



City of Yelm

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NOTICE OF DECISION

DATE: March 5, 2021
PROJECT NAME: ACI Real Estate Subdivision Alteration
PROJECT LOCATION: 1109 Yelm Avenue E, Yelm, WA
PARCEL NUMBERS: 85810000100
CASE NUMBER: 2020.0341.PRO011

NOTICE IS HEREBY GIVEN that the Community Development Department issued a Subdivision Alteration Approval to ACI Real Estate 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.



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SUBDIVISION ALTERATION 2021. 0020.PR0001

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

INTRODUCTION

ACI Real Estate filed a subdivision alteration application to the City of Yelm to establish property lines within an existing binding site plan located at 1109 Yelm Avenue East.

The application package includes an application, preliminary survey, site plan, and title report. A full list of exhibits is described below.

- Exhibit A: Application
- Exhibit B: Site Plan
- Exhibit C: Site plan with existing improvements
- Exhibit D: ALTA Survey
- Exhibit E: Preliminary Title Report

Having fully considered the record, the Site Plan Review Committee enters the following:

FINDINGS OF FACT

1.

ACI Real Estate proposes to establish property lines within an existing Binding Site Plan located at 1109 Yelm Avenue East, identified by Assessor's Tax Parcel Numbers 85810000100.

2.

The parcel is improved with a grocery store and fuel station. The parcel is part of an existing binding site plan that was approved in 2001.

The property is located at 1109 Yelm Avenue East and is identified by Assessor's Tax Parcel Number 85810000100.

The proposal is to establish property lines within a binding site plan to establish a legal parcel.

3.

The property is zoned Commercial (CR-6) which is codified at Chapter 18.36 YMC. The C-1 zone is intended for the location of business centers to serve the needs of the community. [Section 18.36.010 YMC].

The grocery store was reviewed and approved under City of Yelm site plan review permit # 19988220, and the fuel station approved permit #20008249.

4.

ACI Real Estate submitted subdivision application on January 14, 2021, which was determined to be complete on January 22, 2021. The application materials included an application, preliminary survey, site plan, and title report.

5.

As required by Section 18.10.080, and 18.10.080(E) YMC, the Yelm Community Development Department mailed a Notice of Application to local and state agencies and surrounding property owners on January 26, 2021. Notice was published on the City's website and published in the Nisqually Valley News on January 28, 2021.

No comments were received.

6.

The proposal is categorically exempt from the Washington State Environmental Policy Act review, pursuant to WAC 197-11-800(b) and Section 18.20.020 YMC.

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.

Concurrency with sewer infrastructure is met when 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 buildings are connected to City sewer service. No additional structures are proposed, no additional impacts to sewer service is expected.

This satisfies concurrency requirements for sewer infrastructure.

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 service. No additional structures are proposed, no additional impacts to water service is expected.

This satisfies concurrency requirements for water service.

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 and Vancil Road, both of which are constructed to City standards. Buildings are existing, with no additional construction proposed. No additional transportation impacts are expected.

This satisfies concurrency requirements for transportation infrastructure.

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.

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

The proposal will have no impact on fire protection as no new structures are proposed.

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 property is identified by the Zoning Map as being within Commercial zoning district. (C-1). Surrounding properties are commercially zoned.

Setbacks for the C-1 zone require a 15-foot front yard setback, 10 foot side yard setback, and 20 foot rear yard setback. [Section 18.36.040 YMC] Maximum building height is 40 feet. [Section 18.36.040 YMC]. Minimum parking requirements for the fuel station are one stall per 250 square. feet. [Section 18.54.030 YMC].

The existing structures are in conformance with these requirements.

9.

Title 18 YMC provides guidance and regulation for site planning during development. Chapter 18.55 establishes landscaping requirements for various types of development.

Perimeter landscape includes an 8-foot planter area with a combination of evergreen and deciduous trees. For residential development, a solid wood fence is acceptable on side and rear yards. [Section 18.55.020(B) YMC]

Streetscape landscaping includes planter strip with ground cover and street trees, and is a required element of the construction of frontage improvements. [Section 18.55.020(C) YMC]

Stormwater facility landscaping includes incorporating onsite landscaping. [Section 18.55.020(E) YMC].

The site is in conformance with these requirements.

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.

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.

The site is paved and developed, there are no indication of Mazama Pocket Gopher or prairie habitat on the 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.

11.

Impervious surfaces create stormwater runoff which, when uncontrolled and untreated can create health, safety, and environmental hazards. The City of Yelm has adopted the most current Stormwater Management Manual for Western Washington as issued by the Washington State Department of Ecology, which requires all development to treat and control stormwater on site.

The site is served by an existing stormwater system. No additional impervious surfaces are proposed. Stormwater for the parcel is maintained in common by the owners of the parcels within the binding site plan.

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 (SMMWW) published by the Washington Department of Ecology. [Section Chapter 18.27 YMC].

Approved stormwater management provides protection to the aquifer.

13.

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

The buildings are connected to City water service. No additional structures are proposed.

14.

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

The buildings are connected to City sewer service. No additional structures are proposed.

15.

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

Yelm Avenue East and Vancil Road are both improved to City standards.

Ingress and egress to the site is achieved by shared accesses approved through the binding site plan approval. The new established parcel is dependent on these accesses for ingress and egress.

16.

The subdivision alteration requires an amended Binding Site Plan map to be recorded. Prior to final subdivision approval application, an addressing map shall be submitted to the City for addressing.

CONCLUSIONS OF LAW

Section 18.14.050 YMC requires written findings prior to a decision on a preliminary subdivision.

The applicant has established that the proposed subdivision amendment adequately provides for the public health, safety and general welfare and for such open spaces, drainage ways, streets, sanitary wastes, parks and recreation, schools, sidewalks, and that the public use and interest will be served by the subdivision of the property.

The subdivision amendment is in conformance with the Yelm-Thurston County Joint Comprehensive Plan, the City of Yelm Unified Development Code, and the City of Yelm Development Guidelines as conditioned. Therefore, the preliminary binding site plan amendment should be approved subject to the following conditions:

1. The binding site plan map and Declaration of Easements with Covenants and Restrictions Affecting Land shall be updated to reflect this parcel in regards to ownership and maintenance of all shared access and stormwater facilities.
2. An amended binding site plan map



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DECISION

In accordance with the analysis above, the Site Plan Review Committee issues the following decision:

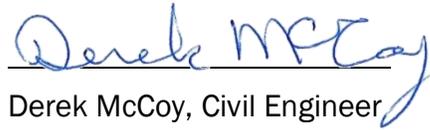
The Administrative Subdivision is hereby approved as proposed.

Dated this 5th day of March, 2021

A handwritten signature in black ink, appearing to read 'Grant Beck', written over a horizontal line.

Grant Beck,

Community Development Director

A handwritten signature in blue ink, appearing to read 'Derek McCoy', written over a horizontal line.

Derek McCoy, Civil Engineer

for Cody Colt, Public Works Director

Dated this 5th day of March, 2021

A handwritten signature in brown ink, appearing to read 'Tami Merriman', written over a horizontal line.

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.