



City of Yelm

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"Pride of the Prairie"

## NOTICE OF DECISION

DATE: April 22, 2021  
PROJECT NAME: Cruz Developments, LLC  
PROJECT LOCATION: 17041 SE Yelm Hwy (SR507), Yelm, WA  
PARCEL NUMBER: 64303200300  
CASE NUMBER: 2020.0113

**NOTICE IS HEREBY GIVEN** that the Community Development Department issued an administrative site plan review approval to Cruz Developments, LLC 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 'I Want To' then 'View' then 'Public Notices' from the menu system. A copy of the decision may also be obtained at the Community Development Department in City Hall at 106 2<sup>nd</sup> Street SE, 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

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### ADMINISTRATIVE SITE PLAN REVIEW 2020.0113

### FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

#### FINDINGS OF FACT

1. Cruz Developments, LLC proposes to construct an auto dealership located at 17041 SE Yelm Hwy (SR507), Yelm, WA, identified by Assessor's Tax Parcel Number 64303200300. The project includes converting an existing residential building to an office with associated parking to be used during the construction of the Auto Sales facility.
2. The property currently developed as a single family residence. The property to the north is developed by Wal-Mart. The properties to the east, west and south are developed as single family residences. The property is approximately 9.33 acres.
3. The property is zoned Heavy Commercial (C-2) which is codified at Chapter 18.37 YMC. The C-2 district is intended to permit commercial uses and activities which depend more heavily on convenient vehicular access. Sales and servicing of automobiles is a permitted use in the C-2 district. [Section 18.37.020 YMC].
4. Cruz Developments, LLC submitted a site plan review application on January 28, 2021, and it was determined to be complete on February 8, 2021. Site improvements include an automobile sales facility, converting a residential building to a sales office, and associated parking. The application materials included a preliminary site plan, preliminary drainage, and a critical areas 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 February 8, 2021. In addition, the notice was published on the City's website on February 8, 2021 and published in the Nisqually Valley News on February 11, 2021. No comments were received.
6. The City of Yelm SEPA Responsible Official issued a Mitigated Determination of Non-significance based on WAC 197-11-158 on March 2, 2021. This determination is final and fulfils the City's responsibility for disclosure of potential, significant environmental impacts. The Mitigated Determination of Non-significance included the following mitigating conditions.
  1. A final drainage report meeting the minimum requirements of the Stormwater Management Manual for Western Washington, as published by the Washington State Department of Ecology shall be submitted with civil plan submission and Chapter 18.21 YMC for High Ground Water Hazard areas.

2. No building, parking area, or permanent feature may be located within the area of the future SR510 Yelm Loop extension as described in the City of Yelm Transportation System Plan and noted on the applicant's conceptual site plan.

The Nisqually Tribe commented that if cultural materials are encountered during development, the applicant should contact the Nisqually Tribe's Historic Preservation Office.

Washington State Department of Ecology provided comment regarding standard construction practices and that a construction stormwater general permit may be required.

7. 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 proposed development is required to connect to City sewer services. This satisfies the concurrency requirement 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 proposed development is required to connect to City water services. This satisfies the concurrency requirement for Water.
  - a. 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 State Route 507, directly across from the intersection of SR 507 and Walmart Blvd, and is scheduled to be reconstructed as the SR 510 Yelm Loop in the near future. The intersection will be reconfigured into a roundabout, and right-of-way for the improvements have been protected. The improvement will extend easterly, but will end before reaching the eastern property line. The applicant has requested a deferral for this portion of frontage improvements.

The City of Yelm Transportation System Plan plans for the continuation of the SR 510 Yelm Loop to continue south through this parcel to connect to Bald Hill Road. The project is considered a portion of the Y-2 improvement, and described as Y-2C Bald Hill Road to SR 507/SR 510 Loop Intersection. This project is not funded at this time. A condition of the MDNS issued on March 2, 2021 is to protect this future right-of-way from any permanent features.

Transportation Facility Charges are due and payable at the time of building permit issuance.

The required frontage improvements, future right-of-way protection and payment of Transportation Facility Charges satisfies currency for transportation improvements.

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

The project does not impact schools as it does not increase student population.

- 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.

- 8. The parcel is part of the Yelm East Gateway Planned Action Environmental Impact Statement (Gateway EIS) issued April 2015. Mitigation measures from the document are included where appropriate in the findings and conditions below.

- 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 C-2 zoning district. Properties to the north are developed as Wal-Mart. The properties to the east, west and south are developed as single family residences.

- a. Sales and Servicing of automobiles are allowed in the C-2 zoning district as a permitted use. [Section 18.37.020 (L) YMC]
- b. Setback requirements for the C-2 zoning district are 15 foot front yard, 10-foot side yards, and 20-foot rear yard. [Section 18.37.040 YMC]

The proposed building meets the C-2 setback requirements.

- c. Buildings in the C-2 zoning district may be up to 40 feet in height. [Section 18.37.040 YMC].

The proposed building meet the height requirement for the C-2 zoning district.

- d. Chapter 18.52 YMC provides guidance for ingress and egress. A temporary full access is proposed at the eastern property edge, with a temporary right on/right out access at the existing driveway serving the residential structure.

These accesses will change when the main access is constructed as the SR 510 Yelm Loop roundabout. The roundabout will provide main access to the site, and the eastern driveway will be converted to a restricted right in/right out.

- e. Retail sales require a minimum of one parking stall per 250 square feet of gross floor area. [Section 18.54.030 YMC] Parking of vehicles for sale shall provide adequate space for safe vehicle storage and movement as well as protecting established fire lanes. Accessible stalls meeting ADA standards are required. The proposal exceeds the minimum requirements of Section 18.54.030 YMC.

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 site shall provide a perimeter landscape around the development.

The preliminary landscape plan proposes adequate perimeter landscape.

- b. Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas.

Streetscape landscaping is not required as SR 510 Yelm Loop will be constructed by WSDOT.

- c. Parking landscaping includes a minimum of 24 square feet of landscape area for each parking stall proposed, planting area must contain at least one tree with no parking stall located more than 50 feet from a tree.

The preliminary landscape plan proposes adequate parking lot landscape.

- d. Stormwater Facility Landscaping includes landscaping of the stormwater facility to be incorporated with all on-site landscaping.

The preliminary landscape plan does not adequately address stormwater facility landscaping.

- e. Chapter 18.57 requires the protection of trees during development. There are minimal trees onsite, mainly around the existing home.

It is unclear from the site plan and aerial photos if the trees located on the eastern property line are on the subject property, or adjoining property. In either case, these trees should be retained and protected during development.

- f. Section 18.61.050 YMC prohibits chain link fencing when visible from the street. The applicant shall provide detail for other fencing.

- g. Chapter 18.59 requires development to relate to street fronts by defining the street edge with building and landscape. This is achieved by providing direct access to the building from the public sidewalk and substantial landscaping when parking is located adjacent to street frontage.

The proposal provides pedestrian access from SR 507 at the eastern driveway location. Currently there is no sidewalk in this location, and the SR 510 Yelm Loop roundabout construction will most likely not extend a sidewalk that to that point. There is a marked pedestrian crossing on the west leg of the current intersection, and the construction of the roundabout will provide sidewalks.

Deferring the pedestrian connection to the site when the roundabout is complete is preferable.

- h. Pedestrian pathways should be provided from parking areas to the buildings.

The proposed site plan provides sidewalk to the structure that will be a temporary office. A designated pedestrian access should be provided from the office to the sales display area at the proposed temporary paved access.

- i. Trash enclosures shall incorporate the architectural feature of the primary structure and landscaping. Trash enclosures should be located to the rear of the site, and not located between a street and building, and location approved by the local provider. The enclosure shall be constructed of CMU, wood or architectural steel, with gates of similar durable materials. [Section 18.59.040 YMC]

The proposed site plan shows the refuse area location between the building and the street. The plan also shows the area to be smaller than the minimum required.

The refuse enclosure shall be sized to accommodate a refuse container and recycle containers, and be located closer to the rear of the building.

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

- 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]

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.

A report by Key Environmental Solutions, LLC concluded that there was no evidence of gophers on this site.

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.

- b. The Gateway EIS provides findings regarding the Townsend's Bat, listed as a Federal Species of Concern. Mitigation measures include inspecting existing buildings for signs of Townsend's Bat, and if they are found, contacting the Washington Department of Fish & Wildlife for management recommendations.
- c. The site is encumbered by a High Ground Water Hazard Area on the eastern property line. Section 18.21.080(G) YMC provides performance standards for development within the hazard area. These standards include the determination of the flood elevation, that no development may locate within 50 feet, measured on a horizontal plane, or extending to a ground elevation of two feet above the base flood elevation, whichever is less, and that the bottom of any filtration facility for stormwater discharge shall be at least 6 feet above the base flood elevation.

The stormwater failed to describe the High Ground Water Hazard area, and shall be updated to show that it complies with Section 18.21.080 YMC.

12. Chapter 13.04 YMC and Chapter 6 of the Development Guidelines establish requirements for connection to the City's water system. Water service connections are by a service line and water meter in the public right-of-way. [Section 13.04.110 YMC].

There is a 10 inch water main located in SR 507. Civil plans shall ensure that the existing infrastructure is capable of supporting the proposed development for both potable water pressure and fire flows. This area is known to low pressure, and may need additional improvements to achieve required flows. The City is currently reviewing the addition of a water tower nearby which may assist in this issue. These calculations will be reviewed as part of the civil plan review process.

Connection to City water service shall be at the intersection of SR 507 and Walmart Blvd, with service lines extending within the future right-of-way designated on the conceptual site plan.

Connection to City water service is required for the conversion of the residence to a sales office. When this building is demolished, the water connection (1 ERU) shall be credited to the new development.

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].

Any onsite wells shall be decommissioned pursuant to Washington State Department of Ecology standards, and any associated water rights dedicated to the City.

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. Development requires extension of utility lines to all property frontages.

The City of Yelm operates a Septic Tank Effluent Pumping (STEP) sewer system, which includes a treatment tank on the property with effluent being pumped to the Wastewater Reclamation Facility for further treatment and reutilization.

The engineer preparing the civil plans will determine the appropriate size and placement for STEP tanks, which have to be assessable to City staff and protected from damage. STEP tank location may impact the design and layout of the project.

The existing residence shall connect to the City sewer service. At the time the building is demolished, the connection (1ERU) will be credited to the new development.

Connection to City sewer service shall be at the intersection of SR 507 and Walmart Blvd, with service lines extending within the future right-of-way designated on the conceptual site plan.

There is a 4" sewer main located in SR 507 along the frontage of this property. This line was installed by Walmart in 2007, and has a latecomer agreement associated with the property. The latecomer fee for connecting to this line is \$26,079.27, with interest of approximately \$16,951.53, for a total of approximately \$43,030.80. This fee is due at the time of connection to the sewer line.

Any commercial use that potentially generates Fats, Oils, or Greases (FOG) are required to remove FOG from the wastewater before it enters the STEP tank. A spill and containment plan is required for the garage.

Any onsite septic systems shall be abandoned per the Thurston County Health Department standards.

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].

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

Frontage improvements for SR 510 Yelm Loop are funded and scheduled to be completed by WSDOT. This improvement will encumber a portion of the frontage of this parcel. A deferral for the remainder of the SR 507 improvements can be supported.

Right-of-Way dedication for SR 507 is required for the area of deferral. A right-of-way dedication deed shall be created and recorded.

The Gateway EIS provides several mitigation measures in regards to transportation and access.

Coordinated internal site circulation is required.

The proposed site plan shows two future internal connections consistent with the Gateway EIS.

The Gateway EIS was created prior to the Washington Department of Transportation's (WSDOT) decision to create a roundabout at the intersection of SR 507 and Walmart Blvd. The Gateway EIS states that development in the southeast quadrant will be required to upgrade the intersection to a four-way intersection. The applicant is working with WSDOT for the completion and right-of-way for the new roundabout. This satisfies the mitigation for the intersection.

The Gateway EIS requires that development on this parcel provide setbacks for the future completion of the Yelm Loop and the Y2C project. The proposed site plan shows the required future right-of-way for the SR 510 Yelm Loop, and appropriate setbacks and protection of future Y2C improvement.

Traffic Facilities Charges are based on the Institute of Traffic Engineers Trip Generation guide (ITE). The ITE lists automobile sales as creating 2.43 new pm peak hour trips per 1000 square feet unit. Credit for the existing single family residence should be given.

## 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. Cruz Developments, LLC 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 C-2 Heavy Commercial 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. The conditions of the Mitigated Determination of Non-significance are hereby referenced and are considered conditions of this approval.

2. Existing buildings shall be inspected for signs of Townsend's Bat prior to demolition. If evidence is found, the applicant shall contact the Washington Department of Fish & Wildlife for management recommendations.
3. The access proposed at the eastern property line may operate as a full unrestricted access until the time the SR 510 Yelm Loop roundabout is complete. When the roundabout is complete, this access shall be reconfigured to be a restricted "right in/right out."
4. The access proposed at the current driveway entrance serving the residence shall operate as a restricted right in/right out until the time the SR 510 Yelm Loop roundabout is complete. The completion of the roundabout will remove this entrance, and provide an entrance as part of the roundabout construction.
5. Parking shall be provided at one parking stall for every 250 square feet of gross floor area. Parking for automobiles displayed for sale shall be configured to provide for safe vehicle movement as well as protection of required fire lanes.
6. Civil plan submission shall include a detailed landscape plan that shows an 8-foot perimeter landscape, parking lot landscape, stormwater facilities landscape, and refuse enclosure landscape, that meets the requirements of Chapter 18.55 YMC and Section 18.59.040 YMC.
7. The detailed landscape plan shall include the retention and protection of the trees located on the eastern property line.
8. The detailed landscape plan shall provide detail for fencing other than chain link.
9. The applicant shall provide a performance assurance device in order to provide for maintenance of the required. The performance assurance device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.
10. Approved pedestrian pathways shall be provided from all parking areas to the buildings. An updated pedestrian circulation plan shall be submitted showing connection to all onsite buildings.
11. A deferral agreement shall be provided for the completion of pedestrian access at the time the roundabout is constructed.
12. A designated pedestrian connection shall be provided from the temporary office to the auto sales area.
13. If mail is received onsite, a cluster mailbox unit is required.
14. The development shall connect to the City water system at the intersection of SR 507 & Walmart Blvd. The existing residence shall be connected to City water service. At the time the building is demolished, the connection (1 ERU) will be credited to the development.
15. Any onsite wells shall be decommissioned pursuant to Washington State Department of Ecology standards, and any associated water rights dedicated to the City.
16. Fire protection shall be provided per the International Building Code.
17. The water connection fee and meter fee will be established at the time of building permit issuance. All conditions for cross connection control shall be met, as required in Section 246-290-490 WAC.

18. The development shall connect to the City S.T.E.P. sewer system at the intersection of SR 507 & Walmart Blvd. The connection fee and inspection fee will be established at the time of building permit issuance.
  19. At the time the home is demolished, the sewer connection (1 ERU) will be credited to the development.
  20. The sewer system shall be protected from any fats, oils, or greases entering the system. A spill containment plan shall be provided.
  21. Any onsite septic systems shall be abandoned per the Thurston County Health Department standards.
  22. A latecomer fee is due at the time of connection to the sewer system.
  23. Prior to construction, civil engineering plans shall be submitted to the Community Development Department for review and approval. Civil plans submission shall be consistent with the requirements of the Yelm Development Guidelines and shall include details on all required infrastructure.
  24. The civil engineering plans shall include a fire hydrant plan consistent with the Yelm Development Regulations which includes the proposed location of all hydrants and service lines and fire flow calculations for all existing and proposed hydrants. The applicant shall be responsible for the fee for hydrant locks on all fire hydrants required and installed as part of development. The applicant shall coordinate with the Yelm Public Works Department to purchase required hydrant locks.
  25. The civil engineering plans shall include plans for the collection, treatment, and infiltration of stormwater in accordance with the most current version of the Stormwater Management Manual for Western Washington. The final stormwater plan shall include an operation and maintenance plan and an agreement to maintain stormwater facilities.
  26. The preliminary stormwater report shall be updated to reflect the High Ground Water Hazard Review area, and that the onsite systems meet the standards for development within the High Ground Water Hazard Area.
  27. Civil plans shall clearly show location of trash enclosure with required landscaping, and location approved by local service provider, meeting the requirement of not locating between the building and the street.
  28. Parking and walkway illumination plans are required, showing compliance with Section 18.59.050. 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 (30feet if the total watt/square foot allowed under WEC is reduced by 20 percent. )
  29. An agreement for deferral of frontage improvement requirements for SR 507 shall be implemented and recorded.
  30. Payment of a fire impact fee is due at the time of building permit issuance.
  31. Payment of a traffic facilities charge is 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

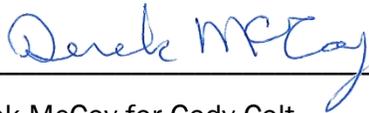
The request for site plan review approval is hereby granted subject to the conditions contained in the conclusions above.

Dated this 22<sup>nd</sup> day of April, 2021



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Grant Beck,  
Community Development Director



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Derek McCoy for Cody Colt  
Public Works Director

Prepared this 19<sup>th</sup> day of April, 2021



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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.