



City of Yelm
EST. 1924
WASHINGTON

NOTICE OF DECISION

DATE: October 18th, 2023
PROJECT NAME: Leah's Landing
PROJECT LOCATION: 10548 Mill Road SE, Yelm, WA 98597
PARCEL NUMBER: 22730230600
CASE NUMBER: 2020.0017

NOTICE IS HEREBY GIVEN that the Public Services Department issued a preliminary subdivision approval to Mike Kempinski 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 building located at 901 NW Rhoton Rd, Yelm, WA 98597 during normal business hours for a fee of 15 cents per page. For additional information, please contact the Planning & Building Department at (360) 400-5003.

PRELIMINARY SUBDIVISION 2020.0017

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. Mike Kempinski proposes to subdivide Assessor's Tax Parcel number 22730230600 into 6 residential lots in order to construct 6 duplexes. The site is located at 10548 Mill Road SE, Yelm, WA 98597.
2. The property currently contains an access road and various frontage improvements that were completed in 2022. On September 23rd, 2022, the City of Yelm Public Services Department – Engineering Division sent a letter to the applicant detailing the following minor items that were unresolved:
 - a. Toning wire not visible in Carson boxes
 - b. Hydrants need locks
 - c. Gate valve patch and seal
 - d. Striping – stop bar and crosswalk
 - e. Install street lights
 - f. Three type 3 barricades at end of walks missing
 - g. Finish grading behind walk and curbing on Mill Rd
 - h. Asphalt ramps from end of sidewalk to street are missing
 - i. Decommission well and finish walk
 - j. Install perimeter fencing
 - k. Complete landscaping: plant street trees
3. The property is zoned Low-Density Residential (R-4), which is codified in Chapter [18.31 YMC](#). This zone allows one duplex per one-third acre ([18.31.040\[A\] YMC](#)). When calculating allowed density, gross area is used. Gross area includes land allocated for open space as well as streets, roads, and public rights-of-way ([18.30.010\[C\] YMC](#)). The gross area of the property is 2.05 acres. The allowable density of the property is calculated by the following: $2.05 \div \frac{1}{3} = 6.15$ duplexes at maximum. With 6 proposed duplexes, the proposal conforms to the density requirements of the R-4 zone.
4. Mike Kempinski submitted an application on 6/8/2023, which was determined to be complete on 8/16/2023. The application materials included a preliminary plat, title report, and lot closures.
5. As required by Section [18.10.050 YMC](#), the Yelm Planning & Building Department mailed a Notice of Application to local and state agencies and surrounding property owners on 8/16/2023. In addition, the notice was published on the City's website on 8/17/2023 and published in the Nisqually Valley News on 8/24/2023.
6. 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 water and sewer requirements will be met at time of construction, with each duplex being connected to City water and sewer systems.

- b. 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 access road for this development has already been constructed, with some associated frontage improvements.

Transportation Facility Charges are due and payable at the time of final subdivision approval; this will satisfy concurrency for transportation. According to the 11th Edition of the ITE Trip Generation Manual, the proposed development is expected to generate 7.32 new PM peak hour trips.

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

Payment of the school impact fee at the time of building permit issuance will satisfy the concurrency requirement for schools.

- d. 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 will satisfy the concurrency requirement for fire protection.

- 7. This project is exempt from SEPA review pursuant to Section [197-11-800\(1\) WAC](#) and Section [18.20.020 YMC](#).
- 8. 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](#)]. The proposed site plan proposes below grade infiltration/detention stormwater facilities for onsite and offsite improvements that meet the Stormwater Management Manual for Western Washington (SWMMWW).
 - b. 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.

The site has low to medium preferred soils for Mazama Pocket Gopher. Visual reconnaissance did not show evidence of gopher or mole mounds.
- 9. 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.

10. 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 SWMMWW published by the Washington Department of Ecology (see Chapter [18.27 YMC](#)).

A stormwater report meeting the most recent SWMMWW will be required before final subdivision approval.

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 located within the R-4 zoning district.

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

The initial conceptual site plan shows conformance with this requirement.

- b. Main buildings in the R-4 zoning district may be up to 35 feet in height (Section [18.31.040 YMC](#)).

Building heights will be reviewed at the time of civil plan review.

- c. Chapter [18.52 YMC](#) provides guidance for ingress and egress. The internal street connects to Mill Road. The internal street is a dead-end with hammerhead pullout for fire truck access. Duplex driveways will access the internal street. Lots will not be allowed to have direct driveway access to Mill Road SE.

This access meets the requirements of Chapter [18.52 YMC](#).

- d. Duplexes require two parking stalls for each unit with a minimum 20 feet driveway approach. The initial site plan meets minimum parking requirements.

12. Title 18 YMC provides guidance and regulation for site planning during development. Chapter [18.55 YMC](#) establishes landscaping requirements for various types of development.

- a. Perimeter landscaping is required for residential developments; initial site plans indicate a 6-foot high solid wood fence which meets the perimeter landscape requirement.

- b. Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas.

The proposed site plan does not show street scape landscaping. A full landscape plan conforming to all aspects of Chapter [18.55 YMC](#) will be required before final subdivision approval.

- c. Section [18.55.070 YMC](#) requires that the owner/developer of any project requiring subdivision approval 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. This performance assurance device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.
- d. Chapter [18.56 YMC](#) requires residential developments to include equal to or greater than five percent of the gross area of the development as qualified open space. The proposed site plan provides sufficient area for required open space, but did not include landscaping detail.
- e. Chapter [18.57 YMC](#) requires the protection of trees during development. The initial plan indicates oak trees on site that will remain.
- f. Section [18.59.050 YMC](#) provides guidance for illumination.
Adequate street lighting is necessary to provide safety to pedestrians, vehicles, and homeowners. Street lighting must be adequate prior to final subdivision approval.
- g. Mailboxes for the site shall be cluster box units (CBU) and placed on site (Section [18.59.080 YMC](#)). The proposed site plan does not include the location of mail box units; mail box placement must be indicated on site plan prior to final subdivision approval.

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. Mike Kempinski has established that the request for preliminary subdivision can satisfy all criteria set forth in Section [18.13.030\(C\) YMC](#), meet all requirements of the R-4 Low-Density Residential Zoning classification, and meet all other requirements of the Yelm Municipal Code. Therefore, the preliminary subdivision shall be approved subject to the following conditions:
 - 1. The civil engineering plans shall include plans for the collection, treatment, and infiltration of stormwater in accordance with the most current version of the SWMMWW. The final stormwater plan shall include an operation and maintenance plan and an agreement to maintain stormwater facilities.
 - 2. Building elevations shall be submitted during civil plan review.
 - 3. Stormwater facilities shall be located in separate recorded tracts owned and maintained by the homeowners' association. The stormwater system shall be held in common by the Homeowners Association and the homeowner's agreement shall include provisions for the assessment of fees against individual lots for the maintenance and repair of the stormwater facilities. All roof drain runoff shall be infiltrated on each lot utilizing individual drywells.

4. A final landscape plan must be submitted at civil plan submission showing perimeter, streetscape, and stormwater facility landscaping in compliance with Chapter [18.55 YMC](#).
 5. Cross-connection backflow protection is required for all landscaping irrigation.
 6. The applicant shall provide a performance assurance device in order to provide for maintenance of the required landscape for this subdivision, until the homeowners' association becomes responsible for the landscaping maintenance. The performance assurance device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.
 7. The final landscape plan shall show recreation/open space uses on Tract A pursuant to Section [18.56.020 YMC](#).
 8. Trees with a diameter exceeding 8 inches must be replaced at a 2:1 ratio; 2 replacement trees for each tree removed. All oak trees that were designated "to remain" on the initial site plan shall not be removed.
 9. Adequate street lighting must be shown in civil plan submission.
 10. Mailboxes for the site shall be cluster box units (CBU) and placed on site (Section [18.59.080 YMC](#)). The civil engineering plans shall include the proposed location and details for mailbox placement.
 11. A right-of-way dedication deed shall be created and recorded for land along the northern property edge.
 12. Any onsite wells shall be decommissioned pursuant to Washington State Department of Ecology standards, and any associated water rights dedicated to the City.
 13. Any onsite septic systems shall be abandoned per the Thurston County Health Department standards.
 14. Prior to construction, civil engineering plans shall be submitted to the Planning & Building 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.
 15. The civil engineering plans shall include an addressing map for approval by the Building Official.
 16. Prior to final subdivision approval, all punch-list items noted on the letter from City of Yelm Engineering, dated September 23rd, 2022, must be completed. This letter is attached.
- C. The preliminary subdivision is valid for five (5) years 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 preliminary subdivision approval is hereby granted subject to the conditions contained in the conclusions above.

Dated this 18th day of October, 2023



Gary Cooper
Planning and Building Manager



Chris Vaccaro
Building Official/Fire Marshal



Clayton Wiebe
Assistant Planner



Reza Roukerd
Civil Review Engineer

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.