



City of Yelm
EST. 1924
WASHINGTON

NOTICE OF DECISION

DATE: July 14, 2021
PROJECT NAME: AHBL, Inc
PROJECT LOCATION: 15035 Berry Valley Rd SE
PARCEL NUMBER: 21724420200
CASE NUMBER: 2021.0028

NOTICE IS HEREBY GIVEN that the Public Services Department issued an administrative site plan review 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 Public Services 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 Public Services Department at 360-400-5001.

ADMINISTRATIVE SITE PLAN REVIEW 2021.0028

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. AHBL, Inc proposes to construct an 80 unit apartment complex located at 15035 Berry Valley Rd SE Yelm, WA, identified by Assessor's Tax Parcel Number 21724420200.
2. The property is currently developed as a single family residence. The surrounding properties are all undeveloped, and the property to the west has land use approval to construct an apartment complex. The property is approximately 4.99 acres.
3. The property is zoned High Density Residential (R-16) which is codified at Chapter 18.33 YMC. The R-16 district is intended for high-density residential developments. Multifamily dwellings are an allowed use in the R-16 zone. [Section 18.33.020 YMC]
4. AHBL, Inc submitted a site plan review application on May 21, 2021, and it was determined to be complete on June 9, 2021. Site improvements include several multi-family buildings with a total of 80 dwelling units, associated parking, and open space. The application materials included a preliminary site plan, environmental checklist, traffic impact analysis, preliminary stormwater report, and Mazama Pocket Gopher 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 9, 2021. In addition, the notice was published on the City's website on June 9, 2021 and published in the Nisqually Valley News on June 17, 2021. No comments were received.
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.

At this time, the City of Yelm has approximately 173 ERU's available, which is adequate for 2-3 years of growth.

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 Tahoma Blvd SE and Berry Valley Rd SE which are constructed to City standards. A future road ("Road A") will be constructed on the parcel to the west as part of the Wyndstone apartment complex.

Connection to "Road A" and the payment of transportation facility charges satisfies the concurrency requirement for transportation.

- 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 concurrency for school infrastructure.

- 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.

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

Frontage improvements for Tahoma Boulevard are complete. Frontage improvements for "Road A" will be completed during the construction of the road.

Traffic Facilities Charges are based on the Institute of Traffic Engineers Trip Generation guide (ITE). The ITE lists multifamily housing as creating 0.44 new pm peak hour trips per unit. This parcel was a part of the Killion Road LID which provides a TFC credit for the parcels within the LID. A credit of \$564.00 per pm peak hour trip will be applied at the time of building permit application.

- 8. The City of Yelm SEPA Responsible Official issued a Determination of Non-Significance based on Section 197-11-158 WAC on June 28, 2021. This determination is final and fulfills the City's responsibility for disclosure of potential, significant environmental impacts.

Comments were received from ORCAA stating that an asbestos survey must be conducted on the structure prior to any demolition of the existing house. If the structure is 120 sq ft or greater, an ORCAA demolition notification must be submitted regardless of the results of the asbestos survey.

Comments were received from WA Department of Ecology stating that an NPDES Construction Stormwater General Permit will be necessary for construction, and BMPs should be followed.

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 Land Services Northwest 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.

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.

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 R-16 zoning district. Surrounding properties are undeveloped, and the site to the west has land use approval to construct an apartment complex.

a. Multi-family dwelling units are allowed in the R-16 zoning district as a permitted use [Section 18.33.020 (D) YMC].

b. Setback requirements for the R-16 zoning district are 35 feet from an urban arterial, 10 feet side yard, 25 feet flanking yard, and 25 feet from the rear yard [Section 18.33.040 YMC].

The proposed buildings meet the R-16 setback requirements.

c. Buildings in the R-16 zoning district may be up to 35 feet in height [Section 18.33.040 YMC].

The proposed building meets the height requirement for the R-16 zoning district.

d. Chapter 18.52 YMC provides guidance for ingress and egress.

Connection to "Road A" along the eastern property edge is required. Until this road is fully constructed, a temporary full access will be allowed off Berry Valley Rd SE along the northeastern property edge. This access shall be removed and restored to its original state at the time of connection to "Road A".

e. Multi-family dwelling units require one space for studio apartments, 1.5 spaces for 1 & 2 bedroom apartments, and two spaces per 3 or more bedroom apartments, with 1 guest parking space for every 10 units [Section 18.54.030 YMC]. Accessible stalls meeting ADA standards are required.

Civil plans must show calculations demonstrating that parking meets 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. 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 conceptual landscaping plan proposes adequate perimeter landscaping area.

b. 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 proposed site plan is not clear that all required parking lot landscaping is achieved pursuant to Section 18.55.020(D) YMC.

c. Any above ground stormwater facilities shall be landscaped pursuant to the requirements of Chapter 18.55 YMC and be incorporated with all on site landscaping.

- d. Chapter 18.56 YMC requires a minimum of 10 percent of the gross area to be dedicated as open space recreational areas, which includes active recreation as well as environmental interpretation, protection, or other education.

The conceptual landscaping plan shows adequate area for open space, but does not show detail of what will be included in the open space areas. Open space must meet the requirements of Chapter 18.56 YMC.

- e. Chapter 18.57 YMC requires the protection of trees during development.

The conceptual landscaping plan shows several trees that will be removed as part of the development.

Any trees removed that have a diameter exceeding 8 inches must be replaced at a 1:1 basis.

- f. Chapter 18.59 YMC 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 does not show direct access from the public sidewalk to the proposed buildings. The proposal also shows parking adjacent to street frontage. Civil plan submission should show direct access from the public sidewalk to the public building as well as substantial landscaping pursuant to Section 18.59.020(C) YMC between parking and any street frontage.

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

The proposed site plan provides adequate pathways from parking areas to the buildings.

- 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, not located between a street and building, and shall have the 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 one refuse area location between the building and Berry Valley Rd SE.

The refuse enclosure proposed adjacent to Berry Valley Rd SE shall be located closer to the rear of the building.

- 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.

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

- 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 Tahoma Blvd, with an 8 inch stub out to the property. Connection to City water service at this location is required.

Water connections are based on a consumption rate of 875 cubic feet a month which is considered an Equivalent Residential Unit (ERU). The civil engineer shall provide estimated water calculations at the time of civil plan review to determine the number of water connections needed to serve the project.

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.

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 12 inch sewer main located in Tahoma Blvd with a 3 inch stub out to serve this property. Connection to City sewer is required at this location.

Any commercial use that potentially generates Fats, Oils, or Greases (FOG) is required to remove FOG from the wastewater before it enters the STEP tank.

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 site plan review approval can satisfy all criteria set forth in Section 18.13.020(C) YMC, meet all requirements of the R-16 High Density Residential 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. Payment of the school impact fee at the time of building permit issuance is required.
2. Payment of the fire impact fee at the time of building permit issuance is required.
3. Payment of transportation facility charges at the time of building permit issuance is required. A credit of \$564.00 will per pm peak hour trip will be applied.
4. Fire protection to the buildings must be provided per the International Fire Code.
5. 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.
6. 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.
7. Connection to "Road A" along the eastern property edge is required. Until this road is fully constructed, a temporary full access will be allowed off Berry Valley Rd SE along the northeastern property edge.
8. The temporary access off of Berry Valley Rd SE shall be removed and restored to its original state at the time of connection to "Road A".
9. Civil plans must show calculations demonstrating that parking meets Section 18.54.030 YMC.
10. Civil plans must include a detailed landscape plan with parking lot landscaping meeting Section 18.55.020(D) YMC.
11. Open space must meet the requirements of Chapter 18.56 YMC.
12. Any trees removed that have a diameter exceeding 8 inches must be replaced at a 1:1 basis.
13. Civil plans must show direct access from the public sidewalk to the proposed buildings and substantial landscaping between parking and adjacent street frontage pursuant to Section 18.59.020(C) YMC.
14. The refuse enclosure proposed adjacent to Berry Valley Rd SE shall be located closer to the rear of the building.

15. Trash enclosures shall incorporate the architectural feature of the primary structure and landscaping. Trash enclosures should be located to the rear of the site, not located between a street and building, and shall have the 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].
 16. Civil plans shall show a lighting plan that meets Section 18.59.050 YMC, including illumination of walkways and parking lots.
 17. Mailboxes for the site shall be cluster box units (CBU) and placed on site [Section 18.59.080 YMC].
 18. Connection to City water service at the stub off of Tahoma Blvd is required.
 19. 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].
 20. Any onsite wells shall be decommissioned pursuant to Washington State Department of Ecology standards, and any associated water rights dedicated to the City.
 21. Connection to City sewer at the stub off of Tahoma Blvd is required.
 22. 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.
 23. Any onsite septic systems shall be abandoned per the Thurston County Health Department standards.
 24. A City of Yelm Demolition permit and ORCAA Asbestos Survey are required before demolition of the existing structures on the property.
- 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.

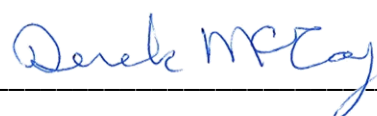
DECISION

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

Dated this 14th day of July, 2021

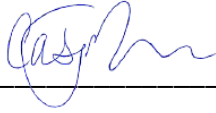


Grant Beck,
Community Development Director



Derek McCoy for Cody Colt
Public Works Director

Prepared this 28th day of June, 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.