



City of Yelm

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"Pride of the Prairie"

Case Number: 2019.0436.SU0002 Living Water Foursquare Church

Applicant: Living Water Foursquare Church, Michael Siegemund
1615 Chambers Street SE
Olympia, WA 98501

Representative: Elite Properties, Chad Link
975 Carpenter Road NE, Suite 104
Lacey, WA 98516

Request: Convert existing restaurant structure into a worship and gathering facility.

Public Hearing Date: December 10, 2019 9:00 AM

Recommendation: Approval with conditions

PROPOSAL

The applicant proposes to convert an existing restaurant structure into a worship facility/gathering place. The existing structure sits on one parcel equaling just over 2 acres. There is an existing mobile home and storage facilities located on site considered a pre-existing non-conforming use. The home and storage facilities will remain unchanged.

PROPERTY CHARACTERISTICS

The property is located at 717 Yelm Avenue East, Yelm, WA and is identified by Assessor's Tax Parcel Number 22730120101. The property is zoned Commercial (C-1). Churches and places of worship are allowed in the C-1 zoning district through the Special Use Permit process.

NOTICE OF APPLICATION AND PUBLIC HEARING

Notice of this application was mailed to state and local agencies and property owners within 300 feet of the site on November 1, 2019, as well as published in the Nisqually Valley News in the legal notice section on November 7, 2019.

Notice of the date and time of the public hearing before the Hearing Examiner was posted on the project site, mailed to property owners within 300 feet of the site, and mailed to the recipients of the Notice of Application on November 27, 2019. Notice of the public hearing was published in the Nisqually Valley News in the legal notice section on Thursday, November 28, 2019.

No comments were received on the project.

State Environmental Policy Act

The project is exempt from SEPA review pursuant to Section 197-11-800(2)(e) WAC, modification of an existing building.

Concurrency

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.

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 building is currently connected to the City sewer system. This satisfies concurrency requirements.

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 building is currently connected to the City water system. This satisfies concurrency requirements.

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 Yelm Avenue East, which is constructed to current standards, the proposal does not create off site impacts. Payment of a traffic facility charge satisfies concurrency requirements.

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

The proposal will have no impact on the school system as it will not increase student population.

Concurrency with fire protection means the developer pays a fire impact fee at the time of construction.

The fire impact fee is based upon new construction. Any additions to the existing, or the addition of new buildings would require payment of a fire impact fee.

Critical Areas

The site is outside of any critical area.

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, Chapter 18.21 YMC. 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.

The site is mostly paved and hard compacted gravel. Site reconnaissance showed no evidence.

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.

DESIGN STANDARDS

Lot Size and Setback

The Unified Development Code does requires a minimum lot area of 5,000 square feet. The C-1 zoning district requires a 15 foot front yard setback, 10 foot side yard setbacks, and a 20 foot rear yard setback. Maximum building height is 40 feet. The existing building meets these minimum requirements. The additional uses on site are considered pre-existing non-conforming uses, and as long as use remains the same, no additional standards are required.

Adjacent Land Uses and Zoning

The properties south of this site are located outside of the City limits, but within Yelm's Urban Growth Area and are developed as residential. The property to the east includes a Lutheran Church, and a retail tire facility. The properties to the west and north are commercially developed.

This project, as conditioned, meets the City of Yelm development standards and is a compatible use with the surrounding properties.

Transportation

The updated Transportation element of the Yelm Comprehensive Plan identifies a number of improvements designed to avoid the need to significantly widen existing streets, and particularly Yelm Avenue. New development impacts the transportation system in Yelm and unless the improvements identified in the transportation plan are constructed, the City would need to require developers to pay the cost of internal street widening.

The City has adopted a Transportation Facility Charge based on new pm peak hour trips. The traffic generated by the new use is not significantly higher than the previous restaurant use, and shares an approved access on Yelm Avenue.

Water Supply

The City's water Comprehensive Plan identifies the property as being within the water service area, and served by City water service. The use of the building for a place of worship will use less water on a monthly basis than the previous restaurant. Based on these calculations, it is anticipated that no additional water connections will be required.

All commercial buildings and irrigation systems are required to provide for cross-connection control through the provisions of a back flow prevention device (RPBA) installed on the water service. A list of approved devices can be found at Chapter 246-290-490 WAC.

Waste Water

The site is located in the City of Yelm's STEP sewer system service area and is served by City sewer. There is also a grease interceptor protecting the STEP tank from fats, oils, and greases. While the church facility is not required to have this tank, it must be maintained and pumped on a regular basis.

Storm Water

The City of Yelm has adopted the 2014 Stormwater Management Manual for Western Washington published by the Washington Department of Ecology and its amendments. Stormwater from new impervious surfaces is required to be treated and released pursuant to this manual. The site is improved with paved parking, and a joint stormwater facility. The applicant does not propose to increase impervious surface area. If additional paving is proposed in the future, it shall meet the above manual.

Site Design

The Unified Development Code includes standards for parking lot design and landscaping, pedestrian access between buildings, and mailbox clusters on site.

Ingress and egress at the site is a shared driveway/parking access with the adjoining retail complex. Minimum parking requirements for a place of worship is one stall for six seats in the principal place of worship. The applicant estimates about up to 3,000 square feet to be used for the principal place of worship, and approximately 200 – 250 seats. This calculation would require 33 – 41 parking spaces. There are 42 parking stalls on the site. This meets the minimum parking requirements.

Existing on-site parking may not be adequate for certain dates that expanded attendance is anticipated, such as Easter and Christmas. For dates that increased attendance is expected, the applicant shall provide for the need of additional parking. This could be achieved by a shared parking agreement with adjoining uses, and possible shuttle if the parking is not within walking distance. Also, if additional parking is needed on a regular basis, the applicant must either achieve a shared parking agreement with existing adjacent properties, or expand its onsite parking meeting current code standards.

A perimeter landscape of 8 feet in width is required, as well as landscaping adjacent to the parking area. Site landscaping meets this requirement.

The existing mobile home and storage units are considered a pre-existing, non-conforming use. They may continue in their current use, as long as they are not enlarged or expanded in any way.

CONCLUSION

Based on the Analysis, Findings, and Conditions of Approval, staff finds that the project, as conditioned, meets the City's minimum requirements and standards of the Yelm Municipal Code, and recommends the Hearing Examiner approve Case # 2019.0436.SU0002 Special Use Permit for Living Water Foursquare Church, as proposed and conditioned herein:

1. All conditions for cross connection control shall be met as required in Section 246-290-490 WAC.
2. Pre-existing non-conforming uses on site may not be enlarged or expanded.
3. If additional onsite parking is needed, the applicant shall either construct approved parking, or achieve a shared parking agreement with adjacent or nearby properties.

Attachments:

Public Hearing Notice

Notice of Application

Site Plan



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Notice of Public Hearing – Yelm Hearing Examiner

DATE: Tuesday, December 10, 2019 – 9:00 AM
PLACE: Yelm City Hall, 106 2nd Street SE, Yelm WA

PURPOSE: Public Hearing to receive comments regarding the following:

1. Living Water Foursquare Church

Case Number 2019.0436.SU0002. Request to convert existing restaurant building into a place of worship and gathering. Other existing structures, a single family home and storage unit on site to remain in their current use. The proposal is located at 717 Yelm Avenue E, Yelm, WA, Tax Parcel Number 22730120101.

The City of Yelm Hearing Examiner will hold a public hearing to receive comments on the application listed above. The Hearing Examiner will make a decision on this matter within 10 working days after the hearing.

Testimony may be given at the hearing or through any written comments. Comments must be received by the close of the public hearing. Such written comments may be submitted to the City of Yelm at the address shown above or mailed to: City of Yelm Community Development Department, 106 2nd Street SE, Yelm WA 98597.

Any related documents are available for public review during normal business hours at Yelm City Hall, 106 2nd Street SE, Yelm WA 98597. For additional information, please contact the Community Development Department at (360) 458-3835.

It is the City of Yelm's policy to provide reasonable accommodations for people with disabilities. If you require reasonable accommodations to participate at a City meeting, please contact the City Clerk's office at 360.458.8402 at least four (4) working days prior to meeting. Information on the Americans with Disabilities Act and the Title VI Statement is available at www.yelmwa.gov/human-resources.



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NOTICE OF APPLICATION

Mailed on: November 1, 2019

PROJECT NAME: Living Water Foursquare Church
PROJECT LOCATION: 717 Yelm Avenue East, Yelm, WA 98597
PROJECT PARCEL NUMBER: 22730120101
LAND USE CASE NUMBER: 2019.0436.SU0002

An application submitted by Michael Siegemund, 1615 Chambers Street SE Olympia, WA 98501, for the above referenced project was received by the City of Yelm on October 14, 2019. The City has determined the application to be complete on October 30, 2019. The application and any related documents are available for public review during normal business hours at the City of Yelm, 106 2nd Street SE, Yelm WA. For additional information, please contact the Community Development Department at (360) 458-3835.

PROJECT DESCRIPTION: The applicant proposes to convert the existing retail building into a worship and gathering facility. The existing mobile home will remain as a residential dwelling and the existing storage facility will continue as a storage facility.

ENVIRONMENTAL and OTHER DOCUMENTS SUBMITTED WITH THE APPLICATION: A site plan and associated easement documents were submitted with the application.

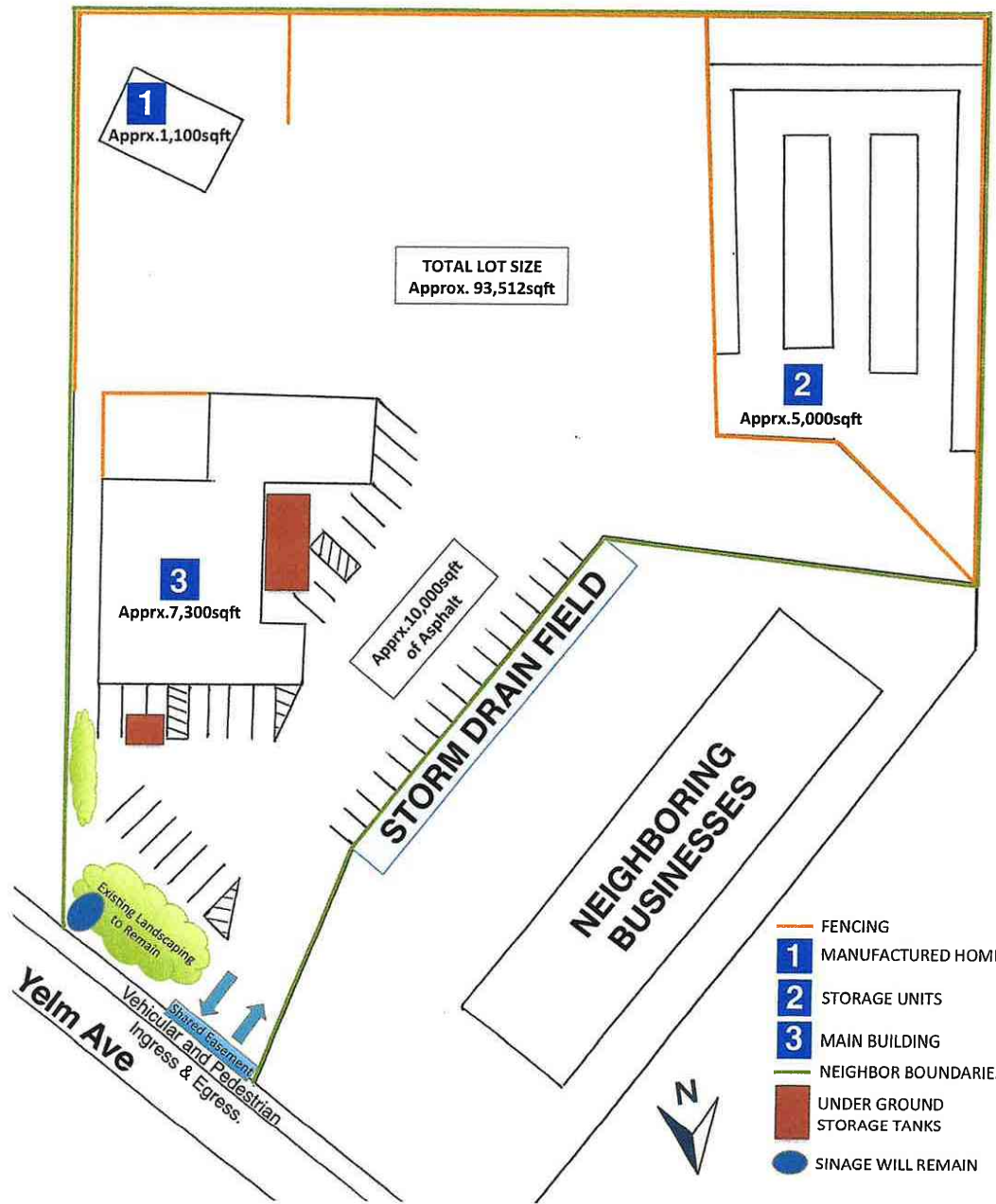
Additional Information or Project Studies Requested by the City: N/A

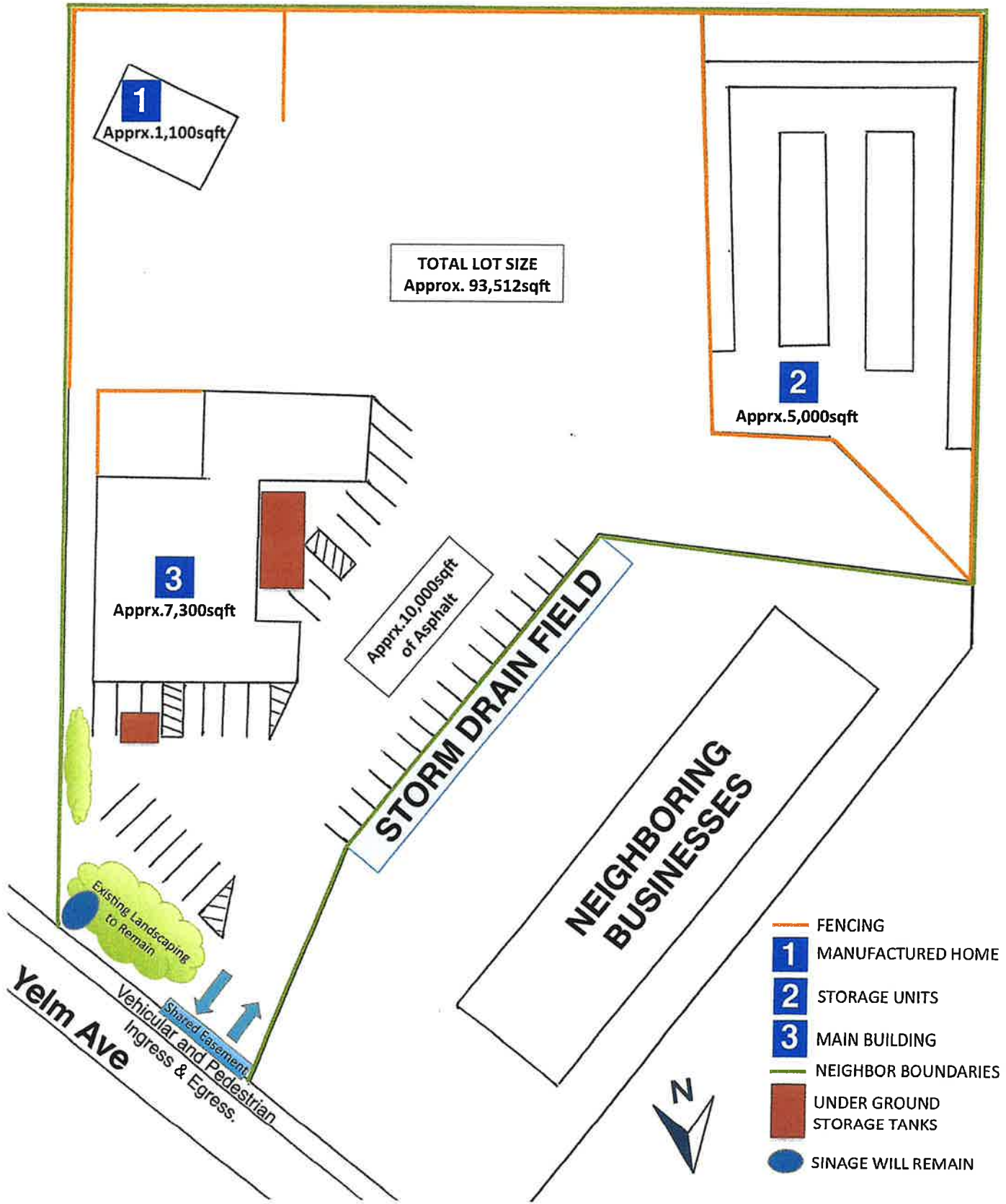
No preliminary determination of consistency with City development regulations has been made. At minimum, this project will be subject to the following plans and regulations: City of Yelm Comprehensive Plan, Unified Development Code Title 18 YMC, and the Stormwater Management Manual for Western Washington.

The City of Yelm invites your comments early in the review of this proposal. Comments should be directed to Tami Merriman, Community Development Department, 106 2nd Street SE, Yelm WA 98597, (360) 458-8496.

THE 15-DAY PUBLIC COMMENT PERIOD ENDS AT 5:00 PM ON NOVEMBER 18, 2019

This notice has been provided to appropriate local and state agencies, and property owners within 300 feet of the project site. These recipients will also receive the following items when available or if applicable: Environmental Threshold Determination, Notice of Public Hearing and Notice of Final Decision. If the proposed project requires a City Council decision, it will be mailed to all those who participate in the public hearing and to anyone else requesting the decision in writing. Additionally, there will be a 14-day public comment period if an environmental determination is issued. Opportunities for appeal occur within twenty one (21) days after the date the notice of decision is issued. City Council decision can be appealed through Superior Court.





- FENCING
- 1** MANUFACTURED HOME
- 2** STORAGE UNITS
- 3** MAIN BUILDING
- NEIGHBOR BOUNDARIES
- UNDER GROUND STORAGE TANKS
- SINAGE WILL REMAIN