review consideration to the requirements of off-street parking in the CBD. There is on-street parking available on Yelm Avenue, and 2<sup>nd</sup> street for the business fronting Yelm Avenue. Access to the music instruction is from the rear of the building.

The conceptual plan shows 4 parking stalls, one of which is a van accessible handicap stall, to serve the building. The proposed parking meets the parking requirements of the CBD district.

- 9. 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 existing building is constructed to the property edge along Yelm Avenue and 2<sup>nd</sup> Street. Parking lot landscaping is required in the proposed parking area.
  - b. Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas. This is landscaping is achieved with frontage improvements. The applicant has requested a deferral of frontage improvements. If approved, the pedestrian corridor landscape would be included in the deferral.
  - c. Chapter 18.59 requires trash enclosures to be incorporated into the architectural feature of the primary structure and landscaping. If a commercial refuse container is used, the enclosure shall be constructed of CMU, wood or

architectural steel, with gates of similar durable materials. [Section 18.59.040 YMC]. Due to the nature of the business and size of office, it is likely that the business will be allowed a residential sized refuse container. If so, the container must not be stored between the building and street, and must be screened.

- e. 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.
  - f. Mailboxes for the site shall be cluster box units (CBU) and placed on site. [Section 18.59.080 YMC]
10. 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 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.

11. Chapter 13.04 YMC and Chapter 6 of the Development Guidelines establish requirements for connection to the City's water system.

- a. The site is currently served by City water.
- b. If the proposed uses will use more than 875 cubic feet of water per month, additional water connections will be required.
- 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 required to protect Yelm's water system from cross-connections from all new development. [Section 13.04.220 (D) YMC].

12. Chapter 13.08 YMC and Chapter 7 of the Development Guidelines establish requirements for connection to the City's sewer system.

The site is currently served by City sewer. The conceptual plan shows the S.T.E.P. tank located within a landscape area. The tank is not a traffic bearing tank. The tank must be protected with curbing and or bollards. No trees or shrubs shall be planted adjacent to the tank.

The discharge of waste containing fats, oils, or greases in excess of 100 mg/l to the S.T.E.P. tank is prohibited. [Section 13.08.080 (B) YMC] If the use has the potential of generating fats, oils, or greases to the S.T.E.P. tank, requiring an oil/water separator or a grease interceptor would ensure compliance with Section 13.08.080 (B) YMC.

13. 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 project as proposed triggers Best Management Practices as provided by the manual.

The applicant is proposing approximately 2,500 square feet of new pavement with runoff directed to planting areas for treatment.

14. Frontage improvements are required as part of development in the City. [Section 18.16.050 YMC]

The property fronts Yelm Avenue which is considered an Urban Arterial, and 2<sup>nd</sup> Street which is considered a Commercial Collector. Section 18.16.080 (C) YMC allows the City

to determine when frontage improvements are required, and under certain circumstances may permit deferral of installation of such improvements to a later date.

The applicant has requested a deferral of frontage improvements based on low traffic generation. There is public benefit in coordinating small improvements with a larger project such as through local Improvement Districts (LID).

Deferred frontage improvements shall be secured for installation at a later date by a waiver of protest, and commitment to participate in a local improvement district. Any required right-of-way shall be dedicated prior to occupancy.

#### **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. William Cowles 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 CBD 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. A reduced pressure backflow assembly is required at the current water meter.
  - 2. The S.T.E.P. tank must be protected by curbing and/or bollards. Any potential of fats, oils or greases to the sewer system requires an oil/water separator or grease interceptor.
  - 3. The proposed ingress/egress in the alley shall be constructed to meet City of Yelm Development Guideline standards.
  - 4. An Agreement and Waiver of Protest for the deferral of frontage improvements on Yelm Avenue and 2<sup>nd</sup> Street shall be recorded.
  - 5. The applicant shall provide a minimum of four (4) parking stalls, one of which must be a van accessible handicap stall.
  - 6. Parking lot landscape shall include an 8 foot planter area along the alley, and planter boxes as proposed on the conceptual site plan.
  - 7. If a trash enclosure is required, it shall incorporate 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 landscaped pursuant to Section 18.59.040(C) YMC.

8. Mailboxes for all units shall be cluster box units (CBU) and placed on site.
  9. Stormwater runoff and treatment shall meet the best management practices of the 2014 Stormwater Management Manual for Western Washington.
- 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>nd</sup> day of January, 2018



Grant Beck,  
Community Development Director



Chad Bedlington,  
Public Works Director



Chris Vaccaro, Building Official

Prepared this 24<sup>nd</sup> day of January, 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.