



City of Yelm
EST. 1924
WASHINGTON

NOTICE OF DECISION

DATE: June 6, 2022
PROJECT NAME: El Taco Amigo 3
PROJECT LOCATION: 1110 Yelm Ave. E. Ste. A, Yelm, WA 98597
PARCEL NUMBER: 22730110207
CASE NUMBER: 2022.0294.OT0016

NOTICE IS HEREBY GIVEN that the Public Services Department issued an administrative site plan review approval to El Taco Amigo 3 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 Public Services Department in the Public Services Building at 901 Rhoton Rd. SE. Yelm, WA 98597 during normal business hours for a fee of 15 cents per page. For additional information, please contact the Public Services Department at 360-458-8496.

MOBILE FOOD VENDOR APPROVAL 2022.0294.OT0016
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

INTRODUCTION

El Taco Amigo 3, filed an application to the City of Yelm to locate a mobile food vending unit at 1110 Yelm Ave. E. Ste. A, Yelm, WA 98597.

The application materials included an Application and a site plan.

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

FINDINGS OF FACT

1. El Taco Amigo 3 proposes to operate a mobile food vending unit at 1110 Yelm Ave. E. Ste. A, Yelm, WA 98597, identified by Assessor's Tax Parcel Number 22730110207. The mobile food vending unit will locate in front of the King Chronic/old Subway building in an approved parking stall. The unit is served by a public sidewalk, and is ADA accessible.
2. The property is currently developed as a marijuana shop on one side and is vacant on the other side. Surrounding properties are developed as commercial uses. The property is approximately 0.71 acres.
3. The property is zoned Commercial (C-1) which is codified at Chapter 18.36 YMC. The C-1 district is intended to permit business centers for convenience goods and services. Service oriented establishments are a permitted use in the C-1 district [Section 18.36.020 YMC].
4. This project is exempt from SEPA review pursuant to Section 197-11-800(1) WAC and Section 18.20.020(A).
5. Chapter 18.16 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.
6. 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 mobile food vendor unit is self-contained. Sewer connection is not required.

Restroom facilities are located within 200 feet of the unit and the applicant has provided a restroom use agreement with an adjoining business.

7. 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 mobile food vendor unit is self-contained. Water connection is not required.
Restroom facilities are located within 200 feet of the unit and the applicant has provided a restroom use agreement with an adjoining business.

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) YMC].

The commercial meter currently does not have a reduced pressure backflow assembly which does not meet requirements for non-irrigation meters. A reduced pressure backflow assembly is required on the commercial meter.

8. 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 site is served by Plaza Dr. NE. and Yelm Ave. SE, Plaza Dr. NE, is not constructed to current City standards and Yelm Ave. SE, is constructed to City standards. Transportation facility charges are not required as the use is not changing of the old mobile food vendor that was previously here.

Due to this being a ministerial permit the City does not require frontage improvements.

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

The project does not generate new students and is therefore exempt from school impact fees.

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

The project does not include construction of new structures or an expansion and therefore a fire impact fee is not required.

11. 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 C-1 zoning district.

- a. Service oriented establishments are allowed in the C-1 zoning district as a permitted use. [Section 18.36.020 (B) YMC]

- b. Setback requirements for the C-1 zoning district are 15 feet front yard, 10 feet side yard, and 20 feet rear yard. [Section 18.36.040 YMC]

The proposed location of the mobile vending unit meets setback requirements.

- c. Buildings in the C-1 zoning district may be up to 40 feet in height. [Section 18.36.040 YMC].

The mobile vending unit is less than 40 feet in height.

- d. Minimum parking requirements for establishments serving food is 1 stall per 200 square feet. The unit is mobile and located at a site that has improved parking available.

Adequate parking is available for both the existing establishments, and the mobile food vending unit. Due to the mobile food truck going into the next lot with no pavement pursuant to Chapter 2.60.080 of the Yelm Transportation Guidelines, the

truck must be fully moved onto the parcel being reviewed. The wheels of the mobile food truck must fully be on the pavement of parcel 22730110207.

12. Title 18 YMC provides guidance and regulation for site planning during development. Chapter 18.36 YMC establishes design standards for development. These standards are met by El Taco Amigo 3.
13. Chapter 18.68 YMC establishes design standards for mobile food vendors. General requirements allow for mobile food vendors to be located on private and City property, but not within the street right-of-way of SR 510 and SR 507, require that the business acquire a City of Yelm business license, and Thurston County Health Approval and may not impede pedestrian or vehicular movements within the public right-of-way. The mobile food vending unit is located on private property and is located as to not impede vehicular or pedestrian movement.
The applicant has an active City of Yelm business license.
The applicant is currently working with the Thurston County Health department for approval.
14. Section 18.68.030 provides development and performance standards for mobile food vending units:
 - a. The maximum size for mobile food unit, including accessory structures, is 300 square feet
The unit is less than 300 square feet.
 - b. A canopy or umbrella may be included with the mobile food unit. The canopy or umbrella should be of vinyl, canvas, or similar durable material. All parts of the canopy or umbrella must have a minimum of seven feet of vertical clearance to the ground.
The applicant is proposing indoor seating.
 - c. Restroom facilities to be used by the mobile food employees shall be contained within the unit or located within 200 feet of the unit. If tables and chairs are provided for customer use, customer restroom facilities must be provided as required by the Thurston County health department. Written approval from the property owner of the restroom facility must be provided before approval of the mobile food vending application.
Restroom facilities are provided pursuant to the restroom agreement between the mobile food vendor and adjoining business.
 - d. Mobile food vendors must meet the setbacks to private property lines of the zoning district in which the use is located.

The location of the mobile vending unit does not meet the required setbacks. A signed agreement must be made regarding the side setback, if parcel number 22730110208 develops the food truck must conform to the C-1 side setbacks of 10 feet.

- e. Mobile food vendor units must be self-contained.

The mobile food vending unit is self-contained.

- f. Electrical power generators are not permitted unless noise impacts can be mitigated.

The applicant does not propose to use a generator.

- g. Utility service connections are permitted. Electrical service connections may be permitted by an adjacent property owner when the following requirements are met:

- i. Electrical lines are not allowed overhead or lying on the sidewalk.
- ii. The outlet location must be placed outside walkways which are accessible to the public.
- iii. Hookup must be permanently wired to the retail stand and meet National Electrical Code requirements as to type, size and grounding, terminating in an approved outside weatherproof type receptacle.

The applicant indicates that the unit is self-contained and does not require connection to electrical power.

- h. Mobile food vendors must keep the site clean and orderly at all times, and pick up all refuse or debris. All vendors must provide a refuse container for customer use.

The applicant is to provide refuse container and removal of refuse.

- i. Mobile food vendors located within parking lots shall not occupy more than 15 percent of the parking spaces required for the primary use of the property, and provide safe vehicular maneuvering area for its customers.

The mobile food vending unit is located within two approved parking spaces, and does not reduce minimum parking requirements.

- j. Mobile food vendors located within public right-of-way must:

- i. Be located at least 100 feet from an existing food establishment. This minimum distance may be reduced or waived if the existing establishment provides written statement approving the location.

- ii. Assure the public sidewalk remains accessible under the Americans with Disabilities Act.
- iii. Obtain and maintain liability and property damage insurance coverage, in the amount of \$1,000,000, naming the city as the co-insured, and sign an agreement to indemnify and hold the city harmless. (Ord. 1022 § 16, 2017).

The mobile food vending unit is not located within public right-of-way.

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. El Taco Amigo 3 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 C-1 Commercial 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. Have approval from Thurston County Health Department
 - 2. All of the wheels must be on a paved surface
 - 3. A restroom agreement must be made between the property owner and the mobile food vendor
 - 4. If electrical lines are used they must not lay on the sidewalk or hang overhead
 - 5. Outlets location must be placed outside walkways that are accessible to the public
 - 6. The hookup must be permanently wired to the retail stand and meet National Electrical Code requirements as to type, size and grounding, terminating in an approved outside weatherproof type receptacle
 - 7. The applicant is to provide a refuse container and removal of refuse
 - 8. A signed agreement must be made regarding the side setback, if parcel number 22730110208 develops the food truck must conform to the C-1 side setbacks of 10 feet.
 - 9. An RPBA must be installed for the building that houses the restroom facilities
- 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.

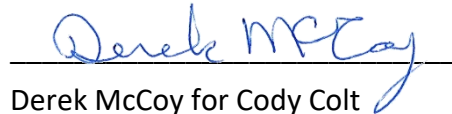
DECISION

The request for site plan review approval is hereby granted subject to the conditions contained in the conclusions above.

Dated this 6th day of June, 2022



London Hawes
Planning and Building Manager



Derek McCoy for Cody Colt
Public Works Director

Prepared this 6th day of June, 2022



Sara Williams,
Assistant 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.