



City of Yelm
EST. 1924
WASHINGTON

NOTICE OF DECISION

DATE: April 28, 2022
PROJECT NAME: 507 Taproom
PROJECT LOCATION: 608 Yelm Ave E, Yelm, WA 98597
PARCEL NUMBER: 64303700300
CASE NUMBER: MU 2022.0047

NOTICE IS HEREBY GIVEN that the Public Services Department issued a ministerial site plan review approval to 507 Taproom 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 City Hall at 901 Rhoton Rd. NW, 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 360-400-5001.

MINISTERIAL SITE PLAN REVIEW 2022.0047

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. Bill DeVore on behalf of 507 Taproom Family LLC, proposes to occupy an existing building at 608 Yelm Ave E, Yelm, WA 98597, identified by Assessor's Tax Parcel Number 64303700300. The project includes removing some existing walls, constructing several new walls, and adding features as necessary for a restaurant. The proposal also includes retaining an existing drive-through and using it for to-go food service.
2. The building was previously used as the Yelm Chamber of Commerce, and was used as a bank prior to that.
3. According to section 18.12.060 (A)(1) of Yelm Municipal Code, the use of an existing building or previously approved site for a use that is not similar to the previous use, requires a ministerial site plan review approval. Therefore the new property owner was asked to submit a site plan.
4. The property is currently zoned Commercial (C-1). Per section 18.36.10 of YMC, the Commercial zone is intended to provide for the location of business centers to serve the needs of the community for convenience goods and services such as food, drugs, household supplies, automobile servicing, recreation, entertainment and other uses related to, but lesser in scope, than downtown core area uses.
Per section 18.36.20 of YMC, service-oriented establishments including restaurants are permitted in this zone.
5. On March 31, 2022, Bill DeVore on behalf of 507 Taproom Family LLC, submitted a site plan review application. The application materials included an application form, a hand drawn site plan, and the project description.
6. On April 5, 2022, the applicant was notified a hand drawn site plan is not accepted for the exterior modifications- proposed drive thru gate and the proposed patio- and a site plan prepared by an engineer licensed in the state of Washington must be submitted.
7. Mr. DeVore decided to move forward with his application without any exterior modifications until he is ready to submit an engineered site plan.
8. Chapter 13.04 YMC and Chapter 4 of the Development Guidelines establish requirements for connection to the City's water system.

The site is currently connected to City water service.

Water connections are based on a consumption rate of 875 cubic feet a month. The civil engineer shall provide estimated water calculations at the time of civil plan review to determine if additional water connections are needed to serve the project.

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.

9. Chapter 13.08 YMC and Chapter 5 of the Development Guidelines establish requirements for connection to the City's sewer system.

The site is currently connected to City sewer service. Sewer connections are based on water usage. Proposed water calculations will be used to determine if additional sewer connections are required.

Any commercial use that potentially generates Fats, Oils, or Greases (FOG) are required to remove FOG from the wastewater before it enters the STEP tank through grease traps and grease interceptors.

Proof of compliance with FOG regulations is required at civil plan submission.

10. 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 connected to City sewer service. 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 connected to City water service. 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 proposed development frontage improvements have already been completed. This satisfies the concurrency for transportation infrastructure.

Transportation Facility Charges are due and payable at the time of building permit issuance.

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

The project does not impact schools as it does not increase student population.

- 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.

- 11. Frontage improvements and traffic facilities charges are required as part of development in the City [Section 18.16.050 YMC].

Both frontages of the site are currently improved to City standards. No additional frontage improvements are required.

Traffic Facilities Charges are based on the Institute of Traffic Engineers. Trip Generation guide's average trip generation rate during the pm peak hour of generator on a weekday (ITE). The original use of the building was a bank with a drive-through window. This use generates 53.46 pm peak hour trips per 1000 square feet. Drinking establishments generate 11.34 new pm peak hour trips per 1000 square feet, while high-turnover sit-down restaurants generate 18.8 new pm peak hour trips per 1000 square feet. As this use generates less traffic than the original permitted use, no traffic facilities charges are required.

The project is exempt from SEPA review subject to Section 197-11-800(3) WAC.

- 12. 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 Planning 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.

As this site is already improved with primarily impervious surfaces, a gopher study is not required.

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.

13. 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 (2019) of the Stormwater Management Manual for Western Washington (SWMMWW) published by the Washington Department of Ecology [Chapter 18.27 YMC].

Since no additional impervious surfaces are proposed, stormwater review is not necessary.

14. 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. Chapter 18.36 provides guidance for the C-1 district.
 - a. Service oriented establishments are a permitted use in the C-1 zoning district [Section 18.36.020(B) YMC].
 - b. Setback requirements for the C-1 zoning district are 15-foot front yard, 10-foot side yards, and 20-foot rear yard [Section 18.36.040 YMC].
 - c. Buildings in the C-1 zoning district may be up to 40 feet in height [Section 18.36.040 YMC].
 - d. Developments in the C-1 zoning district are required to provide at least two pedestrian amenities near the sidewalk such as:
 - i. Pedestrian furniture, such as seating, lighting, drinking fountain, etc.
 - ii. Pedestrian weather protection at least three feet wide along at least 80 percent of the building’s street front face. The weather protection may be in the form of awnings, marquees, canopies or building overhangs; provided, that canopies or awnings not extend above 15 feet above the ground elevation at the highest point nor lower than eight feet at the lowest point.
 - iii. Pedestrian oriented open space.
 - iv. Substantial perimeter landscaping.
 - v. Artwork.
 - vi. Transit stop with seating.
 - vii. Window displays over the majority of the front facade.
 - viii. Decorative screen wall, trellis, or other building or site feature.
 - ix. Pedestrian lighting.

The site complies with section 18.36.040 (J) of YMC.

15. Chapter 18.52 YMC provides guidance for ingress and egress.

The site plan shows full access off of 103rd Ave SE and Prairie Park St SE. These accesses meet Chapter 18.52 YMC.

There is currently a full access onto Yelm Ave SE, which presents an unsafe situation if drivers try to turn left out of the site onto Yelm Ave SE. This access should have a sign that restricts the turning movements to right out only.
16. Establishments for the sale and consumption of food and beverages require a minimum of one parking space per 200 square feet of gross floor area [Section 18.54.030 YMC].
 - a. All stalls are required to be 8.5 ft. × 20 ft. according to Chapter 2 of Yelm Development Guidelines.

Aerial image shows parking stalls are 8 ft. × 17 ft. which does not meet City standards. Proof of compliance is required prior to issuance of certificate of occupancy.
 - b. All aisle widths are required to be at least 23 feet in width for parking stalls at an angle of 90 degrees pursuant to Chapter 2 of Yelm Development Guidelines.

Aisle widths are not provided in the preliminary site plan. Proof of 23 foot aisle widths and a parking lot design map is required prior to issuance of occupancy.
 - c. Accessible stalls meeting ADA standards are required.
17. Chapter 18.55 YMC establishes landscaping requirements for various types of development. The site complies with the requirements of the Code.
18. Chapter 18.57 YMC requires the protection of trees during development. Please contact the Planning department before removing any trees.
19. Chapter 18.59 YMC regulates site planning during development.
 - a. Section 18.59.040 YMC requires that trash enclosures 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].

The refuse enclosure size does not currently meet Chapter 18.59.040 YMC for the use of a restaurant/bar.

The next submission shall include the location and architectural details of the trash enclosure.
 - b. 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.

Lighting was not provided in the preliminary site plan, proof of illumination compliance is required upon building inspection.
20. Chapter 18.60 YMC regulates pedestrian circulation.

- a. Paved pedestrian pathways of at least 60 inches wide are required from the public sidewalk to the main entry of the building.

In the preliminary site plan, the pedestrian pathway to the building connects to the parking but not to the sidewalk. The pedestrian pathway must connect to the public sidewalk.

- b. Per section 18.60.050 YMC, pedestrian areas at building entries are required to have two architectural elements to highlight and define the entrance.
 - i. Weather protection such as an awning, canopy, marquee or other building element to create a covered pedestrian open space of at least 100 square feet.
 - ii. Two hundred square feet of landscaping at or near the entry.
 - iii. Pedestrian facilities, such as benches, kiosks, special paving, and bicycle racks.
 - iv. A trellis, canopy, porch or other building element that incorporates landscaping.
 - v. Pedestrian scaled lighting.
 - vi. Adjacent window displays.
 - vii. Building ornamentation such as mosaic tile, relief sculpture, and ornamental wood or metal trim.
 - viii. Artwork or special pedestrian scaled signs

CONCLUSIONS OF LAW

- A. Section 18.12.060 (B) YMC allows the Site Plan Review Committee to process ministerial site plan review applications as provided in Chapter 18.10 YMC.
- B. 507 Taproom Family LLC, has established that the proposed site plan can satisfy all criteria set forth in Section 18.12.060(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. A RPBA is required on the commercial water meter.
 - 2. For the new additions (the proposed drive through gate and the proposed patio) a site plan prepared by an engineer licensed in the state of Washington must be submitted.
 - 3. Provide a “right turn only” sign for the access off of Yelm Ave SE.
 - 4. Provide proof that all parking stalls are 8.5 ft. × 20 ft.
 - 5. Provide proof of 23 foot wide aisle.
 - 6. Provide architectural details of the trash enclosure. The location and architectural details of the trash enclosure must meet Section 18.59.040 YMC.
 - 7. The pedestrian pathway to the building entry must connect to the public sidewalk.
 - 8. Building entry must have two architectural elements mentioned in section 21.b of this letter.

9. Proof of compliance with the City's backflow control program is required.
 10. Proof of compliance with the City's Fats, Oils, or Greases (FOG) regulations is required.
- 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.

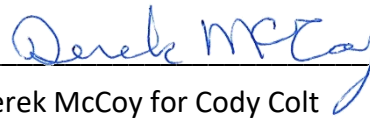
DECISION

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

Dated this 28th day of April, 2022

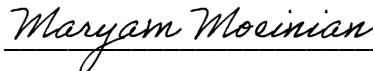


London Hawes
Planning and Building Manager



Derek McCoy for Cody Colt
Public Works Director

Prepared this 28th day of April, 2022



Maryam Moeinian
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.