

BEFORE THE CITY OF YELM HEARING EXAMINER

IN RE:) HEARING NO. SUB 2023-0164
)
COUNTRY MEADOWS ESTATES) AMENDED FINDINGS OF FACT,
PHASE 2.) CONCLUSIONS OF LAW
) AND DECISION

OWNER: Copper Ridge, LLC
P.O. Box 73790
Puyallup, Washington 98373

REPRESENTATIVE: Evan Mann

PLANNER Tammy Baraconi, Consulting Planner

SUMMARY OF REQUEST:

The Applicant requests preliminary approval of a subdivision containing 29 single-family residential lots on 4.81 acres along with open space areas, a new public road and other associated improvements.

LOCATION OF PROPOSAL:

The property is located due west of Morris Road SE, Tax Parcel No. 22730410000, and due east of the proposed Country Meadows Estates Phase 1.

SUMMARY OF DECISION:

The requested subdivision is **approved** subject to modified conditions.

BACKGROUND

This project, referred to as Country Meadows Estates Phase 2, is a companion preliminary plat application to the one proposed for Country Meadows Estates Phase 1, immediately west of this site. By recent decision the Hearing Examiner has approved the preliminary plat for Phase 1 (Hearing No. SUB 2023-0163). The proposed Phase 2 of Country Meadows Estates is a smaller project (4.81 acres versus 9.84 acres) and with fewer residences (29 residences versus 59) but yet presents a more complex set of factors when determining whether preliminary plat approval should be approved.

*Amended Findings of Fact, Conclusions
of Law and Decision - I*

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1 The project adjoins Morris Road SE which would normally serve as its primary access.
2 Unfortunately, the collective set of intersections nearby at Morris Road, Bald Hill Road and SR
3 507 are operating at a failed Level of Service (LOS F) and cannot support further development
4 until improvements to these intersections are made. City Staff and the Applicant therefore agree
5 that the project's intended access to Morris Road should be restricted to emergency vehicles only
6 until the Morris Road/Bald Hill/SR 507 interchange is improved. This leaves the project's only
7 access being located on its west boundary where it would connect to "Road C" in the recently
8 approved Country Meadows Estates Phase 1 and ultimately gain access to Vancil Road west of
9 Phase 1. But while this solution would provide at least one access for the proposed subdivision,
10 City regulations require that subdivisions of greater than 25 units must have two points of access.
11 As a result, until access to Morris Road is allowed this project must be limited to 25 building
12 permits.

13 The project also raises challenging questions regarding the obligation under RCW
14 58.17.110 for consideration of planning features that assure safe walking conditions for students
15 who only walk to and from school. The project is located a short distance from Prairie
16 Elementary School along Morris Road, but the school is located outside of the City; there are
17 currently no sidewalks or street crossings providing safe walking routes to the school; and the
18 school's location outside of the City prevents Yelm from taking any direct action to establish safe
19 walking routes.

20 There has been a small amount of public opposition to the project in large part due to
21 traffic concerns but also due to the project's increased density. City Staff recommends approval
22 of the subdivision subject to a revised set of conditions.

23 PUBLIC HEARING

24 The public hearing commenced at approximately 10:00 a.m. on Thursday, May 23, 2024.
25 The hearing was a "hybrid" hearing consisting of both a remote hearing utilizing the Zoom

*Amended Findings of Fact, Conclusions
of Law and Decision - 2*

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1 platform along with the opportunity to appear in person with the City serving as host. The City
2 appeared through Tammy Baraconi, Consulting Planner. Also present were Clayton Wiebe,
3 Associate Planner, Gary Cooper, Senior Planner, and Reza Roukerd, City Engineer. The
4 Applicant appeared through its owner, Evan Mann along with Kurt Wilson. There were no
5 members of the public present and no public testimony was offered. All testimony by City Staff
6 and the Applicant's representatives was taken under oath and a verbatim recording was made of
7 the proceedings. The documents considered during the public hearing were the Staff Report
8 (revised) and the following other exhibits:

9	Exhibit A	Preliminary Plat and project description
10	Exhibit B	Public comments
11	Exhibit C	SEPA distribution list, SEPA checklist, supporting documents, comments from affected agencies, and the final determination
12	Exhibit D	Marked up plans that show required corrections
13	Exhibit E	Traffic Impact Analysis
14	Exhibit F	Gopher Report
15	Exhibit G	Geotech Report
16	Exhibit H	Stormwater Report

17 One additional exhibit was presented during the hearing and consisted of the City's
18 recommended language for a new condition of project approval relating to the project's restricted
19 access to Morris Road until intersection improvements have been made. See Exhibit I discussed
20 more fully below.

21 The hearing commenced with the testimony of Consulting Planner, Tammy Baraconi,
22 author of the Revised Staff Report. Ms. Baraconi's testimony closely followed her Revised Staff
23 Report. Country Meadows Estates Phase 2 is a companion application to the Phase 1 project
24 immediately west of this site and Hearing No. SUB 2023-0163. This project would adjoin Phase
25 1 and be connected to its road system by way of "Road B" which would allow this project to gain
access to Vancil Road to the west. The property was recently annexed into the City and given an
R-6 (Moderate Density) zoning designation. It contains 4.81 acres and is proposed for 29 single-

1 family residential lots. It is anticipated that Phase 2 project would be undertaken following
2 commencement of the Phase 1 project, most likely in the spring of 2025.

3 The project has a fairly straightforward layout. All lots would be accessed off of a single
4 road (Road B) running west to east through the center of the site and then connecting to Road C
5 found in the Phase 1 project. The four northerly lots (Lots 6, 7, 13 and 14)
6 would be "flag" lots with north-south extensions providing driveway access to "Road B". All
7 other lots would have direct access to Road B. Road B would be improved to local access
8 residential standards with sidewalks along one side and parking allowed on both sides. Standard
9 landscaping and other frontage improvements would be required of Road B and half street
10 improvements would be required along Morris Road consistent with its status as a commercial
11 collector road.

12 The site contains two open space tracts, Tracts A and B. Tract A is located in the
13 northeast corner of the site and consists of a flag-shaped parcel abutting Morris Road to the east.
14 This tract is intended to serve as both a stormwater facility and open space/recreation tract. It
15 contains 13,192 square feet. Tract B is located at the southwest corner of the project and
16 contains approximately 5,000 square feet. It is intended for recreational purposes. The
17 Applicant proposes to retain a large number of "significant trees" currently found in these two
18 tracts as well as some additional significant trees located along the south boundary of the project.

19 The project site is currently heavily forested and its development will require compliance
20 with the City's tree regulations. As just noted, the Applicant proposes to retain a large number of
21 significant trees currently found in the two open space tracts as well as some additional trees
22 along the south boundary.

23 Ms. Baraconi confirmed that the project achieves concurrency with respect to water,
24 sewer, stormwater and impact fee requirements. There is an existing well on the property that
25

1 must be decommissioned as part of project approval and its water rights shall be dedicated to the
2 City.

3 City Staff acknowledges that the project has significant transportation issues. At the
4 City's request, the Applicant undertook a Traffic Impact Analysis (TIA) conducted by Heath &
5 Associates (Exhibit E). The TIA concludes that the project will generate 24 AM peak hour trips
6 and 31 PM peak hour trips daily, with the PM peak hour being 4:00 p.m. to 6:00 p.m. Nearby
7 property owners objected to the PM peak hour chosen for the TIA, believing that a more accurate
8 peak hour would be from 2:00 p.m. to 4:00 p.m. to capture school dismissal traffic. Further
9 analysis was therefore done to determine which PM peak hour was most accurate with the
10 conclusion being that the 4:00 p.m. to 6:00 p.m. slot remained the most accurate, with the peak
11 hour being 4:30 p.m. to 5:30 p.m. The TIA recognizes that if the project has access to Morris
12 Road the vast majority of all traffic will attempt to utilize this road, turning left (north) to reach
13 the intersection of Morris and Bald Hill Roads, followed quickly with the intersection with SR
14 507. Unfortunately, the TIA confirms that this collection of intersections is currently operating
15 at an LOS F status, meaning that it is a failed intersection. Allowing additional traffic from this
16 project would only worsen its failure. The City therefore recommends, and the Applicant agrees,
17 that approval of the proposed subdivision should be conditioned on the requirement that its
18 access to Morris Road SE will be restricted to emergency vehicles only until needed
19 improvements to the Morris Road/Bald Hill Road/SR 507 interchanges are completed and their
20 LOS improves. This will require the project to gain access via "Road C" in the Phase 1 project,
21 leading to access to Vancil Road.

22 To accomplish this requirement City Staff has proposed a new Condition 18 as follows:

23 "18. Given the deficient Level of Service (LOS) and collision rate, if
24 the City-planned improvements along Bald Hill Road, Morris Road and SR 507
25 are not completed by the time of Country Meadows Estates Phase 2 buildout, and

1 Country Meadows Estates Phase 1 has completed its planned improvements
2 providing site access from Vancil Road, then the proposed Morris Road site
3 access shall be restricted to emergency vehicles only via bollards, a gate, or
4 similar means. Consequently, all traffic from Country Meadows Estates Phase 1
5 and 2 (assuming the improvements to Bald Hill Road/Morris Road/SR 507 are not
6 complete) must use Vancil Road, which was determined to have sufficient
7 capacity to support both phases of Country Meadows Estates."

8 The Hearing Examiner noted a problem with this proposed condition in that it leaves the
9 suggestion that the Phase 2 development would be entitled to use Morris Road - even if
10 intersection improvements have not yet been completed - if the Phase 1 project had not yet been
11 undertaken and the Phase 2 project therefore lacked a means of access to the west. To the extent
12 that this proposed language leaves this suggestion it is not consistent with the Hearing
13 Examiner's intent. The phrase "and Country Meadows Estates Phase 1 has completed its planned
14 improvements providing site access from Vancil Road" is unnecessary and confusing. The
15 Hearing Examiner therefore agrees with the proposed Condition 18 subject to the elimination of
16 this phrase.

17 Although not discussed during the public hearing, this solution poses a new, unrelated
18 problem. Pursuant to Chapter 18.52 YMC, a proposed division having more than 25 housing
19 units must have more than one vehicular access from an arterial or collector street. The project
20 proposes 29 housing units and is therefore subject to this requirement. But until it has general
21 access to Morris Road the project will have only one means of vehicular access to an arterial or
22 collector street (the connection to Road C in Phase 1). Until intersection improvements are
23 made, then, the project will be in violation of Chapter 18.52 YMC. To remedy this problem, no
24 more than 25 building permits can be approved for the subdivision until the project has general
25 access to Morris Road.

26 The other challenge facing this project is the statutory requirement found in RCW
27 58.17.110 requiring the Hearing Examiner to give consideration to "sidewalks and other

1 planning features that assure safe walking conditions for students who only walk to and from
2 school". The project is a considerable distance from either the Yelm High School or Middle
3 School but it is only a quarter mile from Prairie Elementary School, located at 16539 110th
4 Avenue SE. The school is slightly south of the project and on the opposite side of Morris Road.
5 Under normal conditions, elementary students living in this development would have a short,
6 fairly easy walk to the school. Unfortunately, neither Morris Road or 110th Avenue SE have a
7 system of sidewalks or street crossings allowing pedestrian traffic to the school. Indeed, there
8 are no sidewalks providing access to the school from any direction. As a result, the school
9 district and City have not established any safe walking routes for this school. In addition, all
10 properties located between the project site and the school are outside of the current City Limits
11 and the City has no control over them. The net result is that there is no means of providing a safe
12 walking route from the project to the elementary school a short distance away. This will require
13 that students be directed toward Vancil Road to be bussed from there to the school.

14 All of this does not mean that safe walking routes have not been considered. To the
15 contrary, the project is conditioned upon internal and external sidewalks which will eventually
16 allow pedestrian access along Morris Road. In addition, the City indicates that it will condition
17 any future annexations of properties to the south along Morris on the condition that they dedicate
18 land necessary for sidewalks to provide future connection to the school. Finally, proposed
19 improvements to the Morris Road/Bald Hill Road/SR 507 Intersections may also address
20 pedestrian traffic and with the developer asked to contribute.

21 At the conclusion of the City's presentation the Applicant appeared through Kurt Wilson
22 and Evan Mann. Mr. Wilson noted that, as to safe walking issues, the project will be required to
23 pay traffic impact fees in addition to all of the other required road and sidewalk improvements,
24 and that these impact fees serve as the development's share of regional traffic improvements.
25 Mr. Wilson also noted that the school district has not commented on the project nor sought any

1 specific conditions. He added that the project's required sidewalks along Morris Road will be
2 barricaded at their ends so as to discourage students and other pedestrians from thinking that a
3 safe walking route exists.

4 Following Mr. Wilson's testimony, Evan Mann testified briefly and confirmed the
5 proposed use of Tract A for recreational as well as stormwater purposes, and for Tract B for
6 recreational purposes, with both tracts containing a large number of existing significant trees.
7 Mr. Mann also noted that the development's extension of the City's water mains will improve the
8 looping of these mains through the neighborhood, thus improving water pressure.

9 At the conclusion of the Applicant's presentation the hearing was opened for public
10 comments. There were no members of the public present and no comments were received.

11 What would be a fairly routine, smaller subdivision is made more complex by its reliance
12 on Morris Road as well as its close proximity to Prairie Elementary School. The project's access
13 to Morris Road is problematic until improvements are made to the Morris Road/Bald Hill
14 Road/SR 507 intersections. This problem leads to a secondary one with the development
15 potentially having only one means of access despite having more than 25 proposed residences,
16 and resulting in a cap on allowed building permits until this problem is resolved. Separately, the
17 project's close proximity to Prairie Elementary School leads to concerns that children might be
18 tempted to walk to the school despite the dangerousness of the route. Ideal solutions do not exist
19 for any of these difficulties. Nonetheless, sufficiently adequate remedies do exist such that the
20 development should be approved subject to enhanced conditions.

21 I therefore make the following:

22 **FINDINGS OF FACT**

23 1. Any Findings of Fact contained in the foregoing Background or Public Hearing
24 Sections are incorporated herein by reference and adopted by the Hearing Examiner as his own
25 Findings of Fact.

*Amended Findings of Fact, Conclusions
of Law and Decision - 8*

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1 General Findings

2 2. The Applicant seeks preliminary plat approval to subdivision 4.81 acres into 29
3 single-family residential lots together with a new public road, stormwater facilities, frontage
4 improvements, and two open space tracts. The project is referred to as Country Meadows
5 Estates Phase 2. It adjoins, and is associated with the Country Meadows Estates Phase 1 project
6 previously granted preliminary plat approval, Hearing No. SUB 2023-0163.

7 3. The proposed subdivision is located along Morris Road SE, Parcel No.
8 22730410000. The site is currently vacant although it contains an existing well. The majority of
9 the site is forested. Most of the forest will be removed during development but a large number
10 of trees will be retained in the two open space tracts, Tracts A and B as well as along the south
11 boundary of the project.

12 4. The site has a zoning designation of Moderate Density Residential (R-6) which
13 allows for up to six units per acre. Property immediately north of the site is undeveloped and has
14 the same R-6 zoning designation, while property immediately to the west is part of the Country
15 Meadows Estates Phase 1 development and is again zoned R-6. Properties to the south and east
16 are outside of the City Limits and include a variety of suburban/rural residential development.

17 5. The site adjoins Morris Road to the east and proposes a connection to it. A
18 second connection is proposed to "Road C" to the west within the Country Meadows Estates
19 Phase 1 development. This connection will then allow access to Vancil Road, a local connector.
20 Maps identifying the location of the project site and its layout are found in Exhibit D.

21 6. The project proposes one internal street, Road B, which will have access to
22 Morris Road to the east and to Road C within Phase 1 to the west, all as depicted on site maps.
23 Road B will be constructed to local access residential standards and include sidewalks on one
24 side of the road, street landscaping, parking along both sides and standard other improvements
25 for local access roads. No connections are proposed to adjoining properties to the north or south.

1 7. Nearby public amenities include Prairie Elementary School located across Morris
2 Road a short distance to the south. There are no existing sidewalks between the project site and
3 Prairie Elementary School nor are there any dedicated road crossings. All properties located
4 between the development and the elementary school are currently outside of the City Limits and
5 not within the City's control.

6 8. In addition to associated roadways, the project will include:
7 • Curbs, gutters and sidewalks.
8 • Stormwater facilities.
9 • Two open space tracts, Tracts A and B. Tract A contains approximately 13,000
10 square feet while Tract B contains approximately 5,000 square feet. Collectively, these two open
11 space tracts constitute more than 5% of the gross area of the project. Tract A is located in the
12 northeast corner of the subdivision and will provide for both stormwater management while also
13 allowing for recreational area. Tract B is located in the southwest corner of the subdivision and
14 will provide for recreational areas.

- 15 • Street trees and other replacement trees.
- 16 • Utility extensions.
- 17 • Half street frontage improvements along Morris Road.
- 18 • Street lighting.
- 19 • Open space and perimeter landscaping.

20 Findings Relating to Public Notice and Meetings.

21 9. Notice of the Application was mailed to State and local agencies and property
22 owners within 300 feet of the site on November 16, 2023, and published in the Nisqually Valley
23 News on November 9, 2023. Public comments were received and are included in Exhibit B.
24 Public comments expressed concern over the project's impacts to traffic along Morris Road as
25 well as concerns over heightened density of the project relative to surrounding neighborhoods.

*Amended Findings of Fact, Conclusions
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1 10. The City, acting as Lead Agency, issued a SEPA Determination of
2 Nonsignificance (DNS) for the proposal on March 7, 2024. Comments were received from the
3 Nisqually Indian Tribe acknowledging that the Tribe had no concerns but requested notification
4 if there are any inadvertent discoveries of archaeological resources/human burials. The SEPA
5 DNS was not appealed and is final. It was posted on the site, mailed to property owners within
6 300 feet and published in the Nisqually Valley News on May 9, 2023. No additional public
7 comments were received nor were any members of the public present for the public hearing

8 Findings Relating to Concurrency Requirements

9 11. Prior to subdivision approval, the Hearing Examiner must undertake a
10 concurrency evaluation. YMC 18.16.040(A)(1).

11 12. For preliminary subdivisions, the Hearing Examiner must evaluate the project for
12 concurrency with respect to transportation, water and sewer. YMC 18.16.050(C)(1).

13 Transportation.

14 13. The Level of Service at concurrency intersections must not drop below accepted
15 Levels of Service due to new trips associated with the proposed development unless the planned
16 improvements identified in Six-Year Transportation Programs will maintain Levels of Service.
17 YMC 18.16.050(C)(1)(a).

18 14. The acceptable Level of Service at nearby intersections is LOS D.

19 15. The Applicant submitted a Traffic Impact Analysis (Exhibit E) which estimates
20 that the project will generate 24 AM peak hour trips and 31 PM peak hour trips per day, with PM
21 peak hour being measured between 4:00 p.m. and 6:00 p.m..

22 16. Members of the public expressed concern that the true PM peak hour period for
23 the site was between 2:00 p.m. and 4:00 p.m. due to traffic associated with Prairie Elementary
24 School. Authors of the TIA therefore undertook a further analysis to determine the most
25 appropriate PM peak hour for the site. This additional review concluded that the most accurate

1 PM peak period is from 4:00 p.m. to 6:00 p.m. as originally thought, with the primary peak
2 period being 4:30 p.m. to 5:30 p.m. The TIA is based upon this premise.

3 17. The TIA also finds that the nearby intersection of Morris Road SE and Bald Hill
4 SE is currently operating at an LOS F status for the northbound approach (that is, drivers from
5 Morris Road waiting to enter Bald Hill Road). This intersection is a "concurrency intersection"
6 per YMC 18.16.050, and its LOS F status is below the acceptable LOS D.

7 18. Improvements to this intersection are not currently found in the City's
8 Transportation Program, but improvements are planned for the SR 507 and Bald Hill Road SE
9 intersection with the intention to convert it to a roundabout. Additionally, the Morris Road SE
10 intersection may be relocated and tied into this roundabout resulting in a five-leg design. While
11 that design process is underway it is not yet identified in the City's Transportation Program. As a
12 result, concurrency is currently not achieved with any proposed access to Morris Road SE.

13 19. To resolve this concurrency issue, City Staff has recommended an additional
14 condition of project approval as described more fully in the Public Hearing Section. As noted in
15 that section, the Hearing Examiner finds some of the proposed language to be confusing but
16 agrees with its suggestion that the development should not be allowed regular access to Morris
17 Road until improvements have been made to the Morris Road/Bald Hill Road interchange
18 sufficient to improve its Level of Service to at least LOS D. Accordingly, the Hearing Examiner
19 finds that the following revised condition should be imposed:

20 "18. Given the deficient Level of Service (LOS) and collision rate, if the
21 City-planned improvements along Bald Hill Road, Morris Road and SR 507 are
22 not completed by the time of Country Meadows Estates Phase 2 buildout then the
23 proposed Morris Road site access shall be restricted to emergency vehicles only
24 via bollards, a gate, or similar means. Consequently, all traffic from Country
25 Meadows Estates Phase 1 and 2 (assuming the improvements to Bald Hill
Road/Morris Road/SR 507 are not complete) must use Vancil Road, which was
determined to have sufficient capacity to support both phases of Country Meadows
Estates."

1 20. As noted earlier, frontage improvements are required as part of development.
2 These include half street frontage improvements along Morris Road to commercial collector
3 standards and frontage improvements along all internal streets to local access residential
4 standards.

5 21. The traffic-related improvements set forth above, together with restrictions on the
6 use of access to Morris Road, together with traffic facility charges, will satisfy the requirement
7 for concurrency with respect to transportation.

8 Water

9 22. At time of preliminary approval, planned infrastructure identified in the Six-Year
10 Improvement Program together with water rights identified in the Water System Plan must be
11 sufficient to provide for the proposed land use decision. YMC 18.16.050(C)(1)(b).

12 23. The Staff Report contains Findings relating to concurrency with water
13 requirements. Staff finds that the City is able to provide potable water to the consumer for use
14 and fire protection in accordance with the adopted health and environmental regulations. YMC
15 18.16.030(B).

16 24. Chapter 58.17 RCW requires that it be shown that appropriate provisions are
17 made for potable water as part of the preliminary subdivision approval.

18 25. City Staff officially declares that the City has the capacity to service the proposed
19 subdivision.

20 26. The project site is within the City's water service area and is currently not
21 connected to the City's water system. The development will be required to be connected to and
22 extend the water mains along all new proposed roadways within the subdivision. The project is
23 expected to connect to the existing water mains at its west boundary and extend them to its east
24 boundary along Morris Road. It is believed that this water main extension will provide a
25 regional benefit by improved looping of the water system resulting in improved water pressure.

1 Sewer

2 27. The Applicant must demonstrate that at the time of preliminary approval the
3 planned infrastructure for the City's sewer system identified in the Six-Year Improvement
4 Program is sufficient to provide for the proposed planned subdivision and that it is reasonably
5 anticipated that the treatment plant has sufficient capacity to provide for the proposed land
6 division. YMC 18.16.050(C)(1)(c).

7 28. Concurrency is achieved when the ability to treat and discharge wastewater is in
8 accordance with adopted health and environmental regulations. YMC 18.16.030(C).

9 29. The City's Sewer Comprehensive Plan identifies the property as being within the
10 sewer service area but is not currently connected to the City's STEP sewer system. Connection
11 to the City sewer service is required.

12 30. City Staff finds that the City has the ability to treat and discharge wastewater from
13 the project and that concurrency with respect to sewer is achieved.

14 31. The project has been conditioned on requiring connection to and extension of the
15 main along all new proposed roadways within the subdivision. The exact improvements
16 required to serve the project will be identified during civil plan review. City Staff finds that with
17 these conditions the project satisfies the requirement for concurrency with respect to sewer
18 infrastructure. The Hearing Examiner concurs with the City's Findings.

19 Impact Fees

20 32. Concurrency with respect to fire protection and school infrastructure are achieved
21 pursuant to YMC 18.16.090. Concurrency with fire protection is achieved through contribution
22 to the Fire Protection Facilities as identified in the Capital Facilities Plan adopted by the
23 Southeast Thurston Fire Authority and endorsed by the Yelm City Council. This fee will be
24 collected at the time of building permit issuance. Concurrency with school infrastructure is
25 achieved through a contribution to School Facilities as identified in the most current version of

1 the Capital Facilities Plan adopted by Yelm Community Schools and endorsed by the Yelm City
2 Council. This fee is also subject to change and is collected at the time of building permit
3 issuance. With these two impact fees, concurrency with fire protection and school infrastructure
4 is satisfied.

5 Findings Relating to Critical Areas

6 33. The protection of critical areas and resource lands in subdivision approval is
7 addressed through Chapter 18.21 YMC. The project must ensure compliance with the
8 requirements of this chapter in order to be approved. YMC 18.21.030(A).

9 Aquifer Recharge

10 34. All of Yelm is identified as a Critical Aquifer Recharge Area. Compliance with
11 federal, State and County Water Source Protection Regulations and with the City's adopted
12 Stormwater Regulations is required in order to protect this aquifer. YMC 18.21.070.

13 35. City Staff has conditioned project approval on a stormwater plan meeting the
14 most recent recent edition of the Stormwater Management Manual for Western Washington to be
15 presented with civil plan submission.

16 Other Critical Areas

17 36. There are no wetlands or other critical areas or associated buffers on or near the
18 project site. No evidence has been presented that the proposed subdivision implicates the City's
19 wetland regulations (YMC 18.21.060); Flood Damage Protection Provisions (YMC 18.21.090)
20 or Geographically Hazardous Areas (YMC 18.21.100).

21 Fish and Wildlife Habitat Conservation Areas

22 37. Fish and Wildlife Habitation Conservation Areas are addressed in YMC
23 18.21.110. As noted in the Staff Report, the Mazama Pocket Gopher has been listed as a
24 threatened species and the City has protected it through implementation of the Critical Areas
25 Code. If development occurs on property suspected to be occupied by the Mazama Pocket

1 Gopher, the Applicant must prepare a Critical Areas Report. The report must include mitigation
2 measures if it determines that Pocket Gophers would be impacted by the proposed development.
3 As part of this subdivision application the Applicant submitted a Mazama Pocket Gopher and
4 Regulated Prairie Absence Report. The report found no evidence of Mazama Pocket Gophers on
5 the subject property.

6 38. Staff finds that the project, as conditioned, satisfies all City requirement for
7 critical areas protection. The Hearing Examiner agrees with this Finding.

8 Findings Relating to Design Standards

9 Water

10 39. The site is not currently connected to City water service. Connection to City
11 water service is required.

12 40. Any well located on the property must be decommissioned pursuant to City
13 standards and the water rights dedicated to the City.

14 41. City Staff finds that the project, as conditioned, satisfies all requirements for
15 water pursuant to Chapter 13.04 YMC and Chapter 6 of the Development Guidelines.

16 Sewer

17 42. The property is located in the City's STEP sewer system service area and is
18 currently not connected. Connection to the sewer system will be required.

19 43. Any onsite septic systems must be abandoned as part of project development.

20 44. City Staff finds that the project, as conditioned, satisfies all sewer requirements
21 pursuant to Chapter 13.08 YMC and Chapter 7 of the Development Guidelines.

22 Fire Protection

23 45. Fire protection to the buildings must be provided pursuant to the International Fire
24 Code. Specific requirements will be determined during civil plan review. Fire hydrant locks
25 must be installed as part of the City's water conservation and accountability program. Fire

1 access lanes exceeding 100 feet in length must have appropriate turnaround provisions. City
2 Staff finds that the preliminary site plan meets all of the requirements for fire protection.

3 Stormwater

4 46. Stormwater has been addressed elsewhere in these Findings.

5 47. Stormwater facilities must be maintained to ensure they remain in proper working
6 condition. A Stormwater Maintenance Agreement must be recorded at the time of final plat
7 recording. Subject to these conditions, City Staff finds that the project satisfies all subdivision
8 stormwater requirements.

9 Lot Size and Setbacks

10 48. The City's Development Regulations do not establish minimum or maximum lot
11 sizes but do require standard yard setbacks of 15 feet adjacent to a local access street or 25 feet a
12 collector street, 5 feet from the side property lines, 15 feet from any flanking yard, and 25 feet
13 from the rear property line, with a minimum 20 foot driveway approach. The project will be
14 required to meet all of these requirements.

15 Transportation

16 49. The project must improve street frontages to current City standards.

17 50. Frontage improvements along Morris Road will be installed to the City's
18 commercial collector standards.

19 51. The internal street will be constructed to local access residential standards.

20 52. The proposed subdivision has more than 25 housing units and therefore must have
21 more than one vehicular access from an arterial or collector street. Chapter 18.52 YMC. The
22 project proposes two points of vehicular access: (1) a connection to Morris Road SE and (2) a
23 connection to "Road C" as found in Country Meadows Estates Phase 1 which will allow access
24 to Vancil Road.

53. As noted in earlier Findings, the project will not be allowed immediate access to Morris Road due to the concurrency interchange at Morris Road and Bald Hill Road having a Level of Service F. As a result, and until improvements to this intersection are made bringing it to a Level of Service of at least D, the subdivision will only have point of general vehicular access (the connection to Road C in Phase 1). As a result, building permits for this development must be limited to 25 until such time as the subdivision has general access to Morris Road SE.

Parking

54. Each residential lot must have two parking spaces. YMC 18.54.030(A). This requirement will be met. In addition, on-street parking will be allowed on both sides of internal local access residential streets.

Landscaping

55. Landscaping is required for all new subdivisions. YMC 18.55.020. For residential subdivisions, the required perimeter landscaping may consist of a solid wood fence on side and rear yards. Streetscape landscaping will be required on street frontage improvements. The open space tract will be landscaped and offer a children's play area.

56. The developer will be required to provide a Performance Assurance Device in order to provide for maintenance of all required landscaping until the homeowners association assumes responsibly. This shall be in the amount of 150 percent of the anticipated cost of maintenance of landscaping for three years.

57. Subject to these conditions the project's requirements for landscaping will be met.

Open Space

58. Residential subdivisions must include qualified open space equal to at least 5% of the gross area of the development. YMC 18.56.010.

59. As noted in earlier Findings, the Applicant proposes two open space tracts, Tracts A and B, which collectively satisfy the requirement for open space.

1 Street Lighting

2 60. Adequate street lighting is required to provide safety to pedestrians, vehicles and
3 homeowners. The Applicant must submit a lighting plan during civil plan review meeting all
4 requirements of 18.59.050 YMC.

5 Mailboxes and Street Lighting

6 61. US Postal Service approved mailboxes and adequate street lighting must be
7 provided all to be reviewed at time of civil plan review.

8 Subdivision Name

9 62. The subdivision name must be reserved with the Thurston County Auditor's
10 Office prior to final subdivision approval. Addresses and street names will be assigned or
11 approved by the City's Public Service Department prior to final subdivision approval.

12 Findings Relating to Safe Walking Routes.

13 63. As noted in earlier Findings, the project site is located approximately .25 miles
14 from the Prairie Elementary School located south of the site and across Morris Road.

15 64. There are currently no sidewalks between the project site and the elementary
16 school.

17 65. There are currently no dedicated crosswalks to allow pedestrians to cross Morris
18 Road.

19 66. Neither the City or the Yelm School District have established a safe walking route
20 for Prairie Elementary School.

21 67. All properties between the project site and the elementary school are outside of
22 the City Limits and therefore outside of the City's regulation.

23 68. As a result of these limitations, elementary students will be discouraged from
24 attempting to walk from the development to Prairie Elementary School. The project's sidewalk
25

1 improvements along Morris Road will be barricaded to discourage their use by students.

2 Students will instead be directed toward Vancil Road to be bussed to all schools.

3 69. The City is committed to encouraging sidewalks and other pedestrian
4 improvements along Morris Road as these properties become annexed into the City. Until then,
5 students will need to be discouraged from attempting to walk along Morris Road.

6 70. The City has reviewed this application taking into consideration the availability of
7 sidewalks and other planning features that assure safe walking conditions for students who only
8 walk to and from school, with it being concluded that the current remedy is to require students to
9 be bussed to all schools including nearby Prairie Elementary School.

10 71. City Staff recommends preliminary subdivision approval subject to the conditions
11 found in the Revised Staff Report.

12 72. Pursuant to RCW 58.17.110, the Hearing Examiner finds that, as conditioned: (a)
13 appropriate provisions are made for the public health, safety and general welfare and for such
14 open spaces, drainage ways, streets or roads, alleys or other public ways, transit stops, potable
15 water supplies, sanitary waste, parks and recreation, playgrounds, schools and schoolgrounds,
16 and all other and relevant facts, including sidewalks and other planning features that assures safe
17 walking conditions for students who only walk to and from school; and (b) the public use and
18 interest will be served by the platting of such subdivision and dedication.

19 Based upon the foregoing Findings of Fact the Hearing Examiner makes the following:

20 **CONCLUSIONS OF LAW**

21 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

22 2. Any Conclusions of Law contained in the foregoing Background Section, Public
23 Hearing Section or Findings of Fact Section are incorporated herein by reference and adopted by
24 the Hearing Examiner as his Conclusions of Law.

25 3. The requirements of SEPA have been met.

*Amended Findings of Fact, Conclusions
of Law and Decision - 20*

CITY OF YELM HEARING EXAMINER
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1 4. Appropriate provisions are made for the public health, safety and general welfare,
2 for open spaces, drainage ways, streets, alleys, and other public ways, water supplies, sanitary
3 waste, playgrounds, schools, fire protection and other public facilities.

4 5. After considering all the relevant facts, including the physical characteristics of
5 the site, the public interest would be served by the subdivision.

6 6. As conditioned, all City requirements for concurrency management have been
7 met. Chapter 18.16 YMC.

8 7. The requirements for the dedication of land and/or payment of fees have been
9 satisfied. YMC 18.16.090.

10 8. All other requirements of Chapter 18.16 YMC have been met.

11 9. The project is in compliance with the purposes of the Moderate Density
12 Residential (R-6) zoning designation.

13 10. The proposed number of residential units complies with the R-6 zoning
14 designation.

15 11. The project, as conditioned, is in compliance with the City's Residential
16 Development Standards.

17 12. The project, as conditioned, is in compliance with the City's Critical Areas
18 Regulations. Chapter 18.21 YMC.

19 13. The project, as conditioned, is in compliance with the City's design standards for
20 water, sewer, fire protection, stormwater, lot sizes and setbacks, transportation, parking,
21 landscaping, open space, protection of trees, mailboxes, street lighting and subdivision names
22 and addresses.

23 14. The project, as conditioned, is in compliance with all other subdivision
24 requirements found in the City's Development Regulations.

15. The project is consistent with the City's Comprehensive Plan.

16. The project should be approved subject to the nineteen conditions contained in the Revised Staff Report.

DECISION

The Applicant's request for preliminary approval of subdivision containing 29 lots on a 4.81 acre site, with associated improvements, shall be approved subject to the following conditions:

1. All civil plans must be updated and resubmitted, addressing comments on the marked up plans attached. Exhibit D.

2. Morris Road shall be designed and built as a Commercial Collector as defined within the City's adopted standards. It shall be dedicated to the City prior to use by the public.

3. All right of ways shall be constructed to City standards. Plans must be reviewed and approved by the City prior to construction.

4. The right of ways shall be dedicated to the City after completion of the project. An inspection of the right of ways will be required prior to the City accepting the right of ways.

5. A street lighting plan shall be included in the civil plan submittal. This plan shall comply with City design standards and will be reviewed and approved by the City Engineer prior to construction.

6. The Applicant must provide fire flow, lighting plan, monument plans and the detail, retaining wall calculation and details, and Signature Approval Block (leave room the electronic signature block (4" wide x 2" high) – All Sheets) by the time of submitting for the Civil Plan Review.

7. If there are existing wells or septic systems on the project site, the Applicant shall provide their details during Civil Plan Review. If there are no existing wells or septic systems, then the Applicant shall provide a written statement attesting to that fact during Civil Plan Review.

8. Stormwater facilities shall be located on separate recorded tracts owned and maintained by the homeowner's association. The stormwater system shall be held in common by the homeowner's association and the homeowner's agreement shall include provision for the assessment of fees against individual lots for the maintenance and repair of the stormwater facilities.

1 9. Plans submitted during the civil plan review process shall include an addressing
2 map for approval by the building official.

3 10. Plans submitted during the civil plan review process shall include the proposed
4 location and details for mailbox placement and must conform to 18.59.080 YMC.

5 11. Landscaping:

6 a. The Applicant shall provide a note and detail (**City of Yelm Development**
7 **Guidelines - Chapter 2 - Transportation Details DWG. NO. 2-19**) for all the trees that
8 planted within 6' of the curb or sidewalk must have a root barrier (by the time of
9 submitting for the Civil Plan Review).

10 b. **YMC 18.55.020** Types of landscaping.

11 i. "f. Planting theme shall be a ratio of three street trees to
12 one accent tree."

13 c. The Applicant shall provide a list of existing trees including the ones that
14 will be removed from the site and the ones that will be retained.

15 d. The Applicant shall include the scientific name of all vegetation on the
16 landscaping plan.

17 e. The Applicant shall provide a complete landscaping plan for review at the
18 time of civil plan review. This plan shall be consistent with the City of Yelm's
19 landscaping plan and include a detailed irrigation plan. Civil plans shall not be issued
20 until the landscaping plan is approved.

21 f. Any proposed irrigation system shall incorporate a backflow prevention
22 device and conform with the cross-connection and backflow control program as defined
23 in 13.04.220(D) YMC.

24 12. The Applicant shall provide a performance assurance device in order to provide
25 for maintenance of the required landscaping for this subdivision, until the homeowners'
association becomes responsible for shared landscaped areas. The performance assurance devise
shall be 150 percent of the anticipated cost to maintain the landscaping for three (3) years.

 13. The Applicant shall install at least one play structure in at least one of the open
space tractus during site development.

 14. Prior to final plat approval, the Applicant must demonstrate how Tracts A and B
meet the City's open space requirements. This may be achieved through a brief narrative or
through details on the site plan, and shall be subject to approval during Civil Plan Review.

1 15. All submittals shall be the most current ones and consistent with each other (for
2 example see landscaping plans page L1 and C6.1). Landscaping plans may be submitted along
3 with the preliminary civil plans.

4 16. The proposed water main along Road C shall be extended through Tract C and tie
5 into the main on Vancil Rd.

6 17. Preliminary approval for this project is for only five (5) years from the date of the
7 decision. Knowledge of this deadline is the sole responsibility of the applicant, and notifications
8 of deadlines may not be issued prior to the deadline.

9 18. Given the deficient Level of Service (LOS) and collision rate, if the City-planned
10 improvements along Bald Hill Road, Morris Road and SR 507 are not completed by the time of
11 Country Meadows Estates Phase 2 buildout then the proposed Morris Road site access shall be
12 restricted to emergency vehicles only via bollards, a gate, or similar means. Consequently, all
13 traffic from Country Meadows Estates Phase 1 and 2 (assuming the improvements to Bald Hill
14 Road/Morris Road/SR 507 are not complete) must use Vancil Road, which was determined to
15 have sufficient capacity to support both phases of Country Meadows Estates.

16 19. The City of Yelm finds that Country Meadows Estates Phase 2 would have
17 sufficient access to collector streets, provided that Country Meadows Estates Phase 1 is built as
18 planned and provides an access to Vancil Road for Phase 2. If, however, Country Meadows
19 Phase 2 is built prior to Country Meadows Estates Phase 1, then the total number of allowed
20 building permits for Phase 2 shall be limited to 24. "Code Citation: YMC 18.52.080" Every
21 subdivision or combination of subdivisions of 25 or more housing units . . . shall provide more
22 than one vehicular access from an arterial or collector street.

23 DATED this 3 day of June, 2024.

24
25


Mark C. Scheibmeir
City of Yelm Hearing Examiner