



City of Yelm
EST. 1924
WASHINGTON

NOTICE OF DECISION

DATE: September 1, 2021
PROJECT NAME: City of Yelm Water Reclamation Facility Upgrades
PROJECT LOCATION: 931 Northern Pacific Rd SW Yelm, WA
PARCEL NUMBERS: 64300900400, 64300800304
CASE NUMBER: 2021.0035

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

ADMINISTRATIVE SITE PLAN REVIEW 2021.0035

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. The City of Yelm proposes to modify the existing Water Reclamation Facility located at 931 Northern Pacific Road SW, Yelm, WA, identified by Assessor's Tax Parcel Number 64300900400. The project includes converting 2 of the 3 sequencing batch reactor basins to anoxic and aeration tanks, adding onto the existing solids handling building, and constructing a new plant headworks facility, crane system, and mechanical/electrical building.
2. The proposal includes construction of an access road that will run along the Southern property line of parcel 64300800304 for access to the site during construction. The road will eventually be improved to City standards at the time of development of the parcel.
3. The property to the north is outside of Yelm city limits and developed as a single family residence. It is in the City's Urban Growth Area and is pre-zoned Industrial upon annexation into the City. All other surrounding properties are zoned Industrial, with vacant land to the east and west and Aquatic Bath Co. to the south. The property is approximately 11.95 acres.
4. The property is zoned Industrial (I) which is codified at Chapter 18.39 YMC. The Industrial district is intended to permit industrial activities which should be protected from adjacent areas. Essential public facilities are a special use in the Industrial district [Section 18.39.030 (G) YMC].
5. The City of Yelm submitted a site plan review application on June 22, 2021, and it was determined to be complete on June 25, 2021. The application materials included a preliminary site plan, preliminary stormwater site plan, preliminary construction stormwater pollution prevention plan, and environmental checklist.
6. 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 25, 2021. In addition, the notice was published on the City's website on June 25, 2021 and published in the Nisqually Valley News on July 1, 2021. No comments were received.
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.
 - 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 connected 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.

The proposed development is connected 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 does not front a public street. The proposed access road will front Rhoton Road SE. This access road will follow the guidelines for a construction access road and will be improved to City standards for a local access road at the time of development of parcel 64300800304.

Transportation Facility Charges are not required as no additional trips will be generated by the project.

This satisfies the concurrency requirement for transportation.

- d. Concurrency with school infrastructure means the developer pays a school impact fee at the time of construction.

The project does not impact schools as it does not increase student population.

- 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.

- 8. The City of Yelm SEPA Responsible Official issued a Determination of Non-significance based on WAC 197-11-158 on July 13, 2021. This determination is final and fulfills the City's responsibility for disclosure of potential, significant environmental impacts.

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.

As the comments from ECY 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.

- 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.

As the site is already improved, a gopher study is not 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.

- c. While the site of the WRF is not in a flood zone, Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA) indicate that a portion of the proposed construction access is within the 100 year floodplain of Yelm Creek.

Recent documentation of best available science from FEMA indicate that the flood zone in this area should be removed from the FIRM. The City anticipates that approval of construction in the area shown on the FIRM would be allowed based on FEMA current findings.

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

Civil plan submission must show the capability of existing stormwater infrastructure to handle all existing and proposed impervious surfaces. Additional stormwater infrastructure may be required to meet the 2019 SWMMWW.

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 Industrial zoning district. The property to the north is developed residentially, but is pre-zoned Industrial upon annexation into the city. The properties to the east, west and south are zoned Industrial. The properties to the east and west are undeveloped and the property to the south is developed industrially.

- a. Essential public facilities are allowed in the I zoning district as a special use [Section 18.39.030 (G) YMC].

- b. Setback requirements for the I zoning district are 15 foot front yard, 15 foot side yards, and 15 foot rear yard [Section 18.39.040 YMC].

The proposed buildings meet the I setback requirements.

- c. Buildings in the I zoning district may be up to 40 feet in height [Section 18.39.040 YMC].

The proposed buildings meet the height requirement for the I zoning district.

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

A temporary construction access is proposed along the southern property edge of parcel 64300800304 to the west of the WRF. This access will be improved to City standards for a local access street at the time of development of parcel 64300800304.

There is a full access on Northern Pacific Road SW. This access is improved to City standards for a driveway and will continue as a full access.

The proposed accesses meet Chapter 18.52 YMC.

- e. General industrial uses require one parking stall per employee based on the greatest number of employees on a single shift plus one square foot of parking per square foot of display or retail area plus one parking stall for each vehicle owned, leased, or operated by the company [Section 18.54.030 YMC]. Accessible stalls meeting ADA standards are required.

The current facility has one paved parking area and a separate gravel parking area. The maximum number of employees at the site at one time is five. To account for personal and work vehicles, 10 parking stalls improved to City standards are required in addition to ADA required stalls.

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.

Existing perimeter landscaping meets Chapter 18.55 YMC. If any perimeter landscaping is disrupted during construction, it shall be restored.
 - 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.

It is unclear from the site plan if the current gravel parking area has adequate parking landscaping. Civil plan submission shall show compliance with Section 18.55.020(D) for all parking areas.
 - c. Stormwater Facility Landscaping includes landscaping of the stormwater facility to be incorporated with all on-site landscaping.

The preliminary landscape plan adequately addresses stormwater facility landscaping.
 - d. Chapter 18.57 requires the protection of trees during development.

Any trees removed with a diameter exceeding 8 inches will be replaced at 1:1 basis.
 - e. 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].

It is unclear from the site plan if trash enclosures meet current regulations. Civil plans shall show compliance with Section 18.59.040 YMC.
 - f. 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.

Compliance with Section 18.49.050 YMC is required at civil plan submission.
14. Frontage improvements are required as part of development in the City [Section 18.16.050 YMC].

The parcel does not front a public street. The proposed access road will front Rhoton Road SE. This access road will follow the guidelines for a construction access road and will be improved to City standards for a local access road at the time of development of parcel 64300800304.
15. The site is currently connected to City water. New buildings are required to connect to City water if water service is needed.

- 16. The site is currently connected to City sewer. New buildings are required to connect to City sewer if sewer service is needed.

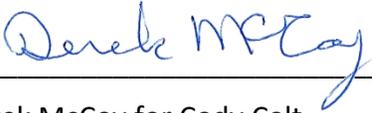
CONCLUSIONS OF LAW

- 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. The City of Yelm 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 Industrial 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. The construction access road along the Southern property line of parcel 64300800304 will be improved to City standards for a local access road at the time of development of the parcel.
 - 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 gravel parking area will be improved to current City development guidelines.
 - 4. Ten parking spaces improved to current City development guidelines are required in addition to required ADA spaces.
 - 5. If any perimeter landscaping is disrupted during construction, it shall be restored.
 - 6. Civil plan submission shall show compliance with parking lot landscaping regulations for all parking areas.
 - 7. Any trees removed with a diameter exceeding 8 inches will be replaced at 1:1 basis.
 - 8. Compliance with Section 18.49.050 YMC regarding illumination is required at civil plan submission.
 - 9. New buildings are required to connect to City water service if water service is needed.
 - 10. New buildings are required to connect to City sewer service if sewer service is needed.
- 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 1st day of September, 2021



Derek McCoy for Cody Colt
Public Works Director

Prepared this 28th 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.