

BEFORE THE CITY OF YELM HEARING EXAMINER

IN RE:) HEARING NO. 2023-0188
WILLOW GLENN IV) FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION

APPLICANT: Denny Balascio
21709 96th Avenue W.
Edmonds, Washington 98020

SUMMARY OF REQUEST:

The Applicant requests preliminary approval of a subdivision containing 75 single-family residential lots on 12.53 acres, with associated improvements.

LOCATION OF PROPOSAL:

9819 Grove Road SE, Yelm.

SUMMARY OF DECISION:

The proposed subdivision is **approved** subject to slightly modified conditions.

BACKGROUND

The Applicant seeks preliminary subdivision approval to subdivide 12.53 acres into 75 single-family residential lots together with connecting streets, stormwater facilities, frontage improvements and open space areas. The project is referred to as the "Willow Glenn IV". It adjoins, and is associated with, earlier "Willow Glenn" subdivisions.

The proposed subdivision is located at 9819 Grove Road SE. There is currently located on the site a single-family residence, two mobile homes and various outbuildings. These existing buildings will be removed for construction of new housing.

The site has a zoning designation of Moderate Density Residential (R-6) which allows for up to six units per acre. Existing subdivision development to the south and west have similar

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1 zoning designations and are developed as single-family neighborhoods. Property to the north is
2 undeveloped but have recently been annexed into the City with the same R-6 zoning. Properties
3 to the east, across Grove Road, are in unincorporated Thurston County but within the City's
4 Urban Growth Area and are designated for high density residential (R-16) zoning.

5 The site adjoins Grove Road to the east and proposes a connection to both it and to
6 Bourbon Street to the south, along with a future connection to anticipated subdivisions to the
7 north.

8 There has been no public opposition to the application. City Staff recommends approval
9 of the project subject to eleven conditions set forth in the Staff Report. The Applicant does not
10 object to these conditions.

11 **PUBLIC HEARING**

12 The public hearing commenced at 9:30 a.m. on Thursday, May 16, 2024. The hearing
13 was a "hybrid" hearing consisting of both a remote hearing utilizing the Zoom platform along
14 with the opportunity to appear in person with the City serving as host. The City appeared
15 through Drew Kollar, Associate Planner. The Applicant, Denny Balascio, appeared in person
16 but testified through his representative, Ryan Shea of SCJ Alliance. There were no members of
17 the public present and no public testimony was offered. All testimony by City Staff and the
18 Applicant's representatives was taken under oath and a verbatim recording was made of the
19 proceedings. The documents considered during the public hearing were the Staff Report (Exhibit
20 10) and the following other exhibits:

- 21 1. Willow Glenn IV Site Plan
- 22 2. Willow Glenn IV Landscaping Plans
- 23 3. Revised Traffic Impact Analysis
- 24 4. Fehr & Peers Review Letter
- 25 5. WSDOT Comment Letter
6. MDNS for Willow Glenn IV
7. Washington State Department of Ecology Comment Letter

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- 1 8. Olympic Region Clean Air Agency Comment Letter
2 9. Nisqually Indian Tribe Comment Letter

3 There were no additional exhibits submitted during the hearing.

4 The hearing began with the testimony of Associate Planner, Drew Kollar, author of the
5 City Staff Report. Mr. Kollar summarized the findings found in the Staff Report and reiterated
6 that there has been no public opposition to the application. He concluded his testimony by
7 recommending preliminary plat approval subject to the conditions set forth in the Staff Report.

8 The conclusion of Mr. Kollar's direct testimony the Hearing Examiner posed several
9 questions. The Hearing Examiner first questioned whether City Staff felt that the application
10 satisfied all requirements for safe walking routes for school children as required by RCW
11 58.17.110(2). Mr. Kollar acknowledged that the subdivision is a short distance from Fort
12 Stevens Elementary School and that school children are therefore likely to walk to school. City
13 Staff believes that all safe walking route requirements are met as there are continuous, dedicated
14 sidewalks from the plat to the elementary school. Elementary students are therefore assured of a
15 safe walking route for the entire length of their walk.

16 The Hearing Examiner next noted that the project's Traffic Impact Assessment (TIA)
17 suggests that the development would have an emergency access onto Greenleaf Loop SE but
18 would have no direct access to Bourbon Street. Both of these suggestions found in the TIA are
19 inconsistent with the project's traffic routes as set forth in the Staff Report. Mr. Kollar responded
20 (with the assistance of Ryan Shea, Project Engineer) that the TIA was prepared prior to the final
21 plat version. The plat's proposed transportation routes have since been revised to eliminate a
22 connection to Greenleaf Loop SE and to instead provide a connection to Bourbon Street.

23 The Hearing Examiner then questions Staff as to why there is no street connection to
24 Greenleaf Loop SE as such a connection would seem logical. Mr. Kollar responded that the
25

1 Applicant has demonstrated how this proposed access was not considered to be a safe location
2 for an entrance and that the City's engineering staff agreed.

3 In response to questions about the proposed road system, Mr. Kollar confirmed that the
4 internal roads (Roads "A" and "B") will be constructed to local access standards and will include
5 sidewalks on one side of the street but parking will be allowed on both sides. A pedestrian path
6 will be located around the proposed open space/pocket park and with a pedestrian exit onto
7 Greenleaf Loop SE.

8 The Hearing Examiner expressed concerns that the earlier Willow Glenn subdivisions
9 had not properly maintained their required landscaping, with many of the required street trees
10 having died or been removed and leaving a less attractive appearance than what would have
11 occurred if the landscaping had been properly maintained. The Hearing Examiner inquired as to
12 what steps might be taken to help guarantee that the same problem does not occur with this
13 subdivision. Mr. Kollar noted that the landscaping statute requires the trees to be maintained and
14 to be turned over to the neighborhood's homeowner's association for long-term maintenance. He
15 did not have any immediate suggestions for better ensuring that landscaping is maintained but
16 welcomed any conditions the Hearing Examiner might wish to impose.

17 The Hearing Examiner concluded his questions to Mr. Kollar by observing that the
18 existing fence along the south boundary of the project site is in poor condition and should be
19 replaced as a condition of subdivision approval. City Staff did not object to this suggestion.

20 At the conclusion of Mr. Kollar's testimony the Applicant made a brief presentation
21 through its Project Engineer, Ryan Shea of SCJ Alliance with some additional testimony from
22 Dan Phillips. Through these representatives, the Applicant indicated that he has no objection to
23 the proposed conditions suggested by City Staff. Mr. Phillips added that Grove Road is
24 identified as a "commercial collector" street in the City's transportation system and that the
25 Applicant will be required to make half street improvements along the project's frontage along

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1 Grove Road. This will include dedicating an additional eight feet of public right-of-way. The
2 Hearing Examiner asked City Staff if it agreed to have this requirement acknowledged as a
3 project condition and Staff agreed that it should be recognized.

4 At the conclusion of the testimony by the Applicant's representatives the hearing was
5 opened for public comments. There were no members of the public present and no public
6 testimony was received. There has not been any public opposition to this project throughout its
7 review.

8 The subdivision application is a straightforward one with development to take place in a
9 manner very similar to earlier Willow Glenn subdivisions on adjoining properties. Those earlier
10 subdivisions raise concerns, however, over the need to more vigorously impose landscaping
11 requirements for the benefit of the neighborhood. There is also a need to replace the dilapidated
12 fence located between the project site and earlier phases to the south. Finally, there is a need to
13 recognize that the project will require a dedication of additional right-of-way along Grove Road
14 in recognition of its status as a commercial collector roadway. I concur with City Staff that the
15 subdivision should be approved but subject to additional conditions addressing these matters.

16 I therefore make the following:

17 **FINDINGS OF FACT**

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

21 **General Findings**

22 2. The Applicant seeks preliminary plat approval to subdivide 12.53 acres into 75
23 residential lots for single-family dwellings with connecting streets, stormwater facilities and
24 other site improvements. Maps identifying the location of the project site and its layout are
25 found in Exhibit 1.

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1 3. The project is bounded on the south by earlier phases of the Willow Glenn
2 development on Greenleaf Avenue SE. To the west is additional Willow Glenn development
3 along Greenleaf Loop SE. To the north is undeveloped property intended for future residential
4 subdivision development. To the east is Grove Road and, further east, undeveloped property
5 outside of the City Limits but within the City's Urban Growth Area and designated for future
6 high density residential development.

7 4. The project site has a zoning designation of Medium Density Residential (R-6)
8 which allows between 3 to 6 dwelling units per gross acre. Existing Willow Glenn subdivisions
9 to the south and west have the same R-6 zoning designation while property to the north has just
10 recently been give this zoning designation. Property to the east, outside of current City Limits,
11 has been give a future zoning designation of High Density Residential (R-16).

12 5. Nearby public amenities include Longmeyer Community Park located a short
13 distance to the north and Fort Stevens Elementary School located a short distance to the south.

14 6. The project site is largely undeveloped but does contain an existing single-family
15 residence, two mobile homes and various agricultural outbuildings. The remainder of the site is
16 undeveloped and contains pasture lands with what appear to be historic debris piles. All existing
17 buildings onsite will be demolished as part of site development. The project site is generally flat
18 with minimal slopes and very few trees.

19 7. The project proposes two immediate connections to existing public roads along
20 with a third, future connection. The subdivision would have direct access to Grove Road to the
21 east and to Bourbon Street to the south. The site has been designed for a future connection along
22 its north boundary to anticipated residential subdivisions to the north with ultimate connection to
23 Canal Road, all as indicated on site maps (Exhibit 1).

24 8. The project proposes two internal streets, Road A and B, which together will
25 provide an internal looped road system, all as depicted on maps within Exhibit 1. Internal roads

1 will be public roads. There will also be a short spur road connecting Road A to Bourbon Street
2 to the south and another short spur road connecting Road B to future development to the north.
3 In addition, there will be a pedestrian-only extension of Road A at its western terminus to allow
4 connection to Greenleaf Loop SE for pedestrian purposes only.

5 9. In addition to associated roadways, the project will include:

- 6 ● Curbs, gutters and sidewalks.
- 7 ● Stormwater facilities.
- 8 ● An open space tract containing 0.67 acres located within the westerly
9 portion of the subdivision which will provide for both stormwater
10 management while also allowing for a public play area and walking trail.
- 11 ● Street trees and other replacement trees.
- 12 ● Utilities extensions.
- 13 ● Half street frontage improvements along Grove Road including
14 dedication of additional land as required for the road's "commercial
15 collector" status.
- 16 ● Street lighting.

17 10. The open space area referenced above is intended to include an open lawn play
18 area, perimeter walking path, barbeque grill and picnic tables while also assisting with the
19 project's stormwater management system.

20 Findings Relating to Public Notice and Meetings

21 11. Notification of the application was mailed to state and local agencies and property
22 owners within 300 feet of the site on January 30, 2024, and published in the Nisqually Valley
23 News on February 1, 2024. This did not generate any public response.

24 12. The City, acting as Lead Agency, issued a SEPA Mitigated Determination of
25 Nonsignificance (MDNS) for the proposal on April 10, 2024. Comments were received from the

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1 Department of Ecology and the Olympic Region Clean Air Agency, both of a standard nature.
2 Comments were also received from the Nisqually Indian Tribe acknowledging that the tribe had
3 no concern but requested notification if there are any inadvertent discoveries of archaeological
4 resources/human burials. The SEPA MDNS was not appealed and is final.

5 13. Notice of the public hearing before the Hearing Examiner was posted on the
6 project site, mailed to property owners within 300 feet of the site, and mailed to the recipients of
7 the Notice of Application on April 29, 2024. Again, no public comments were received in
8 response and there has been no public response to this application.

9 Findings Relating to Concurrency

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

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

14 Transportation.

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

19 17. The Applicant submitted a Traffic Impact Analysis (Exhibit 3) which estimates
20 that the subdivision will generate 76 PM peak hour trips and 57 AM peak hour trips per day.
21 The TIA concludes that the expected increase in traffic is not sufficient enough to generate
22 additional mitigation. Traffic facility charges will be applied at the time of building permit
23 issuance.

24 18. As noted earlier, frontage improvements are required as part of development.
25 These include half street frontage improvements along Grove Road SE to commercial collector

standards (including dedication of additional right-of-way) and frontage improvements along all internal streets to Local Access Residential standards.

19. The traffic-related improvements set forth above, together with traffic facility charges, will satisfy the requirement for concurrency with respect to transportation.

Water

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

21. The Staff Report, at page 4, contains Findings relating to concurrency with water requirements. As noted in the Staff Report, the Level of Service for water infrastructure is the ability to provide potable water to the consumer for use and fire protection in accordance with the adopted health and environmental regulations. YMC 18.16.030(B).

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

23. City Staff officially declares that the City has the capacity to service the proposed subdivision.

24. The project site is within the City's water service area and is currently not connected to the City's water system. The development will be required to be connected to and extend the water mains along all new proposed roadways within the subdivision. The project proposes to connect to the existing water mains located at the end of Bourbon Street SE.

Sewer

25. The Applicant must demonstrate that at the time of preliminary approval the planned infrastructure for the City's sewer system identified in the Six-Year Improvement Program is sufficient to provide for the proposed planned subdivision and that it is reasonably

1 anticipated that the treatment plan has sufficient capacity to provide for the proposed land
2 division. YMC 18.16.050(C)(1)(c).

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

5 27. The City's Sewer Comprehensive Plan identifies the property as being within the
6 sewer service area but is not currently connected to the City's STEP sewer system. Connection
7 to the City sewer service is required.

8 28. City Staff finds that the City has the ability to treat and discharge wastewater from
9 the project and that concurrency with respect to sewer is achieved.

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

15 Impact Fees

16 30. Concurrency with respect to fire protection and school infrastructure are achieved
17 pursuant to YMC 18.16.090. Concurrency with fire protection is achieved through contribution
18 to the Fire Protection Facilities as identified in the Capital Facilities Plan adopted by the
19 Southeast Thurston Fire Authority and endorsed by the Yelm City Council. This fee will be
20 collected at the time of building permit issuance. Concurrency with school infrastructure is
21 achieved through a contribution to School Facilities as identified in the most current version of
22 the Capital Facilities Plan adopted by Yelm Community Schools and endorsed by the Yelm City
23 Council. This fee is also subject to change and is collected at the time of building permit
24 issuance. With these two impact fees, concurrency with fire protection and school infrastructure
25 is satisfied.

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1 Findings Relating to Critical Areas

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

5 Aquifer Recharge

6 32. As noted in the Staff Report all of Yelm is identified as a Critical Aquifer
7 Recharge Area. Compliance with federal, State and County Water Source Protection
8 Regulations and with the City's adopted Stormwater Regulations is required in order to protect
9 this aquifer. YMC 18.21.070.

10 33. City Staff has conditioned project approval on a Stormwater Plan meeting the
11 most recent edition of the Stormwater Management Manual for Western Washington to be
12 presented with civil plan submission.

13 34. As noted in the Staff Report, at page 7, the Applicant proposes an "Oldcastle
14 PerkFilter" design relying on the 2019 DOE Stormwater Management Manual for Western
15 Washington as required by the City's Municipal Code.

16 Critical Areas

17 35. There are no wetlands or other critical areas or associated buffers on or near the
18 project site.

19 Fish and Wildlife Habitat Conservation Areas

20 36. Fish and Wildlife Habitation Conservation Areas are addressed in YMC
21 18.21.110. As noted in the Staff Report, the Mazama Pocket Gopher has been listed as a
22 threatened species and the City has protected it through implementation of the Critical Areas
23 Code. If development occurs on property suspected to be occupied by the Mazama Pocket
24 Gopher, the Applicant must prepare a Critical Areas Report. The report must include mitigation
25 measures if it determines that Pocket Gophers would be impacted by the proposed development.

37. As part of this subdivision application the Applicant submitted a Mazama Pocket Gopher and Regulated Prairie Absence Report. The report found no evidence of Mazama Pocket Gophers on the subject property.

Other Critical Areas Regulated by Chapter 18.21

38. No evidence has been presented that the proposed subdivision implicates the City's wetlands regulations (YMC 18.21.060); flood damage protection provisions (YMC 18.21.090); or geographically hazardous areas (YMC 18.21.100).

39. Staff finds that the project, as conditioned, satisfies all City requirements for critical areas protection. The Hearing Examiner agrees with this Finding.

Findings Relating to Design Standards

40. The Staff Report, commencing at page 8, addresses the proposed subdivision's compliance with the City's design standards.

Water

41. The site is not currently connected to City water service. Connection to City water service is required.

42. Any wells located on the property must be decommissioned pursuant to City standards and the water rights dedicated to the City.

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

Sewer

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

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

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

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1 Fire Protection

2 47. Fire protection to the buildings must be provided pursuant to the International Fire
3 Code. Specific requirements will be determined during civil plan review. Fire hydrant locks
4 must be installed as part of the City's water conservation and accountability program. Fire
5 access lanes exceeding 100 feet in length must have appropriate turnaround provisions. City
6 Staff finds that the preliminary site plan meets all of the requirements for fire protection.

7 Stormwater

8 48. Stormwater has been addressed elsewhere in these Findings. As noted earlier, the
9 Applicant has submitted a proposed stormwater system based upon the Oldcastle PerkFilter
10 design utilizing the guidelines and requirements of the 2019 DOE Stormwater Manual.

11 49. Stormwater facilities must be maintained to ensure they remain in proper working
12 condition. A Stormwater Maintenance Agreement must be recorded at the time of final plat
13 recording. Subject to these conditions, City Staff finds that the project satisfies all subdivision
14 stormwater requirements.

15 Lot Size and Setbacks

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

21 Transportation

22 51. The project must improve street frontages to current City standards.

23 52. Frontage improvements along Grove Road will be installed to the City's
24 commercial collector standards.

53. The Applicant will be required to dedicate additional right-of-way along Grove Road necessary for its commercial collector standard.

54. All internal streets will be constructed to local access residential standards.

55. The proposed subdivision has more than 25 housing units and therefore must have more than one vehicular access from an arterial or collector street. Chapter 18.52 YMC. These two accesses will consist of (1) a connection to Grove Road to the east and (2) a connection to Bourbon Street to the south.

Parking

56. 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

57. 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.

58. The existing wood fence along the project site's south boundary (where it adjoins an earlier phase of Willow Glenn) has become dilapidated. This fence must be rebuilt in its entirety as a condition of project approval.

59. 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.

60. As noted earlier, earlier phases of Willow Glenn have failed to properly maintain street landscaping. Project approval is therefore conditioned upon such additional conditions in

1 the project's Covenants, Conditions & Restrictions (CC&R's) which impose the duty of
2 landscape maintenance upon the homeowner's association; require all street trees to be
3 maintained and promptly replaced if they die or become damaged; and allow the City to replace
4 street trees if the HOA fails to do so, subject to reimbursement by the HOA.

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

6 Open Space

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

9 63. The Applicant has proposed 0.67 acres as open space in a tract located near the
10 western boundary of the project site as indicated on site plans. This area satisfies the requirement
11 for open space.

12 64. The area designated for open space is intended to include an open lawn play area,
13 a perimeter walking path, a barbeque grill and picnic tables. The submitted site plans meet the
14 minimum requirements for open space area in terms of total land allocated and suitability for the
15 intended purpose.

16 Street Lighting

17 65. Adequate street lighting is required to provide safety to pedestrians, vehicles and
18 homeowners. The Applicant must submit a lighting plan during civil plan review meeting all
19 requirements of 18.59.050 YMC.

20 Mailboxes and Street Lighting

21 66. US Postal Service approved mailboxes and adequate street lighting must be
22 provided all to be reviewed at time of civil plan review.

1 Subdivision Name

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

5 68. City Staff recommends preliminary subdivision approval subject to the conditions
6 found in the Staff Report.

7 69. The Hearing Examiner finds that, as noted earlier, three additional conditions
8 must be imposed in order to achieve full compliance with all subdivision requirements. These
9 three additional conditions are:

10 12. The Applicant shall be required to dedicate such additional property along
11 Grove Road as is necessary to satisfy commercial collector standards.

12 13. The existing wood fence along the south boundary of the project site shall
13 be removed and replaced with a new wood fence.

14 14. The Applicant shall submit proposed Covenants, Conditions &
15 Restrictions (CC&R's) to City Staff for review and approval which require the
16 development's homeowner's association to be responsible for the maintenance, care and
17 replacement of all street trees. Should any street tree be damaged or destroyed it shall be
18 promptly replaced by the HOA. If the HOA fails to promptly replace any damaged or
19 destroyed street tree, the City shall have the authority to replace the tree at the HOA's
20 expense.

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

1 Based upon the foregoing Findings of Fact and Analysis, the Hearing Examiner makes
2 the following:

3 **CONCLUSIONS OF LAW**

- 4 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.
- 5 2. Any Conclusions of Law contained in the foregoing Background Section, Public
6 Hearing Section or Findings of Fact Section are incorporated herein by reference and adopted by
7 the Hearing Examiner as his Conclusions of Law.
- 8 3. The requirements of SEPA have been met.
- 9 4. Appropriate provisions are made for the public health, safety and general welfare,
10 for open spaces, drainage ways, streets, alleys, and other public ways, water supplies, sanitary
11 waste, playgrounds, schools, fire protection and other public facilities.
- 12 5. After considering all the relevant facts, including the physical characteristics of
13 the site, the public interest would be served by the subdivision.
- 14 6. As conditioned, all City requirements for concurrency management have been
15 met. Chapter 18.16 YMC.
- 16 7. The requirements for the dedication of land and/or payment of fees have been
17 satisfied. YMC 18.16.090.
- 18 8. All other requirements of Chapter 18.16 YMC have been met.
- 19 9. The project is in compliance with the purposes of the Moderate Density
20 Residential (R-6) zoning designation.
- 21 10. The proposed number of residential units complies with the R-6 zoning
22 designation.
- 23 11. The project, as conditioned, is in compliance with the City's Residential
24 Development Standards.
- 25

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

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

14. The project, as conditioned, is in compliance with all other subdivision 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 eleven conditions contained in the Staff Report together with the three additional conditions imposed by the Hearing Examiner.

DECISION

The Applicant's request for preliminary approval of subdivision containing 75 lots on a 12.53 acre site, with associated improvements, shall be approved subject to the following conditions:

1. The conditions of the Mitigated Determination of Nonsignificance associated with this project are hereby referenced and are considered conditions of this approval.

2. A lighting plan shall be submitted during Civil Plan Review.

3. Any proposed irrigation system shall incorporate a backflow prevention device and conform with the cross-connection and backflow control program as defined in 13.04.220(D) YMC. The final landscape plan shall be submitted during Civil Plan Review and include a detailed irrigation plan.

4. Plans submitted during Civil Plan Review shall include an addressing map for approval by the building official.

5. Plans submitted during Civil Plan Review shall include the proposed location and details for mailbox placement and these plans must conform to 18.59.080 YMC.

1 6. The applicant shall provide a performance assurance device in order to provide
2 for maintenance of the required landscaping for this subdivision, until the homeowners'
3 association becomes responsible for the landscaping maintenance. The performance assurance
4 device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.

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

10 8. SE Thurston Fire Authority has requested the proposed fire hydrant east of
11 Bourbon Street be moved to the corner of Bourbon St. SE and "Road A". The exact location and
12 provision of fire hydrants is finalized during Civil Plan Review. The applicant shall submit
13 a fire hydrant plan that is subject to review and final approval during Civil Plan Review.

14 9. The applicant shall secure all necessary demolition permits prior to demolition of
15 the current structures on the property.

16 10. If the reclaimed water utility becomes available before an application is submitted
17 for Civil Plan Review, connection to the City's reclaimed water utility will be required. The
18 reclaimed water line would need to be extended into the proposed subdivision along each of the
19 proposed internal roads, and all open space tracts that will feature irrigation systems would need
20 to utilize reclaimed water.

21 11. Chapter 2 "Transportation Details require travel lanes to be 11 feet wide. A traffic
22 circle, Island or another traffic calming device on Bourbon St. SE will be required to narrow the
23 travel lanes at the location of the current cul-de-sac. The traffic calming device will need to be
24 approved by the Civil Review Engineer during Civil Plan Review.

25 12. The Applicant shall be required to dedicate such additional property along Grove
Road as is necessary to satisfy commercial collector standards.

 13. The existing wood fence along the south boundary of the project site shall be
removed and replaced with a new wood fence.

 14. The Applicant shall submit proposed Covenants, Conditions & Restrictions
(CC&R's) to City Staff for review and approval which require the development's homeowner's
association to be responsible for the maintenance, care and replacement of all street trees.
Should any street tree be damaged or destroyed it shall be promptly replaced by the HOA. If the
HOA fails to promptly replace any damaged or destroyed street tree, the City shall have the
authority to replace the tree at the HOA's expense.

1 DATED this 28 day of May, 2024.

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4 Mark C. Scheibmeir
City of Yelm Hearing Examiner
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*Findings of Fact, Conclusions
of Law and Decision - 20*

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