



City of Yelm
EST. 1924
WASHINGTON

NOTICE OF DECISION

DATE: June 4, 2021
PROJECT NAME: Modern Resources, LLC
PROJECT LOCATION: 1002 Rhoton Rd NW
PARCEL NUMBERS: 64300800301, 64300800302
CASE NUMBER: 2021.0003

NOTICE IS HEREBY GIVEN that the Community Development Department issued an administrative site plan review approval to Modern Resources, LLC at the above referenced location.

The complete decision may be viewed on the City's website at 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 2nd 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.



ADMINISTRATIVE SITE PLAN REVIEW 2021.0003

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. Modern Resources, LLC proposes to construct a cabinet manufacturing facility located at 1002 Rhoton Rd NW, Yelm, WA, identified by Assessor's Tax Parcel Numbers 64300800301 and 64300800302. The project includes constructing a 20,000 square foot cabinet manufacturing facility with associated parking and site improvements.
2. Modern Resources, LLC owns parcel 64300800301, the northern parcel, and parcel 64300800302 to the south. The two parcels equal approximately 4.85 acres.
3. The property is currently undeveloped. The property to the North is located in the Urban Growth Area of the City. The Comprehensive Plan designates the zoning of this parcel as Industrial when annexed into the City. It is currently developed residentially. The properties to the west are developed as residential and industrial. The property to the south is zoned industrial and currently undeveloped. The property to the east is developed as the City of Yelm Water Reclamation Facility.
4. The property is zoned Industrial, which is codified at Chapter 18.39 YMC. The Industrial district is intended to permit industrial activities. Manufacture, assembly, repair, and servicing of goods and products are permitted uses in the Industrial district. [Section 18.39.020 YMC].
5. Modern Resources, LLC submitted a site plan review application on December 29, 2020, and it was determined to be complete on February 8, 2021. Site improvements include a 20,000 square foot building for manufacturing and storage, associated parking and turnaround area, and stormwater facilities. The application materials included a preliminary site plan, preliminary drainage report, environmental checklist, critical areas report, and trip generation and distribution report.
6. 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.

Comments were received from a nearby property owner with concern regarding the existing trees on the northern property line and potential noise generated from the compression and dust rooms.

The MDNS issued for this proposal requires the existing trees along the northern property line to be retained, and removal of existing trees on this site requires tree replacement at a 1:1 basis for any trees removed that are over 8 inches in diameter. The MDNS also requires that noise levels measured at property lines shall not exceed levels established by Chapter 173-60 WAC.

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 STEP 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. At this time, the City of Yelm has approximately 175 ERU's available, which is adequate for 2-3 years of growth.

Connecting to City water services satisfies the concurrency requirement 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 parcel fronts Rhoton Road NW, which is not currently constructed to City standards. The applicant has requested a deferral of frontage improvements for this site.

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

The signed agreement for deferral of frontage improvements 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 City of Yelm SEPA Responsible Official issued a Mitigated Determination of Non-significance based on Section 197-11-158 WAC on May 13, 2021. This determination is final and fulfills the City's responsibility for disclosure of potential, significant environmental impacts. The Mitigated Determination of Non-significance included the following mitigating conditions.

- a. Compliance with ORCAA regulation of emissions is required.
- b. Noise levels measured at property lines shall not exceed levels established by Chapter 173-60 WAC.
- c. Trees located on the Northern property line must be retained and protected, and all trees removed that have a diameter exceeding 8 inches must be replaced at a 1 to 1 basis.

Comments were received from the Washington State Department of Ecology regarding state regulations regarding solid waste management, toxics cleanup, and water quality. Ecology also commented that a Construction Stormwater General Permit (CSWGP) is required.

ORCAA commented that permitting through ORCAA will not be required for this project provided that they do not use a pneumatic dust collection system to exhaust wood waste to the atmosphere, nor apply VOC-containing charges.

- 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.

A report by Capital Land & Water, 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.

- c. Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA) indicate that the Southwest corner of the Southern parcel is within the 100 year floodplain of Yelm Creek.

Recent documentation of best available science from FEMA indicate that the flood zone in this area should be removed from the FIRM. The City anticipates that approval of construction in the area shown on the FIRM would be allowed based on FEMA current findings.

10. 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.

The woodworking operation is considered an F-1 Occupancy. An F-1 Occupancy building with a fire area over 12,000 square feet will require an Automatic Fire Sprinkler system. Woodworking areas over 2,500 square feet that generate finely divided combustible materials or finely divided combustible wastes require an Automatic Fire Sprinkler System.

An Automatic Fire Sprinkler System that meets IBC and IFC requirements is required.

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.

11. 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 [Chapter 18.27 YMC].

12. 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 Industrial zoning district.
- a. Manufacture, assembly, repair, servicing of goods or products such as mechanical, automotive, marine and contractors' or builders' equipment and supplies, concrete, cement, asphalt, building materials and supplies, and electrical and electronic equipment or products are allowed in the Industrial zoning district as permitted uses. [Section 18.39.020 (A) YMC]
 - b. Setback requirements for the Industrial zoning district are 15 foot front yard, 15 foot side yards, and 15 foot rear yard. [Section 18.39.040 YMC]
The proposed building meets the Industrial setback requirements.
 - c. Buildings in the Industrial zoning district may be up to 40 feet in height. [Section 18.39.040 YMC].
The proposed building meet the height requirement for the Industrial zoning district.
 - d. Chapter 18.52 YMC provides guidance for ingress and egress. The main access is proposed on Rhoton Road.
 - e. General industrial uses require one parking stall per employee based on the greatest number of employees on a single shift plus one square foot of parking per square foot of display or retail area plus one parking stall for each vehicle owned, leased, or operated by the company [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.
13. Title 18 YMC provides guidance and regulation for site planning during development. Chapter 18.55 establishes landscaping requirements for various types of development.
- a. Section 18.39.040 (H) YMC requires that parcels that share a common boundary with properties in residential use provide a 10-foot landscape strip, in addition to the rear or side setbacks.
The preliminary site plan shows the building approximately 30 feet from the property to the north that is in residential use. This includes 20 feet of landscape that includes landscaping adjacent to the building, as well as a 10-foot landscape protecting existing trees. The proposal exceed the minimum requirements of Section 18.39.040 (H) YMC.
 - b. 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.
If fencing is used, the detailed landscape plan shall provide detail for fencing other than chain link.
The preliminary landscape plan proposes adequate perimeter landscape.

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

Streetscape landscaping is included in the deferral of frontage improvements required for this project.

- d. 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.

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

The preliminary landscape plan adequately addresses stormwater facility landscaping.

- f. Chapter 18.57 requires the protection of trees during development.

Trees along the Northern property line are to be retained and protected during development. All trees removed on the property with a diameter exceeding 8 inches must be replaced at a 1 to 1 basis.

- g. Section 18.61.050 YMC prohibits chain link fencing when visible from the street.

The applicant shall provide detail for other fencing.

- h. 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 near the rear of the building.

Final civil plans shall show enclosure and landscape meeting the minimum requirements of Section 18.59.040 YMC.

- i. 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. Industrial zones may have fixtures mounted at 40 feet above grade, if the total watt/square foot allowed under the WEC is reduced by 20 percent.

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

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

- a. The property fronts Rhoton Road NW, which is not constructed to City standards. Section 18.16.080 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).

A signed agreement for deferral of frontage improvements must be recorded as a condition of this approval.

- b. Traffic Facilities Charges are based on the Institute of Traffic Engineers Trip Generation guide (ITE). The ITE lists manufacturing as creating 0.74 new pm peak hour trips per 1000 square feet unit.

The proposed 20,000 square foot building will generate 14.8 new pm peak hour trips.

Payment of Traffic Facilities Charges is due at the time of building permit issuance.

15. 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]. New service connections are calculated at 875 cubic feet per equivalent residential unit (ERU) [Section 13.04.120 YMC].

- a. There is an 8 inch water main located in Rhoton Road NW. Civil plans shall ensure that the existing infrastructure is capable of supporting the proposed development for both potable water pressure and fire flows.

Connection to City water service is required for the development.

- b. If the proposed use will use more than 875 cubic feet of water per month, additional water connections will be required. An engineer's estimate of water usage is required to determine water connection requirements.
- c. 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].

A Reduced Pressure Backflow Assembly is required for all commercial buildings and must be added to the site and inspected by a state-licensed backflow tester. Irrigation and other water service to the building also requires backflow prevention.

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

- a. 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. There is a 4 inch sewer main located in Rhoton Road NW. Civil plans shall ensure that the existing infrastructure is capable of supporting the proposed development.

The building shall connect to the City sewer system.

- b. The engineer preparing the civil plans will determine the appropriate size and placement for STEP tanks, which have to be accessible to City staff and protected from damage. STEP tank location may impact the design and layout of the project.
- c. Sewer connections are based on the water consumption rate of 875 cubic feet (1 ERU) per month. An engineer's estimate of water usage is required to determine sewer connection requirements.
- d. 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

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. Modern Resources LLC, 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 Industrial 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. A Construction Stormwater General Permit (CSWGP) is required.
 - 3. Payment of a fire impact fee is due at the time of building permit issuance.
 - 4. Fire protection shall be provided per the International Building Code.
 - 5. An Automatic Fire Sprinkler System that meets IBC and IFC requirements is required.
 - 6. 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.
 - 7. 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.
 - 8. Parking shall be provided to meet the requirements of Chapter 18.54 YMC.

9. Civil plan submission shall include a detailed landscape plan that shows additional landscape requirements adjacent to a residential use, 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.
 10. If fencing is used, the detailed landscape plan shall provide detail for fencing other than chain link.
 11. 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.
 12. 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 (30 feet if the total watt/square foot allowed under WEC is reduced by 20 percent).
 13. If mail is received onsite, a cluster mailbox unit is required.
 14. An agreement for deferral of frontage improvement requirements for Rhoton Road NW shall be implemented and recorded.
 15. Payment of a traffic facilities charge is due at the time of building permit issuance.
 16. Connection to City water service is required. An engineer's estimate of water usage is required to determine water connection requirements.
 17. Backflow prevention is required and must be inspected by a state-licensed backflow tester.
 18. Connection to City sewer service is required. The connection fee and inspection fee will be established at the time of building permit issuance.
 19. The sewer system shall be protected from any fats, oils, or greases entering the system.
 20. 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.
- 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.

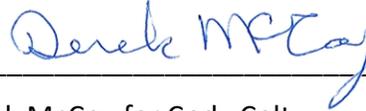
DECISION

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

Dated this 4th day of June, 2021



Grant Beck,
Community Development Director



Derek McCoy for Cody Colt
Public Works Director

Prepared this 20th day of May, 2021



Casey Mauck,
Assistant 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.