



NOTICE OF DECISION

DATE: June 1, 2021
PROJECT NAME: Norbjerg Subdivision Alteration
PROJECT LOCATION: 16404 Middle St SE
PARCEL NUMBERS: 64303500503, 64303500501
CASE NUMBER: 2020.0100.SP0002

NOTICE IS HEREBY GIVEN that the Community Development Department issued a subdivision alteration approval to ABN Contractors, 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.

ADMINISTRATIVE SITE PLAN REVIEW 2021.0100.SP0002

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. ABN Contractors, Inc proposes to alter an existing subdivision located at 16404, lot 1, and 16418 Middle Road SE, Yelm, WA, lot 2, identified by Assessor's Tax Parcel Numbers 64303500503 and 64303500501 respectively. The project includes adjusting the lot line between lots 1 and 2 and revising the access easement for lots 1 and 2.
2. Lot 1 is undeveloped and lot 2 is currently developed as a single family residence. The surrounding properties are all developed as single family residences, with the exception of the parcel to the Northeast which is currently undeveloped. Lot 1 is 0.27 acres and lot 2 is 0.82 acres.
3. The properties are zoned Moderate-Density Residential (R-6) which is codified at Chapter 18.32 YMC. The R-6 district is intended to permit residential uses.
4. ABN Contractors, Inc submitted a site plan review application on April 16, 2021, and it was determined to be complete on May 7, 2021. Site improvements on lot 2 include a gravel driveway, main house, pool house, 2 barns, and 2 sheds.
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 May 7, 2021. In addition, the notice was published on the City's website on May 7, 2021 and published in the Nisqually Valley News on May 13, 2021. No comments were received.
6. Pursuant to Section 58.17.215 RCW, the alteration of any subdivision requires an application containing the signatures of the majority of all persons having an ownership interest of lots, parcels, sites, or divisions in the subject subdivision to be altered.
7. Pursuant to Section 64.04.175 RCW, easements established by dedication cannot be extinguished or altered without the approval of the easement owner(s), unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

The project as proposed includes an alteration of the access easement of lots 1 and 2.
8. 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 site is currently located in the City of Yelm's STEP sewer system service area, and connection to the City sewer system is required at the time of development or redevelopment of either lot.

Connecting to the City's sewer system 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 site is currently located in the City of Yelm's water system service area, and connection to the City water system is required at the time of any development or redevelopment of either lot.

Connecting to the City's water system 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 parcels front Middle Road SE, which is not currently constructed to City standards. The applicant has requested a deferral of frontage improvements.

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

A signed agreement for deferral of frontage improvements 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 concurrency requirements.

- 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.

- 9. Pursuant to WAC 197.11.800(6)(d), the approval of subdivisions is exempt from SEPA review.

- 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.

- 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.

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. 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.

Additional fire hydrants are not required for the proposed development.

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. [Chapter 18.27 YMC].

Stormwater from new impervious surfaces is required to be treated and released. Roof runoff shall be distributed to individual dry wells.

13. 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-6 zoning district. Surrounding properties are developed as single-family residences.

- a. Residential development is allowed in the R-6 zone as a permitted use. [Section 18.32.020(A) YMC]
- b. Setback requirements for the R-6 zoning district are 15 foot front yard, 5 foot side yard, and 25 foot rear yard. The minimum driveway approach is 20 feet [Section 18.32.040 YMC].

The conceptual site plan shows conformance with this requirement.

- c. Buildings in the R-6 zoning district may be up to 35 feet in height. [Section 18.32.040 YMC].

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

- d. Residential uses require two parking spaces per dwelling unit.

The conceptual site plan shows conformance with this requirement.

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].

The proposed site is currently located in the City of Yelm's water system service area. Lot 1 does not currently have water services and lot 2 has a single family exempt well. At the time of any development or redevelopment of either lot, connection to the City's water system is required.

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 proposed site is currently located in the City of Yelm's STEP sewer system service area. Lot 1 does not currently have sewer services and lot 2 uses a septic system. At the time of any development or redevelopment of either lot, connection to the City's sewer system is required.

CONCLUSIONS OF LAW

- A. Section 18.13.050 (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. ABN Contractors, Inc has established that the request for site plan review approval can satisfy all criteria set forth in Section 18.13.050(C) YMC, meet all requirements of the R-6 Moderate Density Residential 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. Connection to City sewer service is required for any development or redevelopment on lot 1 and/or lot 2.
2. Connection to City water service is required for any development or redevelopment on lot 1 and/or lot 2.
3. An agreement for deferral of frontage improvement requirements for Middle Road SE shall be implemented and recorded.
4. Transportation Facilities charges are due at the time of building permit issuance.
5. Payment of a School Impact Fee is due at the time of building permit issuance.
6. Payment of a Fire Impact Fee is due at the time of building permit issuance.
7. If new fire hydrants are installed, hydrant locks are required.
8. Stormwater from new impervious surfaces is required to be treated and released. Roof runoff shall be distributed to individual dry wells.
9. A minimum of two parking stalls are required for each dwelling unit.

C. The subdivision alteration is valid for five (5) years from the date of this approval unless construction has begun and all other required permits have been issued.

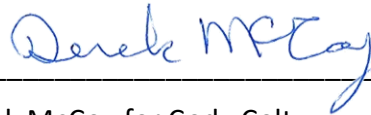
DECISION

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

Dated this 1st day of June, 2021

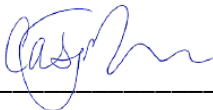


Grant Beck,
Community Development Director



Derek McCoy for Cody Colt
Public Works Director

Prepared this 10th 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.