



City of Yelm

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NOTICE OF DECISION

DATE: February 7, 2020
PROJECT NAME: Wyndstone Apartments
PROJECT LOCATION: 15025 Tahoma Boulevard SE, Yelm, WA
PARCEL NUMBER: 21724420300
CASE NUMBER: 2019.0058

NOTICE IS HEREBY GIVEN that the Community Development Department issued a site plan review approval to Wyndstone 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 2019.0058

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. C & E Development proposes to construct a 75 unit apartment complex located at 15025 Tahoma Boulevard SE, identified by Assessor’s Tax Parcel Number 21724420300.
2. The property is approximately 4.67 acres and currently undeveloped. The Tahoma Terra residential subdivision is located directly west of the site. The property to the east is zoned R-16 and developed with a single family home. The property to the south is zoned R-6 and undeveloped, and the properties to the north are zoned C-1 Commercial and undeveloped.
3. The property is zoned High Density Residential (R-16) which is codified at Chapter 18.33 YMC. The R-16 district is intended for high-density residential developments. Multifamily dwellings are an allowed use in the R-16 zone. [Section 18.33.020 YMC]

When calculating density, the gross area is used. Gross area includes all land within the exterior boundaries of the development, including but not limited to all land allocated for open space, critical areas, buffers, streets, roads, and public rights-of-ways. The total density allowed is 75 dwelling units. [Section 18.30.010].
4. C & E Development submitted a site plan review application on November 21, 2019, and it was deemed complete on December 20, 2019. Proposed site improvements include several multi-family buildings with a total of 75 dwelling units, associated parking and parking structures, an activity center, pedestrian pathway and connecting street. The application materials included a preliminary site plan, preliminary drainage, geotechnical report, and Mazama Pocket Gopher report.
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 December 23, 2019. In addition, the notice was published on the City’s website on December 23, 2019 and published in the Nisqually Valley News on December 30, 2019.

Comment was received from the owner of the adjoining property to the south regarding street connection and open space location. The property, Tax Assessor Parcel No. 21724420501, received a preliminary subdivision approval in 2006 for 22 single family lots called Rainier View Estates. The approval required a future street connection to the parcel subject to this review. In 2007, this subject parcel received a binding site plan approval for 66 townhome units which included an internal street connection to the proposed future connection in Rainier View Estates, and a portion of its required open space was located at the southern border between the two proposed developments. Both developments submitted civil construction plans for approval, however neither development was constructed. The preliminary subdivision and binding site plan approvals were subject to approval time extensions issued pursuant to RCW 58.17.140, and the approvals expired in 2016. At this time, there is not an application or approval on the adjoining property. The property owner requests that the Wyndstone Apartment applicant change their site plan to reflect the future street connection at the location of their expired development proposal, and to provide their required open space on the south end of their parcel.

Section 18.52.090 YMC requires development to provide for the continuation of public streets. At this time, there are no approved development plans for the property adjoining this subject parcel. The application provides for a public street with future connection, and its proposed open space and landscape meets the requirements of the Yelm Municipal Code.

The property owner also requested that public access to the property from Durant Street remain. Durant Street is not a public street, and public right-of-way ends at the northern property line of parcel 21724420501. Previous land use approvals on the subject property and parcel 21724420501 required the area of Durant Street be improved as a pedestrian pathway. There is public right-of-way on a portion of Durant Street, however the street does not meet City street standards, and there is no public right-of-way to connect to Tahoma Boulevard. Future access to parcel 21724420501 is from the adjoining subdivision Vista Green on Durant Drive SE, which is an improved public street. The existing Durant Street does not meet City standards for a public street, and does not provide adequate vehicle turn around when the portion in the subject property is converted to a pedestrian pathway. It is appropriate to close this street to motorized vehicles, for the creation of a public pathway.

6. The City of Yelm SEPA Responsible Official issued a Mitigated Determination of Non-significance based on WAC 197-11-158 on January 17, 2020. 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.
 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. 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 if, at any time, evidence of Priority Habitat Species or Mazama Pocket Gopher is found.

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, and that a construction stormwater general permit may be required.

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 Tahoma Boulevard which is constructed to City Standards. The development proposes to construct a local access residential street serving the property to the south. This improvement 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 at the time of building permit issuance 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-16 zoning district. Properties to the east and west are developed as single family residences, the parcel to the south undeveloped residential property, and properties to the north are undeveloped commercial properties.
 - a. Multi-family dwelling units are allowed in the R-16 zoning district as a permitted use. [Section 18.33.020 (D) YMC]
 - b. Setback requirements for the R-16 zoning district are 35 feet from an urban arterial, 10 feet from side yards, and 25 feet from the rear yard. [Section 18.33.040 YMC] The proposed buildings meet the R-16 setback requirements.
 - c. Buildings in the R-16 zoning district may be up to 35 feet in height. [Section 18.33.040 YMC]. The proposed building meets the height requirement for the R-16 zoning district.
 - d. Chapter 18.52 YMC provides guidance for ingress and egress. Access is proposed on Tahoma Boulevard, which is constructed to City Standards for an Urban Arterial with a center turn lane for ingress and egress to the site. The proposal meets the requirements of Chapter 18.52 YMC.
 - e. Multi-family dwelling units require one space for studio apartments, 1.5 spaces for 1 & 2 bedroom apartments, and two spaces per 3 or more bedroom apartments, with 1 guest parking space for every 10 units. [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 8 foot Perimeter landscape is required on the north and south property lines. There should be a minimum of 5 feet of landscape between the garage buildings and pedestrian pathway. The west property line is a public street and will include streetscape landscaping.
 - b. Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas. Streetscape landscaping is established on Tahoma Boulevard and required as part of the internal street improvement.
 - 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 is not clear that all required parking lot landscaping is achieved pursuant to Section 18.55.020 (D).
 - d. Any above ground stormwater facilities shall be landscaped pursuant to the requirements of Chapter 18.55 YMC and be incorporated with all on site landscaping.

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

The proposal includes a pedestrian pathway within the location of the old Durant Street location, internal pathways throughout the site with covered seating areas, as well as an indoor activity area which meets the requirements of Chapter 18.56 YMC.

- 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 Tahoma Boulevard with public sidewalks, and pedestrian pathway. There is no parking adjacent to street frontage.

- g. 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.

- h. 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.
- i. 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 Key Environmental Solutions, 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.

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 in Tahoma Blvd, with an 8 inch stub out to the property. This line shall be extended through the new public street, as part of street improvement requirements.

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 12 inch sewer main located in Tahoma Blvd. with a 3 inch stub out to serve this property. This line shall be extended through the new public street as part of street improvement requirements.

The conceptual utilities plan shows location of S.T.E.P. tanks between the buildings and the new street. While the conceptual plan shows the appropriate 5 foot setback from the buildings, the tanks do not meet the required 2 foot separation from the utility easement. The tank locations must be addressed in the required civil plan review.

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 Tahoma Boulevard are complete. The new internal street shall be constructed to current City standards for a local access residential street. This new public street provides for future street connection to the property to the south.

Section 18.52.030 requires that when a street is temporarily dead-ended, turnaround provision must be provided. The turnaround must facilitate emergency vehicle turnaround.

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. This parcel was a part of the Killion Road LID which provides a TFC credit for the parcels within the LID. A credit of \$564.00 per pm peak hour trip will be applied at the time of building permit application.

CONCLUSIONS OF LAW

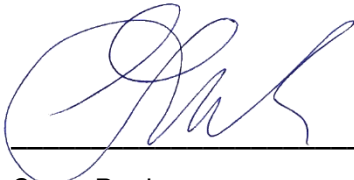
- A. Section 18.13.020 (B) YMC allows the Site Plan Review Committee to approve a proposal when the preliminary site plan conforms to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances.
- B. C & E Developments, LLC has established that the request for site plan review approval can satisfy all criteria set forth in Section 18.13.020(C) YMC, meet all requirements of the R-16 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 Tahoma Boulevard shall be extended within the new internal street to the adjoining property to the south.
 - 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 Tahoma Boulevard shall be extended within the new internal street to the adjoining property to the south.
 - 6. The location of S.T.E.P. tanks must meet required setbacks of 5 feet from building foundation, and 2 feet from utility easements.

7. 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.
 8. 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.
 9. A future street connection to the property to the south is required. A turnaround must be provided to facilitate emergency vehicle turnaround.
 10. The civil engineering plans shall include a detailed landscaping plan that identifies required perimeter landscaping on the north and south property lines, with a minimum 5 foot landscape between the Durant pathway and garage buildings. Parking landscaping shall meet the minimum requirements of Chapter 18.55 YMC. Above ground stormwater facilities shall be landscaped pursuant to the requirements of Chapter 18.55 YMC and be incorporated with all on site landscaping.
 11. The proposed pedestrian pathway within the location of the old Durant Street location shall be dedicated as open space.
 12. 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.
 13. 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.
 14. Civil plans shall clearly show location of all trash enclosures with required landscaping, and location approved by local service provider.
 15. An Illumination plan shall be submitted with civil plans showing parking lot illumination levels not exceed 0.1 foot candle at five feet past the edge of the property line(s), and fixtures mounted to a maximum of 20 feet above grade.
 16. Civil plans shall clearly CBU mailbox locations.
 17. Payment of a fire impact fee is due at the time of building permit issuance.
 18. Payment of a school impact fee is due at the time of building permit issuance.
 19. 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 7th day of February, 2020



Grant Beck,
Community Development Director

Public Works Director

Prepared this 7th day of February, 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.