



City of Yelm

EST. 1924

WASHINGTON

YELM PLANNING COMMISSION AGENDA

APRIL 18, 2022 4:00 PM

In person at Yelm City Hall at 106 2nd St. SE and
virtually on Zoom. Click link below to register:

<https://us06web.zoom.us/j/87265594794>

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Agenda Approval
5. Approval of Minutes
 - a. Minutes from March 21, 2022 attached
6. Public Comment or Communications
7. Review Staff Language of Updates to 2021 Unified Development Code
- 8. Public Hearing**
 - a. Updates to the 2021 Unified Development Code and Comprehensive Plan**
9. Subcommittee Reports
10. Adjourn

MEETING INFORMATION

All regular meetings are recorded and may be viewed at www.yelmwa.gov.

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 meeting, please contact the City Clerk's office at 360.458.8402 at least five (5) 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. The public comment portion of the agenda is an opportunity for the public to address the Commission regarding matters that are not on the agenda. Comments are limited to three minutes and five speakers. Comment on matters listed on the agenda are welcomed.

Next Planning Commission Meeting
May 16, 2022 4:00 PM

YELM PLANNING COMMISSION MINUTES
VIRTUAL MEETING VIA ZOOM
March 21, 2022 – 4:00 PM

**Minutes were taken by video at City of Yelm Government's Youtube channel. Times are a best estimate.*

Sara Williams called the meeting to order at 4:04 pm.

Members present: Anne Wahrmund, Floyd Sheldon, Carlos Perez, John Graver, Jerry Fugich, John Thompson, and Bob Howard

Members Absent: N/A

Staff: London Hawes, Sara Williams, Maryam Moeinian, and Chris Vaccaro

Approval of Agenda:

MOTION BY JOHN THOMPSON, SECONDED BY ANNE WAHRMUND TO APPROVE THE AGENDA. ALL WERE IN FAVOR.

Approval of Minutes:

MOTION BY CARLOS PEREZ, SECONDED BY JOHN THOMPSON TO APPROVE THE FEBRUARY 22, 2022 MINUTES. ALL WERE IN FAVOR.

Public Comment & Communications:

N/A

2021 Unified Development Code Updates:

London Hawes reported that staff is moving away from Unified Development Code updates occurring annually, to updates being addressed at as needed. Hawes presented proposed changes to the R-4 Townhome Provisions and Accessory Use Regulations within the UDC. Hawes answered questions to Planning Commission Members and to public attendees.

Public Hearing on 2021 UDC Updates:

Sara Williams opened the Public Hearing at 4:13 pm.

Matthew Gerrish

Matthew Gerrish expressed support to changes to townhome provisions outlined in the Unified Development Code. Gerrish stated that allowing townhome developments would create conformity, versus the fifty percent townhomes to single family homes ratio.

Unidentified Speaker

An unidentified speaker stated that they thought the change to townhome provisions would look and work much better, being able to have just townhomes, or just single family, in a development.

Councilmember Brian Hess

Councilmember Brian Hess commented on the townhome provisions change having a positive effect on the community, bringing diversity in housing options for entry-level home buyers and military.

MOTION BY JOHN THOMSON, SECONDED BY ANNE WAHRMUND TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR.

MOTION BY ANNE WAHRMUND, SECONDED BY CARLOS PEREZ TO ACCEPT THE PRESENTED UPDATES TO THE UDC, AND TO GO FORWARD TO COUNCIL FOR CHANGES. ALL IN FAVOR.

Subcommittee Reports:

Chris Vaccaro reported that the Tree Board is currently focusing on the upcoming Arbor Day Celebration. They are securing tree saplings, programs, and bands for the event, as well as looking for new members. The event will be Friday, April 29th, at 11:00am at the Yelm Community Center.

Anne Wahrmund reported that there are new picnic tables at Yelm City Park, and there is a new tree that will eventually grow into the new Yelm City Park Christmas Tree. The fitness pad is currently underway, and is still accepting sponsors. The Veteran's Memorial has design work being done to update it. May design work will include a stage, and possibly removing walls from the pavilion at City Park. There will be a meeting for Prairie Days and Christmas in the Park on April 6th at the Yelm Community Center. The dog park will be up for bid in April, and projected to be completed by the end of summer.

Adjourn: MOTION BY JOHN GRAVER, SECONDED BY CARLOS PEREZ TO ADJOURN THE MEETING. ALL WERE IN FAVOR. MEETING WAS ADJOURNED AT 5:15 PM.

Respectfully submitted,
Savana Cervantes, Administrative Assistant



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To: Planning Commission
From: London Hawes, Planning and Building Manager
Date: April 18, 2022
Subj: Unified Development Code Update #2

Staff has received several requests for changes to the Unified Development Code. The three proposals covered in this staff report are: 1) changing public buildings to be listed as a permitted use; 2) removing the ministerial site plan requirement for most changes of use; and 3) updating annexation procedures in anticipation of water rights being granted to the city later this year. Changes to the UDC must be consistent with the goals and policies of the Comprehensive Plan.

Proposal – Change public buildings to be listed as a permitted use:

Request by staff to change the “Essential Public Facilities” use in the code from a Special Use to a Permitted Use.

Comprehensive Plan

Land use goal 2, Policy 2.2: Adopt policies and development regulations to implement smart growth principles.

Unified Development Code

Several sections of the Code such as Sections 18.31.20 and 18.31.30

Staff Analysis:

Staff proposes to change the “Essential Public Facilities” use from the Special Use category to the Permitted Use category. Special uses require a public hearing and review by staff and the city’s Hearing Examiner, while permitted uses may generally be approved with staff review only. This change is precipitated by the city’s current SE Reservoir project, which is being forced into the Special Use process even though it is a project with no impact on the surrounding area. The Special Use review process can take 3-4 months of time, resulting in delays to delivery of city services for residents.

Staff anticipates no issues with this change, given that city staff and the City Council are heavily involved with the design, approval, construction, and operation of any public facility and take into account potential impacts to surrounding areas and neighborhoods before approval of any project.

Recommendation:

Update relevant sections of code to allow Essential Public Facilities as Permitted Uses instead of Special Uses.

Proposal – Do Not Require Ministerial Site Plan Review for Changes of Use:

Proposal by staff to remove ministerial site plan review for most changes of use.

Comprehensive Plan

Land use goal 2, Policy 2.2: Adopt policies and development regulations to implement smart growth principles.

Unified Development Code

Section 18.12.060(A)1 - Ministerial site plan review approval is required prior to: (1) The use of an existing building or previously approved site for a use that is not similar to the previous use considering the impacts of the two uses, the Standard Industrial Code Classification Manual divisions and major groups, and the intent of the zoning district in which the property is located.

Staff Analysis:

Staff proposes to remove the requirement for changes of use in an existing building to receive ministerial site plan review. Currently, any change of use on a property that has an existing building must be reviewed by staff through the ministerial site plan process. For instance, if a restaurant tenant in a building vacates and an office tenant wants to replace the restaurant, the office tenant must submit a ministerial site plan to the department even though nothing on site is changing except interior renovations. Staff considers this to be needlessly burdensome on businesses who want to operate in Yelm and are proposing to remove the requirement as a result.

The exception to this new rule would be to still require ministerial site plan review if a change of use would result in exterior changes to the building, including parking.

Recommendation:

Remove the requirement for changes of use in an existing building to pass through the ministerial site plan review process, except when exterior or parking changes will result as part of the change of use.

Proposal – Add Ordinance 399 to the Municipal Code of Yelm:

Proposal by staff to add the text of City Council Ordinance 399 to the Municipal Code of Yelm as Chapter 2.66.030, Submittal, Review, and Approval.

Comprehensive Plan

Land use goal 2, Policy 2.2: Adopt policies and development regulations to implement smart growth principles.

Unified Development Code

Annexation Procedures, Section 2.66 of the Municipal Code of Yelm.

Staff Analysis:

Staff proposes to add the text City Council Ordinance 399, which was passed on May 8, 1991, to the Municipal Code of Yelm as 2.66.030, subtitled “Submittal, Review, and Approval.” Ordinance 399 deals with how annexations are processed and reviewed by city staff and the City Council and is already referenced in Section 2.66, Annexation Procedures, as the basis for annexation review in the city. However, staff feels that having the city’s annexation procedures technically existing outside of the Municipal Code could invite legal troubles for the city later on. From a legal standpoint, it is most secure and defensible to have every city review process contained within the Municipal Code.

There is precedent for incorporating Ordinance 399 into the Municipal Code because Ordinance 414, which the City Council adopted a little after Ordinance 399, was already incorporated into the Municipal Code as the current Chapter 2.66. Staff feels that the intent of these two ordinances was always to have them officially brought into the Municipal Code, but that only one of the two (Ordinance 414) was ever attached to the Code as an amendment. Staff feels that the time is right to “close the loop” and give the city a more defensible legal position when it comes to annexations.

Staff would add Ordinance 399 to the Municipal Code as Section 2.66.030. This would require several current subsections of 2.66 to receive new numerical designations, but this would not affect the administration of the ordinance at all.

Recommendation:

Add the text of City Council Ordinance 399 to the Municipal Code as Section 2.66.030, “Submittal, Review, and Approval.”

CITY OF YELM

ORDINANCE NO. 399

AN ORDINANCE relating to procedures and fees for the annexation of property to the City of Yelm, Washington.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF YELM, THURSTON COUNTY, WASHINGTON:

Section 1. Procedures.

- A. All annexations will use the petition method.
- B. An annexation will be considered either a
- (i) simple annexation, involving a single annexation within an urban area and exempt from Boundary Review Board procedures (items G through K below), or a
 - (ii) complex annexation, which is any other type of annexation and will involve the Boundary Review Board.
- C. The applicant meets with City officials to discuss the annexation and the first petition, a Notice of Intent (sample form attached) is prepared and circulated among all affected property owners. It must be signed by owners of 10% or more of the assessed value of the proposed annexation area. Value is determined according to current Thurston County tax record.
- D. After the signatures on the Notice of Intent are validated and found to be sufficient, the City Council holds a public meeting, usually within 60 days of filing the petition. The City Council decides whether to accept the proposed annexation, and if so, under what conditions.
- E. At a public meeting, the City Council decides whether to require: (a) the adoption of a comprehensive plan and zoning; and/or (b) the assumption of a proportionate share of existing City debts by the area to be annexed. Annexation may also involve: (c) a commitment from property owners to form a Local Improvement District (LID); and/or (d) jurisdiction of existing sewer and water districts.
- F. After the City Council accepts the Notice of Intent, it is referred to the Planning Commission to review the planning and zoning at a public hearing. The Planning Commission makes their recommendation to the City Council for further hearings.
- G. The City Council holds the first of two public hearings to review the Planning Commission's recommendations on the planning and zoning for the area to be annexed.
- H. If approved, the Council then instructs the applicant to prepare a Petition for Annexation (sample form attached) signed by the property owners of not less than 60% of the assessed valuation of the property being annexed.
- I. After the signatures on the Petition for Annexation are validated and found to be sufficient, a notice is sent to the Thurston County Boundary Review Board.
- J. The Boundary Review Board holds a public meeting to decide if the annexation proposal should be approved.
- K. After approval by the Boundary Review Board, the City Council holds its second public hearing. An ordinance for the annexation and zoning is prepared for Council approval as well as a resolution for amendment of the City's Comprehensive Plan. The annexation ordinance is published

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in the newspaper and the annexation becomes effective five days after the publication date. Copies of the annexation ordinance are sent to various state and local government agencies.

Section 2. Fees.

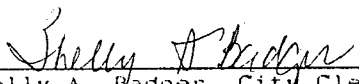
- A. The fee for a simple annexation, described in Section 1 (B)(i), shall be \$250, payable to the City of Yelm. Upon successful completion of the annexation, up to \$100 of the fee shall be refunded to the applicant if not used by the City.
- B. (i) The fee for a complex annexation, described in Section 1 (A)(ii), shall be \$1000, payable to the City of Yelm.
- (ii) In addition, the applicant shall pay the City's actual costs for the annexation by advancing the City for its out-of-pocket expenses, hourly rates, using the procedure as follows:
- (a) The applicant shall deposit a sum of money, the amount of which will be determined by the City Administrator, into a separate fund which shall be maintained by the City.
 - (b) The City will bill for the charges pertaining to applicant's annexation against this fund.
 - (c) When 10% of this fund remains, the City shall notify applicant and request applicant to deposit an amount similar to what was previously paid. This procedure shall continue until the project has been completed.
 - (d) At any time, applicant may terminate the project and receive a refund of the remaining monies in the fund.

Section 3. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED BY THE CITY COUNCIL, signed and approved this 8th day of May, 1991.


Robert A. Sanders, Mayor

ATTEST:


Shelly A. Badger, City Clerk

PASSED AND APPROVED: May 8, 1991

PUBLISHED: Nisqually Valley News, May 16, 1991