



**City of Yelm**  
EST. 1924  
**WASHINGTON**

## **NOTICE OF DECISION**

DATE: June 25, 2021  
PROJECT NAME: Tahoma Terrace Apartments  
PROJECT LOCATION: 14301 Tahoma Blvd SW, Yelm, WA  
PARCEL NUMBER: 78640000015  
CASE NUMBER: 2021.0170.PR0006

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

The complete decision may be viewed on the City's website at [www.yelmwa.gov](http://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 2<sup>nd</sup> 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 2021.0170.PR0006**

### **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION**

#### **FINDINGS OF FACT**

1. Tahoma Terra Holding, LLC proposes to construct a 48 unit apartment complex located at 14301 Tahoma Blvd SW, Yelm, WA, identified by Assessor's Tax Parcel Number 78640000015.
2. The property is currently undeveloped. The properties to the East, West, and South are undeveloped. The property to the North is developed as single family residences.
3. This project is part of the Tahoma Terra Master Planned Community. The property is zoned Master Planned Community (MPC) which is codified at Chapter 18.34 YMC. The MPC district is intended to permit large scale projects that incorporate a range of land uses where consistent with the comprehensive plan.
4. Within the Tahoma Terra Master Planned Community, the property is zoned High Density Residential (R10-24). Residential uses, including multi-family dwellings, are allowed in this zone at a density not to exceed 24 units per acre. The Conceptual Master Plan Approval requires 48 multi-family units to be constructed for every 300 single family (detached and townhouse) units. The second 48 multi-family units shall be under construction prior to the 601<sup>st</sup> single family unit.
5. The properties to the North and West are zoned Low Density Residential (R4-6) and the property to the South is zoned Moderate Density / Townhomes (R6-10). The property to the east is designated open space.
6. Tahoma Terra Holding, LLC submitted a site plan review application on April 16, 2021, and it was determined to be complete on May 14, 2021. Site improvements include four 12-unit, 3-story buildings with associated parking, lighting, landscaping, and stormwater collection. The application materials included a preliminary site plan, building elevations, preliminary civil plans, a preliminary landscaping plan, and preliminary stormwater pollution prevention plan.
7. 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 14, 2021. In addition, the notice was published on the City's website on May 14, 2021 and published in the Nisqually Valley News on May 20, 2021. No comments were received.
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 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 174 ERU's available, which is adequate for 2-3 years of growth.

As this development is part of the Tahoma Terra Master Planned Community, connection to City water is required pursuant to the terms of the water right conveyances. Connection to City water is required but cannot occur until the City receives a Report of Examination from the Washington State Department of Ecology regarding City of Yelm water rights. 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.

Frontage improvements on Tahoma Blvd SW were completed during construction of the Tahoma Terra subdivision. Tahoma Blvd SW is constructed to City standards and no further frontage improvements are required.

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

The 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 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. The city of Yelm SEPA Responsible Official issued a Mitigated Determination of Non-significance (MDNS) based on WAC 197-11-158 on May 24, 2005. This determination is final and fulfills the City's responsibility for disclosure of potential, significant

environmental impacts. This project is subject to the mitigating conditions of the MDNS issued May 24, 2005.

The Mitigated Determination of Non-significance included the following mitigation measures that have not been fully met:

- a. The developer shall mitigate transportation impacts through the payment of a transportation facility charge (TFC) pursuant to Chapter 15.40 YMC. The fee shall be paid at the time of building permit issuance.
  - b. The applicant shall be responsible for the following transportation improvements:
    - i. Prior to the approval of any development permit (including a final subdivision) which includes the 1,301st peak P.M. trip generated from the project, define and construct the Mosman Avenue connector between Longmire Street and Solberg Street OR; continue the Boulevard to SR 507 through the Thurston Highlands property.
  - c. Plans for approval of all transportation improvements associated with Yelm Avenue (SR 510) and 1st Avenue (SR 507) shall be submitted to the Washington Department of Transportation and the City of Yelm for review and approval and all required improvements shall be constructed by the applicant pursuant to approved plans, and inspected and approved by the City of Yelm and Washington Department of Transportation.
  - d. Prior to disturbance of any identified geologic hazard area, the applicant shall submit to the City of Yelm Community Development Department a geotechnical report that identifies established best management practices for all activity within the geologic hazard areas and only allows activities which:
    - i. will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;
    - ii. will not adversely impact other critical areas;
    - iii. are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions;
    - iv. are certified as safe as designed by a qualified engineer or geologist.
  - e. Prior to building permit issuance, the applicant shall enter into a mitigation agreement with the City of Yelm which includes a mitigation fee toward the replacement of a police station required to be expanded in order to serve the proposed development. The mitigation fee shall be based on the applicant's aliquot impact on the need for replacement police station, which is \$310 per housing unit.
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]
- 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.

As part of the review process for the subject application, City staff reviewed soil maps, which show the area of the proposed project to be of low or no suitability as habitat for the pocket gopher. Visual reconnaissance of the property by City staff showed no evidence of gophers.

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.

Pursuant to IFC regulations, access into and through the development must have a width of no less than 26 feet.

The proposal does not meet 26 ft access lane width through the parking lot.

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.

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 of Yelm and Tahoma Terra Holding, LLC met and executed a Memorandum of Understanding on May 24, 2016 that development shall be vested to design all stormwater facilities utilizing the Department of Ecology 1992 Stormwater Manual for the Puget Sound Basin for any new or retrofit stormwater facilities within the Tahoma Terra MPC. It is encouraged that stormwater discharge quality be improved prior to infiltration using latest practices.

If any existing stormwater management pond system is relocated south of Tahoma Blvd, any new facilities constructed as replacements will be designed to the most current Department of Ecology design standards for water quality, however, maintaining the 1992 manual for retention/detention.

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 MPC zoning district. This property must meet the setbacks and design standards set by the Tahoma Terra Master Planned Community. Within the MPC, the property is in the R 10-24 High Density Residential Zone.
  - a. Density within the R 10-24 zone must be between 10 and 24 dwelling units per gross acre.

The proposal meets the density requirement for the R 10-24 zoning district.
  - b. Setback requirements for the R 10-24 zoning district are 10-foot front yard, 5-foot side yards, 20-foot rear yard, and 10-foot flanking street.

The proposed buildings meet the R 10-24 setback requirements.
  - c. Maximum building height in the R 10-24 zoning district is 45 feet as measured from the average grade of the subject lot.

The conceptual site plan meets the requirements for building height in the R 10-24 zoning district.
  - d. Chapter 18.52 YMC provides guidance for ingress and egress.

Full accesses are proposed on the Northern and Eastern property edge.

The new internal street shall be constructed to current City standards for a local access residential street. This new public street provides for future street connection to the property to the south.

Section 18.52.030 YMC requires that when a street is temporarily dead-ended, turnaround provision must be provided. The turnaround must facilitate emergency vehicle turnaround.

The proposed accesses and turnaround provision at the dead-ended street fulfill the requirements of Chapter 18.52 YMC.
  - e. The R 10-24 zoning district requires 1.5 off street parking spaces for each dwelling unit. Parking facilities serving multi-family neighborhoods shall not be located between the primary structure and the public street. Parking facilities shall be located in the rear or the sides of buildings and screened from public streets.

The proposal exceeds the minimum requirements off-street parking in the R 10-24 zoning district.
14. 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 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.

Streetscape landscaping was completed during construction of the Tahoma Terra residential subdivision.

- c. 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.

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

The preliminary landscape plan proposes adequate stormwater facility landscaping.

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

The removal of existing trees on this site requires a tree and vegetation plan that will require tree replacement at a 1:1 basis for any trees removed that are over 8 inches in diameter.

- f. Chapter 18.59 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 provides pedestrian access from Tahoma Boulevard with public sidewalks, and pedestrian pathway. There is no parking adjacent to street frontage.

- g. 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]

- h. 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.

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

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

Frontage improvements for Tahoma Blvd SW were completed during construction of the Tahoma Terra residential subdivision. No further frontage improvements are required.

The new internal street shall be constructed to current City standards for a local access residential street. This new public street provides for future street connection to the property to the south.

Section 18.52.030 requires that when a street is temporarily dead-ended, turnaround provision must be provided. The turnaround must facilitate emergency vehicle turnaround.

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.

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

16. 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].

Connection to City water service shall be required at Tahoma Blvd SW, with service lines extending within the future right-of-way designated on the conceptual site plan.

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].

17. 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.

Connection to City sewer service shall be required at Tahoma Blvd SW, with service lines extending within the future right-of-way designated on the conceptual site plan.

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. A spill and containment plan is required for the garage.



## 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. Tahoma Terra Holding, 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 MPC Master Planned Community 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. Construction of these 48 multi-family units must begin prior to construction of the 601<sup>st</sup> single family dwelling of the Tahoma Terra Master Planned Community.
  2. Connection to City water cannot occur until the City receives a Report of Examination from the Washington State Department of Ecology with additional water rights.
  3. Payment of the School Impact Fee is due at the time of building permit issuance.
  4. The conditions of the Mitigated Determination of Non-significance issued May 24, 2005 are hereby referenced and are considered conditions of this approval.
  5. Payment of the police impact fee is due at the time of building permit issuance.
  6. Fire protection shall be provided per the International Building Code.
  7. 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.
  8. Payment of the fire impact fee is due at the time of building permit issuance.
  9. Parking lot drive lanes must have a width of no less than 26 ft for emergency vehicle access.
  10. The civil engineering plans shall include plans for the collection, treatment, and infiltration of stormwater. The final stormwater plan shall include an operation and maintenance plan and an agreement to maintain stormwater facilities.
  11. If any existing stormwater management pond system is relocated south of Tahoma Blvd, any new facilities constructed as replacements will be designed to the most current Department of Ecology design standards for water quality, however, maintaining the 1992 manual for retention/detention.

12. The new internal street shall be constructed to current City standards for a local access residential street. This new public street will provide for future street connection to the property to the south.
13. Emergency vehicle turnaround must be provided at the temporary dead-ended street pursuant to the requirements of Section 18.52.030 YMC.
14. The removal of existing trees on this site requires a tree and vegetation plan that will require tree replacement at a 1:1 basis for any trees removed that are over 8 inches in diameter.
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, 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].
16. Parking and walkway illumination plans are required, showing compliance with Section 18.59.050 YMC. 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).
17. Mailboxes for the site shall be cluster box units (CBU) and placed on site [Section 18.59.080 YMC].
18. Payment of Traffic Facilities Charges is due at the time of building permit issuance.
19. Connection to City water service shall be required at Tahoma Blvd SW, with service lines extending within the future right-of-way designated on the conceptual site plan.
20. The water connection fee and meter fee will be established at the time of building permit issuance. All conditions for cross connection control shall be met, as required in Section 246-290-490 WAC.
21. Connection to City sewer service shall be required at Tahoma Blvd SW, with service lines extending within the future right-of-way designated on the conceptual site plan. The connection fee and inspection fee will be established at the time of building permit issuance.
22. The sewer system shall be protected from any fats, oils, or greases entering the system. A spill containment plan shall be provided.
23. 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.

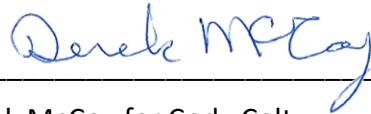
### **DECISION**

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

Dated this 25<sup>th</sup> day of June, 2021

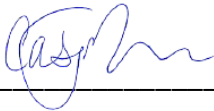


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Grant Beck,  
Community Development Director



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Derek McCoy for Cody Colt  
Public Works Director

Prepared this 24<sup>th</sup> day of May, 2021



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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.