



NOTICE OF DECISION

DATE: September 22, 2021
PROJECT NAME: Blacktail Coffee Company
PROJECT LOCATION: 103 93rd Ave SE, Yelm, WA
PARCEL NUMBER: 21724210600
CASE NUMBER: 2021.0041

NOTICE IS HEREBY GIVEN that the Public Services Department issued an administrative site plan review approval to Blacktail Coffee Company 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 360-458-8496.

ADMINISTRATIVE SITE PLAN REVIEW 2021.0041

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. Blacktail Coffee Company proposes to construct a drive-through coffee stand located at 103 93rd Ave SE, Yelm, WA, identified by Assessor's Tax Parcel Number 21724210600. The project includes paving an empty gravel lot north of Get Fit Yelm for purposes of parking and the coffee stand drive-through, and installing an existing coffee stand building.
2. The property is currently developed with a fitness center/gym on the south portion of the site. The property to the north is undeveloped. The properties to the east and west are developed commercially. The property to the south is developed as Yelm High School. The property is approximately 1.07 acres.
3. The property is zoned Heavy Commercial (C-2) which is codified at Chapter 18.37 YMC. The C-2 district is intended to permit commercial uses and activities which depend more heavily on convenient vehicular access. Service oriented establishments are permitted in the C-2 district. [Section 18.37.020 YMC].
4. Blacktail Coffee Company submitted a site plan review application on August 18, 2021, and it was determined to be complete on August 27, 2021. Site improvements include paving an existing gravel lot, and placing an existing coffee stand with a drive-through, and associated parking. The application materials included a preliminary site plan, preliminary paving plan, and stormwater report generated previously for this location.
5. As required by Section 18.10.050 YMC, the Yelm Public Services Department mailed a Notice of Application to local and state agencies and surrounding property owners on August 27, 2021. In addition, the notice was published on the City's website on August 27, 2021 and published in the Nisqually Valley News on September 2, 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 will be self-contained and not connected to sewer services. If the project needs sewer service in the future, it 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 160 ERU's available, which is adequate for 2-3 years of growth.

The proposed development will be self-contained and not connected to water services. If the project needs water service in the future, it 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 93rd Ave SE, which is not constructed to City standards. The applicant has requested a deferral for this portion of frontage improvements.

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

The required frontage improvements deferral, 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.

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.

- 7. The City of Yelm SEPA Responsible Official issued a Mitigated Determination of Non-significance based on WAC 197-11-158 on March 6, 2009. This determination is final and fulfills the City's responsibility for disclosure of potential, significant environmental impacts. The Mitigated Determination of Non-significance included the following mitigating conditions.

- a. The developer shall mitigate transportation impacts based on the new P.M. peak hour trips generated by the project. The Transportation Facility Charge (TFC) shall be based on specific uses at the time of building permit issuance.
- b. Temporary erosion control systems to be approved by the City of Yelm.
- c. Any existing wells and on-site sewage disposal systems shall be abandoned pursuant to applicable Washington State and Thurston County health regulations. Evidence that all wells and sewage disposal systems have been abandoned in an approved manner shall be provided prior to building permit issuance.

The Department of Ecology commented that the project is subject to existing toxics cleanup requirements. As the comment reflected standard regulations, 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.

As the site is already developed with gravel, a critical areas report 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.

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 (2019) of the Stormwater Management Manual for Western Washington (SMMWW) published by the Washington Department of Ecology [Chapter 18.27 YMC].

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 C-2 zoning district. The property to the north is undeveloped. The properties to the east, and west are developed commercially. The property to the south is developed as Yelm High School.

a. Service oriented establishments are allowed in the C-2 zoning district as a permitted use [Section 18.37.020 (L) YMC].

b. Setback requirements for the C-2 zoning district are 15 foot front yard, 10-foot side yards, and 20-foot rear yard [Section 18.37.040 YMC].

The proposed building meets the C-2 setback requirements.

c. Buildings in the C-2 zoning district may be up to 40 feet in height [Section 18.37.040 YMC].

The proposed building meets the height requirement for the C-2 zoning district.

d. Chapter 18.52 YMC provides guidance for ingress and egress. Full accesses are proposed onto 93rd Ave SE, and the shared driveway to Get Fit Yelm.

e. Service oriented establishments require a minimum of one parking stall per 200 square feet of gross floor area [Section 18.54.030 YMC]. As the coffee stand supports drive-through service only and does not provide any seating area, the minimum parking requirements are one stall for each employee based on the greatest number of employees on a single shift.

The 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 currently has adequate perimeter landscaping on all sides except the northern property line. Perimeter landscaping with groundcover and trees is required in the open space along the northern property line.

b. Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas.

Streetscape landscaping is considered part of frontage improvements and will be included in the deferral of frontage improvements.

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.

Any above ground stormwater facilities shall have stormwater facility landscaping in compliance with Section 18.55.020 (E).

- e. 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 93rd Ave. SE. Currently there is no sidewalk in this location that would connect to Yelm Ave. SE, due to reconstruction of Burnett Rd. SE and Yelm Ave. SE deferring the pedestrian connection is preferable.

- f. 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].

The proposed site plan will not be using a trash enclosure and instead will be using residential cans for the collected waste on site. Residential cans must not be placed between the building and the street outside of collection time.

- g. Section 18.59.050 YMC provides guidance for illumination. Parking lot illumination levels shall be a minimum of one-half foot candle and 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.

13. Title 18 YMC provides guidance and regulations for pedestrian circulation. Chapter 18.60 provides sidewalk and pathway requirements for various types of developments.

- a. All development shall incorporate elements that follow YMC pedestrian circulation guidelines pursuant to YMC 18.60.030.

Pedestrian pathways or walkways must connect all businesses and the entries of multiple buildings on the same development site. Pathways must be provided through parking lots. All pathways shall be paved a minimum of 60 inches wide.

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

The parcel fronts 93rd Ave. SE, a neighborhood collector street which is not constructed to City standards. The realignment of 93rd Ave. SE and Burnett Rd. SE is included in the City's transportation plan, making a frontage deferral is preferable for the City. A deferral of frontage improvement agreement shall be signed and recorded with Thurston County for 93rd Ave. SE.

Transportation facilities charges are required for any new PM peak hour trips generated by this project. PM peak hour trips are calculated using the ITE trip generation manual.

Drive-through windows with no indoor seating have a trip generation rate of 153.85 new PM peak hour trips per 1,000 sq. feet gross floor area. The proposed site plan indicates Blacktail Coffee Company is 96 sq. feet which would generate 14.77 new PM peak hour trips.

Traffic Facilities Charges for the 14.77 new PM peak hour trips are due at building permit issuance.

15. 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 project as proposed includes a self-contained unit. As part of the Food Establishment Application with Thurston County Environmental Health Division (TCEHD), it should be clear that City of Yelm is not the water source serving the establishment. It is required to contact the Thurston County Environmental Health Division about the proposed self-contained unit. You will be required to indicate and thoroughly describe how the establishment is being served for water. TCEHD will make the determination if your plan is adequate for the Food Establishment License.

There is an 8" water main on the north side of the parcel. If water service is needed in the future, connection will be required at this location and all requirements for cross-connection and backflow prevention shall be met pursuant to Section 246-290-490 WAC.

16. Chapter 13.08 YMC and Chapter 7 of the Development Guidelines establish requirements for connection to the City's sewer system.

The project as proposed includes a self-contained unit. As part of the Food Establishment Application with Thurston County Environmental Health Division (TCEHD), it should be clear that City of Yelm is not providing sewage disposal for the establishment. You will be required to indicate and thoroughly describe how the establishment plans to dispose of "greywater" as well as where restroom facilities for employees will be. TCEHD will make the determination if your plan is adequate for the Food Establishment License.

The property is located in the City of Yelm's STEP sewer system service area. A 3" sewer main runs down 93rd Ave SE on the north side of this parcel. If sewer service is needed in the future, connection will be required at this location and all requirements for FOG control shall be met.

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.

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

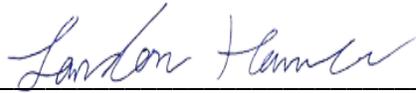
CONCLUSIONS OF LAW

- 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. Blacktail Coffee Company 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 C-2 Heavy Commercial 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. An agreement for deferral of frontage improvements, streetscape improvements, and sidewalk connections for 93rd Ave. SE shall be implemented and recorded.
 - 2. The property line along 93rd Ave. SE must be landscaped in compliance with Section 18.55.020(B) YMC. Any above ground stormwater facilities shall have landscaping in compliance with Section 18.55.020(E). A detailed landscape plan is required as part of civil plan submission.
 - 3. Parking lot illumination levels shall be a minimum of one-half foot candle and 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.
 - 4. Pedestrian pathways or walkways must connect all businesses and the entries of multiple buildings on the same development site.
 - 5. All requirements from Thurston County Environmental Health Division (TCEHD) requiring self-contained units shall be met and the TCEHD approval included as part of civil plan submission.
 - 6. All utilities to this development must be running underground and not above.
- 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.

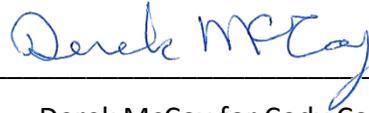
DECISION

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

Dated this 22nd day of September, 2021

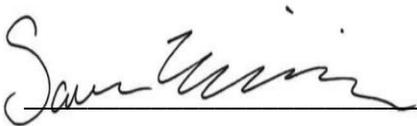


Landon Hawes,
Planning and Building Manager



Derek McCoy for Cody Colt
Public Works Director

Prepared this 22nd day of September, 2021



Sara Williams,
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.