



City of Yelm

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## NOTICE OF DECISION

DATE: July 10, 2020  
PROJECT NAME: Leah's Landing  
PROJECT LOCATION: 10548 Mill Road SE, Yelm, WA  
PARCEL NUMBER: 22730230600  
CASE NUMBER: 2020.0017

**NOTICE IS HEREBY GIVEN** that the Community Development Department issued an Administrative site plan review approval to TCB Capital, LLC at the above referenced location.

The complete decision may be viewed on the City's website at [www.yelmwa.gov](http://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 2<sup>nd</sup> 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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### ADMINISTRATIVE SITE PLAN REVIEW 2020.0147.PR0007

### FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

#### INTRODUCTION

TCB Capital, LLC (TCB) filed an administrative site plan review application to the City of Yelm for the construction of a 12-unit duplex development.

The application for site plan review includes 3 exhibits submitted by TCB, including application and conceptual plans. A full list of exhibits is described below.

- Exhibit A: Site Plan Review Application
- Exhibit B: Conceptual Site Plan
- Exhibit C: Preliminary Drainage Report

Having fully considered the record, the Site Plan Review Committee enters the following:

#### FINDINGS OF FACT

1.

TCB proposes to develop 6 duplexes (12 units) located at 10548 Mill Road SE, identified by Assessor's Tax Parcel Number 22730230600.

The project includes the construction of streets, utilities, stormwater and open space for the development of 6 duplexes, for a total of 12 units. It is the intent of the applicant to subdivide the parcel into 6 lots when project is complete, or when the City can make a finding of concurrency for water.

2.

The property is currently developed as a single family residence, with an existing mobile home and accessory outbuildings. There is an existing single family exempt well, and onsite septic system. Properties to the north, east and south are developed as single family residences, with the Mill Pond Elementary Middle School directly west of the site. The property is approximately 2 acres in area.

3.

The property is zoned Low-Density Residential (R-4) which is codified at Chapter 18.31 YMC. The R-4 district is intended to enhance and guide development in single-family residential areas. Duplexes are a permitted use and are allowed at a density of one duplex per one-third acre. [Sections 18.31.020 and 18.31.040 YMC]

4.

TCB submitted a site plan review application on May 14, 2020, which was determined to be complete on May 29, 2020.

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 June 1, 2020. Notice was published on the City's website and published in the Nisqually Valley News on June 1, 2020.

The City received email comments from adjoining properties concerned with residents accessing their properties, and requested fencing to be installed. The applicant is proposing a solid wood perimeter fence to meet the perimeter landscape requirements of Section 18.55.020 YMC. This information was shared to the commenters.

6.

The project is exempt from SEPA review pursuant to Section 197-11-800 (1) WAC and Section 18.20.020 (A).

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.

Concurrency with sewer infrastructure is met when 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 application materials indicate that the duplexes will be served by City sewer services through the connection to City services located in Mill Road.

Concurrency with water infrastructure is met when 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 application materials indicate that the duplexes will be served by City water services through the connection to City services located in Mill Road.

Concurrency with transportation infrastructure is met when 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 application proposes to serve the development from Mill Road, with a new public street constructed to serve the new dwelling units. Mill Road is not constructed to City standards at this time.

Transportation facility charges will be calculated and collected at the time of building permit issuance.

Concurrency with school infrastructure is met through the payment of a school impact fee at the time of construction.

A school impact fee will be calculated and collected at the time of building permit issuance.

Concurrency with fire protection is met through the payment of a fire impact fee at the time of construction.

A fire impact fee will be calculated and collected at the time of building permit issuance.

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-4 zoning district.

Duplexes are allowed in the R-4 zoning district as a permitted use. [Section 18.31.020 (B) YMC]

Setback requirements for the R-4 zoning district are 15 feet from a local access street, 5 feet from a side yard, and 25 feet for a rear yard. [Section 18.31.040 YMC]

The proposed site plan shows the appropriate building setbacks.

Buildings in the R-4 zoning district may be up to 35 feet in height. [Section 18.31.040 YMC].

The proposed site plan and submittal materials did not include building elevations.

Duplexes require two parking stalls for each unit with a minimum 20 foot driveway approach.

The proposed site plan meets minimum parking requirements.

9.

Title 18 YMC provides guidance and regulation for site planning during development. Chapter 18.55 establishes landscaping requirements for various types of development.

Perimeter landscape is required for residential development. A 6-foot solid wood fence meets the perimeter landscape requirement.

The proposed site plan shows a 6-foot solid wood fence for perimeter landscape.

Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas. Streetscape landscaping is achieved with frontage and internal street improvements.

The proposed site plan does not show street scape landscaping.

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

The proposed site plan shows stormwater facilities to be located underground, and does not require stormwater facility landscaping.

Opens space landscaping incorporates onsite landscaping and includes recreation components.

The proposed site plan provides area for required open space with recreation component, but did not include landscaping detail.

Mailboxes for the development are required to be cluster box units (CBU) and placed on site and not in the public right-of-way (ROW). [Section 18.59.080 YMC]

The proposed site plan does not include the location of mail box units.

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.

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]

The proposed site plan proposes below grade infiltration/detention stormwater facilities for onsite and offsite improvements that meet the SMMWW.

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.

The site has low to medium preferred soils for Pocket Gopher. Visual reconnaissance did not show evidence of gopher or mole mounds.

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 4 of the Yelm Engineering Specifications and Standard Details 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 existing residence is served by a single family exempt well. There is a 10-inch water main located in Mill Road. This main is required to be extended into the development to serve the units.

The proposed site plan shows water connection to the main in Mill Road, and extending into the development for individual services.

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]

Cross-connection assemblies are required if any irrigation is proposed on site.



Section 13.04.025 YMC requires all existing well(s) on the property be decommissioned pursuant to Chapter 18.104 RCW (Department of Ecology standards) and any water rights associated with these wells shall be dedicated to the City of Yelm.

The application materials show decommissioning of the existing well. An agreement for water rights dedication to the City is required.

The proposed site plan shows water connection to the main in Mill Road, and extending into the development for individual services.

12.

Fire protection to the buildings is required to meet the International Fire Code. The International Building Code (IBC) provides occupancy ratings for different types of uses.

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.

Preliminary civil plans show fire hydrants, but does not address the provision for hydrant locks.

13.

Chapter 13.08 YMC and Chapter 7 of the Development Guidelines establish requirements for connection to the City's sewer system. Section 13.08.020 YMC requires all new buildings constructed to connect to City sewer services.

The proposed site plan shows sewer connection to the main located on Mill Road, but does not show STEP tank systems which meet City of Yelm requirements.

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]

The proposed site plan proposes stormwater facilities for onsite and offsite improvements that meet the SMMWW.

15.

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

Mill Road is considered a Neighborhood Collector Street, which includes half street improvements that include a 16-foot traffic lane, a 7-foot planter strip, and 5-foot sidewalk. The internal street serving the units is to be constructed to a Local Access Residential street that includes 2 11-foot traffic lanes, a 7.5-foot parking lane, and a 6-foot

The proposed site plan includes the appropriate street improvements.

## 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.

The proposal, as submitted, is generally consistent with the development, construction, and design standards of the Unified Development Code if certain mitigating measures are applied.

C.

The proposed site plan and submittal materials did not include building elevations.

The proposed site plan does not show required landscaping and open space plan.

The proposed site plan does not include the location of mail box units.

The proposed site plan did not address cross-connection protection if irrigation is proposed.

The application materials show decommissioning of the existing well. An agreement for water rights dedication to the City is required.

The proposed site plan does not provide provision for hydrant locks.

The proposed site plan does not show STEP tank systems which meet City of Yelm requirements.

## DECISION

In accordance with the analysis above, the Site Plan Review Committee issues the following decision:

The Administrative Site Plan Review is hereby approved as proposed, subject to the following conditions:

1. Building elevations shall be submitted with civil plan review application.
2. Detailed landscape plans shall be submitted with civil plan review application that show required landscape and open space improvements.
3. Civil plans shall include the location of cluster box mailbox units.
4. If evidence of Mazama Pocket Gophers are found, the applicant must contact the US Fish and Wildlife Service for compliance.

5. Any existing well(s) on the property must be decommissioned pursuant to Department of Ecology standards and any associated water rights dedicated to the City of Yelm.

6. Cross-connection backflow protection is required if irrigation is proposed.

7. Civil plan submission shall include the location of all fire hydrants with provision for hydrant locks.

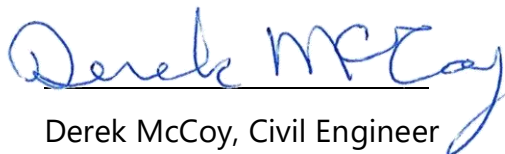
8. A septic abandonment report is required prior to final approval of the development.

9. 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 this approval and Yelm Development Guidelines and shall include details on all required infrastructure.

Dated this 14<sup>th</sup> day of July 2020



Grant Beck,  
Community Development Director



Derek McCoy, Civil Engineer  
for Cody Colt,  
Public Works Director

Prepared this 10<sup>th</sup> day of July, 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.