



City of Yelm
EST. 1924
WASHINGTON

NOTICE OF DECISION

DATE: July 23, 2021
PROJECT NAME: Meadows at Mill Pond
PROJECT LOCATION: XX Mill Road SE, Yelm, WA 98597
PARCEL NUMBER: 22730220600
CASE NUMBER: 2021.0027

NOTICE IS HEREBY GIVEN that the Public Services Department issued a preliminary subdivision approval to AHBL, Inc 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.

PRELIMINARY SUBDIVISION 2021.0027

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. AHBL, Inc proposes to subdivide Assessor's Tax Parcel Number 22730220600 into 21 residential lots. The site is located on Mill Rd SE.
2. The property is currently undeveloped. The property to the north is Cochrane Park, and the property to the west is SE Thurston Fire Authority. The properties to the east and south are developed as single family residences. The property is approximately 5.04 acres.
3. The property is zoned Low-Density Residential (R-4) which is codified at Chapter 18.31 YMC and allows up to 4 dwelling units per acre. At 5.04 acres, this zone allows 21 dwelling units on the proposed site. The R-4 district is intended to permit single-family residential uses, and allows duplexes and secondary dwelling units [Section 18.31.020 YMC].
4. AHBL, Inc submitted an application on May 17, 2021, which was determined to be complete on June 3, 2021. The application materials included a preliminary site plan, preliminary plat, preliminary stormwater report, traffic impact analysis, and 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 June 3, 2021. In addition, the notice was published on the City's website on June 3, 2021 and published in the Nisqually Valley News on June 3, 2021. Several comments were received from surrounding property owners.

Several comments were received from nearby property owners with concerns over wildlife and possible removal of vegetation. The applicant has submitted a critical areas report showing absence of the Mazama Pocket Gopher, a threatened species under the Endangered Species Act. This report and compliance with Chapter 18.21 YMC regarding Critical Areas will be discussed further in this decision. The removal of trees and vegetation will comply with Chapter 18.57 YMC, and any trees removed that have a diameter exceeding 8 inches will be replaced at a 1:1 basis.

Several comments expressed concern over property values in the surrounding area, and the loss of this open space next to Cochrane Park. This proposal is located in the R-4 zone, which permits residential subdivisions and is surrounded by other residential subdivisions. While this property is located adjacent to Cochrane Park, it is not owned by the City of Yelm and is not a greenbelt. The land is not designated in the Open Space zone and is not a public park.

Comments were received expressing concern regarding City infrastructure such as availability of water, and transportation impacts. Findings of concurrency with water, sewer, transportation, fire, and school infrastructure are a requirement of project approval. Concurrency with City infrastructure is discussed below.

6. 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.

Concurrency for subdivisions is met when, at the time of preliminary approval, the planned infrastructure identified in the six-year improvement program and water rights acquisition program of the water system plan are sufficient to provide for the proposed land division.

As of June 30, 2021, the City has approximately 173 water connections available for new development. 173 connections will provide for 2 to 3 years' worth of growth at historical rates. This connection limit is based on storage capacity and available water rights.

Washington Department of Ecology has indicated that additional water rights are expected in late summer or early fall 2021. The City has been instructed to work on a Report of Examination conveying additional water rights, and is now allowing the approval of preliminary subdivisions as water is expected to be available at the time of new demand.

The proposed development is required to connect to City water services. This 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 Mill Road SE. Frontage improvements are required along Mill Road SE, and the internal street shall be constructed to City standards for a local access residential street.

The traffic impact analysis submitted for the Meadows at Mill Pond and Vista at Mill Pond subdivisions proposed that a proportionate contribution to the construction of a left-turn lane along WA-507 at the intersection of WA-507 and Mill Road SE shall be required. The construction of this left-turn lane is included in the City's six year transportation improvement program, and this contribution is required.

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

These conditions and payment of Transportation Facility Charges satisfies concurrency for transportation improvements.

- 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 the concurrency requirement for schools.

- 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 the concurrency requirement for fire protection.

- 7. The City of Yelm SEPA Responsible Official issued a Mitigated Determination of Non-significance based on WAC 197-11-158 on July 7, 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 condition:

- a. The project shall make a contribution of \$23,361.60 to the construction of a left-turn lane along WA-507 at the intersection of WA-507 and Mill Road SE.

Comments were received from the Washington Department of Ecology (ECY), which noted that the project is subject to existing regulations regarding toxics and waste cleanup and water quality.

Comments were received from the Olympic Region Clear Air Agency (ORCAA) stating that an asbestos survey is required before demolition of any existing structures on the property. ORCAA also stated that if the structure is above a certain size threshold, an ORCAA Demolition Notification must be submitted.

As the comments from ECY and ORCAA reflect the requirements of existing regulations and did not note any potential significant adverse environmental impacts attributable to the proposed development, no further action was taken by the SEPA Responsible Official.

- 8. 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 Land Services NW, 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.

9. 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.

10. 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].

A stormwater report meeting the most recent SMMWW will be required at civil plan submission.

11. 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 R-4 zoning district. The property to the north is Cochrane Park, and the property to the east is SE Thurston Fire Authority. The properties to the west and south are developed as single family residences.
 - a. Single-family residential units and duplexes are allowed in the R-4 zoning district as a permitted use [Section 18.31.020 (A) YMC].

- b. Setback requirements for the R-4 zoning district are 15 foot front yard from a local access street, 25 foot front yard from a collector street, 5 foot side yards, 15 foot flanking yard, and 25 foot rear yard [Section 18.31.040 YMC].

The conceptual site plan shows conformance with this requirement.

- c. Main buildings in the R-4 zoning district may be up to 35 feet in height [Section 18.31.040 YMC].

Building heights will be reviewed at the time of building permit issuance.

- d. Chapter 18.52 YMC provides guidance for ingress and egress. The internal street is proposed to connect to Mill Road SE at the intersection of Mill Road SE and 104th Ave SE. The internal street is proposed to be a cul-de-sac with driveways accessing the internal street. Lots will not be allowed to have direct driveway access to Mill Road SE.

This access meets the requirements of Chapter 18.52 YMC.

- e. Residential uses require two spaces per dwelling unit. This is typically achieved within a standard driveway approach [Section 18.54.030 (A)]. On-street parking is allowed on both sides of local access residential streets.

This proposal exceeds the minimum requirements of Section 18.54.030 YMC.

- 12. 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. For residential subdivisions, a solid wood fence is acceptable on side and rear yards.

Public comment was received with questions regarding perimeter fencing, including which property the fencing will be placed on. Perimeter landscaping is required to be on the applicant's property. Fencing detail will be submitted and reviewed during civil plan review.

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.

The preliminary landscape plan proposes adequate streetscape landscaping.

- c. 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. The proposed swale is located adjacent to Mill Road SE, and stormwater facility landscaping must meet Section 18.55.020(E) YMC. Perimeter landscaping is required around the exterior of the stormwater facility.

d. Section 18.55.070 YMC requires that the owner/developer of any project requiring subdivision approval shall provide a performance assurance device in order to provide for maintenance of the required landscaping until the tenant or homeowners' association becomes responsible for landscaping maintenance. This performance assurance device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.

e. Chapter 18.56 YMC requires residential developments to include equal to or greater than five percent of the gross area of the development as qualified open space.

The preliminary site plan includes 3.14% of the gross area as open space. This open space includes Tracts A and B, with the exclusion of the stormwater facility in Tract A. Tract B is a pedestrian path to Cochrane Park. Pedestrian access to Cochrane Park will be accepted as a substitute for the remaining 1.86% of open space.

The final landscape plan shall show recreation/open space uses on Tract A pursuant to Section 18.56.020 YMC. Active recreation could be achieved through park or play equipment.

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

Trees with a diameter exceeding 8 inches must be replaced at a 1:1 basis if removed. The preliminary landscape plan shows 86 trees that will be removed and replaced.

g. Section 18.59.050 YMC provides guidance for illumination.

Adequate street lighting is necessary to provide safety to pedestrians, vehicles, and homeowners. Street lighting is reviewed at the time of civil plan review in order to assure adequate lighting.

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

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

Frontage improvements are required on Mill Road SE. The new internal street shall be constructed to City standards for a local access residential.

Right-of-Way dedication is required along the Northern property line for a future road. A right-of-way dedication deed shall be created and recorded.

Traffic Facilities Charges are due at the time of building permit issuance. A single family dwelling generates 1.01 peak PM trips.

14. 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 Mill Road SE. Connection to City water service is required to serve the development. Water mains are required to be extended within

internal streets. Water connections are based on Equivalent Residential Units (875 cubic feet of water consumption per month).

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].

Washington State Department of Ecology (ECY) website shows a well located at the eastern property line, near proposed lot 11. Any onsite wells shall be decommissioned pursuant to Washington State Department of Ecology standards, and any associated water rights dedicated to the City.

15. 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 accessible to City staff and protected from damage. STEP tank location may impact the design and layout of the project.

There is a 6-inch sewer main located in Mill Road SE. Connection to City sewer service is required to serve the development. Sewer mains are required to be extended within internal streets.

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

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. AHBL, Inc has established that the request for preliminary subdivision can satisfy all criteria set forth in Section 18.13.040(C) YMC, meet all requirements of the R-4 Low-Density Residential Zoning classification, and meet all other requirements of the Yelm Municipal Code. Therefore, the preliminary subdivision 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. 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.

3. 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.
4. Stormwater facilities shall be located in separate recorded tracts owned and maintained by the homeowners association. The stormwater system shall be held in common by the Homeowners Association and the homeowner's agreement shall include provisions for the assessment of fees against individual lots for the maintenance and repair of the stormwater facilities. All roof drain runoff shall be infiltrated on each lot utilizing individual drywells.
5. A final landscape plan must be submitted at civil plan submission showing perimeter, streetscape, and stormwater facility landscaping in compliance with Chapter 18.55 YMC.
6. The applicant shall provide a performance assurance device in order to provide for maintenance of the required landscape for this subdivision, until the homeowners association becomes responsible for the landscaping maintenance. The performance assurance device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.
7. The final landscape plan shall show recreation/open space uses on Tract A pursuant to Section 18.56.020 YMC.
8. Trees with a diameter exceeding 8 inches must be replaced at a 1:1 basis if removed.
9. Adequate street lighting must be shown in civil plan submission.
10. Mailboxes for the site shall be cluster box units (CBU) and placed on site [Section 18.59.080 YMC]. The civil engineering plans shall include the proposed location and details for mailbox placement.
11. Frontage improvements are required on Mill Road SE.
12. The new internal street shall be constructed to City standards for a local access residential.
13. Lots will not be allowed to have direct driveway access to Mill Road SE and access must meet the requirements of Chapter 18.52 YMC.
14. A right-of-way dedication deed shall be created and recorded for land along the Northern property edge.
15. The development shall connect to the City water system, with the water line extending within the internal street.

16. Any onsite wells shall be decommissioned pursuant to Washington State Department of Ecology standards, and any associated water rights dedicated to the City.
 17. The development shall connect to the City sewer system, with the sewer line extending within the internal street.
 18. Any onsite septic systems shall be abandoned per the Thurston County Health Department standards.
 19. 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.
 20. The civil engineering plans shall include an addressing map for approval by the Building Official.
 21. Prior to final subdivision application, a subdivision name must be reserved with the Thurston County Auditor's Office.
- C. The preliminary subdivision is valid for five (5) years 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.

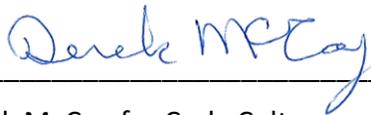
DECISION

The request for preliminary subdivision approval is hereby granted subject to the conditions contained in the conclusions above.

Dated this 23 day of July, 2021



Grant Beck,
Community Development Director



Derek McCoy for Cody Colt
Public Works Director

Prepared this 21st day of July, 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.