



City of Yelm

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NOTICE OF DECISION

DATE: January 16, 2020
PROJECT NAME: Nisqually Landing Apartments
PROJECT LOCATION: 17021 103rd Ave. SE, Yelm, WA
PARCEL NUMBER: 64303100500
CASE NUMBER: 2019.0051

NOTICE IS HEREBY GIVEN that the Community Development Department issued a site plan review approval to Nisqually Landing Apartments 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.



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SITE PLAN REVIEW 2019.0051

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. Dennis Daly proposes to construct a 50 unit apartment complex located at 17021 103rd Avenue SE, identified by Assessor’s Tax Parcel Number 64303100500.
2. The property currently developed as a single family residence. The properties to the north, east and west are also developed as single family residences, and the parcel to the south is developed as retail commercial. The property is approximately 5.62 acres.
3. The property is zoned Moderate Density Residential (R-6) which is codified at Chapter 18.32 YMC. The R-6 district is intended to enhance and guide development of moderate density, and to provide for a greater variety of housing types. Multifamily dwellings are an allowed use in the R-6 zone. [Section 18.32.020 YMC].
4. Dennis Daly submitted a site plan review application on July 9, 2019, and it was determined to be complete on July 18, 2019. During environmental review, it was discovered that the proposed stormwater treatment did not meet the performance standards for development within a high ground water hazard area. The applicant resubmitted a preliminary stormwater control plan, meeting the standards of Section 18.21.080(G) YMC on October 22, 2019. Site improvements include two multi-family buildings, 4 parking structures, a club house and associated parking. The application materials included a preliminary site plan, preliminary drainage, STEP tank sizing, geotechnical, and Mazama Pocket Gopher reports.
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 July 18, 2019. In addition, the notice was published on the City’s website on July 18, 2019 and published in the Nisqually Valley News on July 25, 2019. No comments were received.
6. The City of Yelm SEPA Responsible Official issued a Mitigated Determination of Non-significance based on WAC 197-11-158 on November 1, 2019. This determination is final and fulfils the City’s responsibility for disclosure of potential, significant environmental impacts. The Mitigated Determination of Non-significance included the following mitigating conditions.

1. A final drainage report meeting the minimum requirements of the Stormwater Management Manual for Western Washington, as published by the Washington State Department of Ecology shall be submitted with civil plan submission.
2. Stormwater facilities shall meet the minimum requirements of Section 18.21.080(G).

Comments received from the Washington State Department of Ecology included request for a wetland report, and stating that the purveyor is responsible for ensuring that the purposes uses are within the limitations of their water right, and that a construction stormwater general permit may be required.

Current local environmental mapping shows no wetlands located in this area, and property vegetation does not indicate wetlands. The site was previously a horse pasture that had heavy grazing and soil compaction (Geotechnical report by Talasaea, 2005), and is currently consists of unmaintained grass and scotch broom. A stand of fir trees with a sparse to moderate understory of small deciduous trees and native and invasive plants and shrubs are located to the northeast, 300+ feet from the proposed development.

The NWI is based on aerial photos from 1981, and US Fish and Wildlife specifically states on the website in the disclaimer, data limitations, exclusions, and precautions to verify local accuracy.

In the Geotechnical report by GeoResources, a site inspection was completed that confirms the vegetation onsite and also confirms there are no areas of surficial erosion, standing water, seeps, springs, or deep seated slope movement observed.

The City is required to make a determination of concurrency for infrastructure for every development proposal, and fully aware of current their water right availability.

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 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.

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 170th (Walmart Blvd), and 103rd Avenue, neither of which are constructed to City Standards. 170th is scheduled to be reconstructed as the SR 510 Yelm Loop in 2021, part of the intersection improvements for the Loop will be constructed along the 103rd Avenue as well. Frontage improvements and transportation facility charges satisfy concurrency for transportation.

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

Payment of a School Impact Fee 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.

- 8. 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. Properties to the north, east and west are developed as single family residences, and the parcel to the south is developed as retail commercial.
 - a. Multi-family dwelling units are allowed in the R-6 zoning district as a permitted use. [Section 18.32.020 (C) YMC]
 - b. Setback requirements for the R-6 zoning district are 35 feet from an urban arterial, 5 feet from side yards, and 25 feet from the rear yard. [Section 18.32.040 YMC] The proposed buildings meet the R-6 setback requirements.
 - c. Buildings in the R-6 zoning district may be up to 35 feet in height. [Section 18.32.040 YMC]. The proposed building meet the height requirement for the R-6 zoning district.
 - d. Chapter 18.52 YMC provides guidance for Ingress and egress. Access is proposed on the Future SR 510 Yelm Loop. Preliminary discussion with the Washington State Department of Transportation (WSDOT) is the preferred location is to be no less than 250 feet from the southern property line.
 - e. Multi-family dwelling units require two parking stalls per unit. [Section 18.54.030 YMC] The proposal exceeds the minimum requirements of Section 18.54.030 YMC.
- 9. 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 west, south and east property lines, ending at the edge of the High Ground Water Flood Hazard boundary, no landscaping is necessary in the flood hazard area. Perimeter landscape is not required adjacent to or within the 50 foot high groundwater setback area. Landscaping is required around the proposed club house and covered parking areas.

b. Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas. Streetscape landscaping is not required as SR 510 Yelm Loop will be constructed by WSDOT.

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 proposed site plan does not call out parking lot landscaping. Parking lot landscaping meeting the standards of Section 18.55.020 (D) is required.

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

Any above ground stormwater facilities shall be landscaped pursuant to the requirements of Chapter 18.55 YMC.

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

The proposal includes a club house for the residents of the development, and protection of the high ground water hazard area. In order to protect the high ground water flood hazard area, signage should be placed in visible areas depicting the area as environmental significance.

e. Chapter 18.57 requires the protection of trees during development. The existing trees onsite are located outside of the proposed development area, with the exception a few individual small growth trees. This meets the intent of protection during development.

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 SR 510 Yelm Loop, and between the dwelling unit buildings. Pedestrian pathways should be provided from parking areas to the buildings.

d. 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]

Civil plans shall clearly show location of trash enclosure with required landscaping.

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

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.

A report by Land Services NW LLC 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.

The site is encumbered by a High Ground Water Hazard Area. Section 18.21.080(G) provides performance standards for development within the hazard area. These standards include the determination of the flood elevation, that no development may locate within 50 feet, measured on a horizontal plane, or extending to a ground elevation of two feet above the base flood elevation, whichever is less, and that the bottom of any filtration facility for stormwater discharge shall be at least 6 feet above the base flood elevation.

The proposal meets this regulation by locating development more than 50 feet from the flood hazard area, and using pervious pavement for stormwater treatment.

11. 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 at the southern edge of the property. This line is required to be extended along the frontage of this property, including SR 510 and 103rd Avenue.

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)].

12. 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.

13. 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.

There is a 6 inch sewer main located at the southern edge of the property. This line is required to be extended along the frontage of this property to the ingress to the site. Properties fronting on 103rd will be served by a future main extending east from the intersection of Grove Road & 103rd Avenue. There is no need to extend the sewer line to the northern end of the property. A deferral for the future sewer main along the 103rd Avenue can be supported.

14. 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. [Section Chapter 18.27 YMC].

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

Frontage improvements for SR 510 Yelm Loop are funded and scheduled to be completed by WSDOT. This improvement will also encumber a portion of the frontage of 103rd Avenue. A deferral for the remainder of the 103rd avenue improvements can be supported.

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. Credit for the existing single family residence should be given.

CONCLUSIONS OF LAW

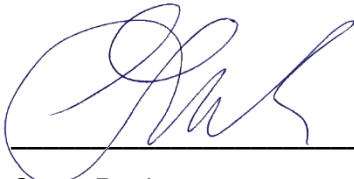
- A. Section 18.13.020 (B) YMC allows the Site Plan Review Committee to approve a proposal when the preliminary site plan conforms to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances.
- B. Dennis Daly has established that the request for site plan review approval can satisfy all criteria set forth in Section 18.13.020(C) YMC, meet all requirements of the R-6 Moderate Density 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 conditions of the Mitigated Determination of Non-significance are hereby referenced and are considered conditions of this approval.
 2. Each dwelling unit shall connect to the City water system. The 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.
 3. The water main located in SR 510 shall be extended along all property frontages, including 103rd Avenue.
 4. Each dwelling unit shall connect to the City S.T.E.P. sewer system. The connection fee and inspection fee will be established at the time of building permit issuance.
 5. The sewer main located in SR 510 shall be extended to the location of the ingress to the site. An agreement for deferral of sewer main improvement requirements for 103rd Avenue shall be implemented and recorded.
 6. 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.
 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. The civil engineering plans shall include a detailed landscaping plan that identifies perimeter landscaping around the west, south and east property lines, ending at the edge of the High Ground Water Flood Hazard boundary, internal landscaping around the proposed club house, covered parking areas, and parking lot landscaping in all parking areas. Any above ground stormwater facilities shall be landscaped pursuant to the requirements of Chapter 18.55 YMC.
 9. The applicant shall provide a performance assurance device in order to provide for maintenance of the required landscaping until the tenant or homeowners' association becomes responsible for landscaping maintenance. The performance assurance device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.
 10. 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.
 11. Ingress/egress to the site shall be located no less than 250 feet from the southern property line.
 12. To meet open space requirements, and to protect the high ground water flood hazard area, signage should be placed in visible areas depicting the area as environmental significance.
 13. Approved pedestrian pathways shall be provided from all parking areas to the buildings. An updated pedestrian circulation plan shall be submitted.
 14. Civil plans shall clearly show location of trash enclosure with required landscaping, and location approved by local service provider.
 15. 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.
 16. Mailboxes for the site shall be cluster box units (CBU) and located on site. [Section 18.59.080 YMC]
 17. An agreement for deferral of frontage improvement requirements for 103rd Avenue shall be implemented and recorded.
 18. Payment of a fire impact fee is due at the time of building permit issuance.
 19. Payment of a school impact fee is due at the time of building permit issuance.
 20. Payment of a traffic facilities charge is due at the time of building permit issuance.
- 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 16th day of January, 2020



Grant Beck,
Community Development Director



Public Works Director

Prepared this 16th day of January, 2020



Tami Merriman,
Associate 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.