

BEFORE THE CITY OF YELM HEARING EXAMINER

IN RE:) HEARING NO. SUB 2023-0163
COUNTRY MEADOWS ESTATES)
PHASE 1.) FINDINGS OF FACT,
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 for the development of 9.84 acres into 59 single-family residential lots. The subdivision also includes 6 tracts including an open space/recreation tract. The project will establish an internal looped public road with connection to the proposed Phase 2 development to the east.

LOCATION OF PROPOSAL:

Southeast corner of the intersection of Vancil Road SE and Vancil Court SE. Parcel No. 227304103000.

SUMMARY OF DECISION:

The requested preliminary plat is **approved** subject to slightly amended conditions.

BACKGROUND

The subject property, located east of Vancil Road SE and south of Vancil Court SE, and the adjoining property to the east which abuts Morris Road SE, were recently annexed into the City and given a zoning designation of R-6 (Moderate Density Residential). These two properties are now proposed to be subdivided into residential plats. The first of these applications, Country Meadows Estates Phase 1, proposes the subdivision of 9.84 acres into 59 single-family detached residences. The property immediately to the east is proposed for similar

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subdivision (4.81 acres into 29 single-family residences) as Country Meadows Estates Phase 2. Importantly, however, the "Phase 1" and "Phase 2" projects are separately owned and to be reviewed independently of each other.

The Phase 1 project proposes development of currently vacant land on the southern boundary of the City. It adjoins Vancil Road SE to the west and provides for two points of access to Vancil Road via a looped internal road system which also provides connection to the Phase 2 project to the east which, in turn, would ultimately provide access to Morris Road SE.

Members of the public have expressed some concerns relating to traffic, increased density and water pressure. City Staff recommends approval of the project subject to the conditions set forth in the Amended Staff Report. The Applicant concurs with the recommended conditions of approval.

PUBLIC HEARING

The public hearing commenced at 9:00 a.m. on Thursday, May 23, 2024. The hearing was a "hybrid" hearing consisting of both a remote hearing utilizing the Zoom platform along with the opportunity to appear in person with the City serving as host. The City appeared through Tammy Baraconi, Consulting Planner, along with Clayton Wiebe, Associate Planner, Gary Cooper, Senior Planner, and Reza Roukerd, City Engineer. The Applicant, Copper Ridge, LLC, appeared through its owner, Evan Mann. One member of the public was present, Chuck Markee, who provided brief testimony. The Staff Report (as revised May 22, 2024) was presented as an exhibit along with the following documents:

Exhibit A	Preliminary Plat and project description
Exhibit B	Public comments
Exhibit C	SEPA distribution list, SEPA checklist, supporting documents, comments from affected agencies, and the final determination
Exhibit D	Marked up civil plans
Exhibit E	Traffic Impact Analysis

Exhibit F Gopher Report
Exhibit G Geotech Report
Exhibit H Stormwater Report

One additional exhibit was presented during the hearing consisting of an email dated May 22, 2024, from William Wyman in opposition to the project (Exhibit I).

All testimony was taken under oath and a verbatim recording was made of the proceedings.

The hearing commenced with the testimony of Tammy Baraconi, Consulting Planner for the City. Ms. Baraconi's testimony was relatively brief and relied heavily upon her written Staff Report as revised on May 22, 2024. The project, referred to as Country Meadows Estates Phase 1, proposes the subdivision of 9.84 undeveloped acres in 59 single-family residential lots. The property lies east of Vancil Road SE and south of Vancil Court SE and is currently undeveloped. There are no critical areas on or near the site. The property was recently annexed into the City and given a zoning designation of R-6, Moderate Density Residential. The subdivision's proposed density is consistent with the density requirements for this zoning designation. The application underwent SEPA review and the City issued a Determination of Nonsignificance (DNS) which has not been challenged and is now final. Ms. Baraconi undertook a brief analysis of concurrency requirements and states that the project, as conditioned, satisfies all concurrency requirements for water, sewer, stormwater, transportation, fire protection, and schools.

Vancil Road SE is defined as a "neighborhood collector" street in the City's transportation system. Project approval has been conditioned upon the Applicant dedicating 13 feet of additional right-of-way in order for Vancil Road to achieve all requirements for neighborhood collector status. Project approval is also conditioned upon half street frontage improvements along Vancil Road to include curbs, gutters, sidewalks, lighting and landscaping.

As a neighborhood collector street, no parking will be allowed along Vancil Road.

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1 The project will have access to Vancil Road via two locations: (1) the existing entrance
2 from Vancil Court SE and (2) a second entrance further south providing access to "Road A".
3 Road A and Vancil Court SE will be connected by a north-south connector street (Road B).
4 Road B will intersect with a new east-west road (Road C). From its intersection with Road B,
5 Road C will run west to a cul-de-sac terminus and east to a future connection to an extension of
6 Road C running through Country Meadows Estates Phase 2. Collectively, Vancil Court SE,
7 Road A, and Road B provide an internal looped road system along with a future connection to
8 the Phase 2 development to the east via Road C, all as demonstrated on the site plan, Sheet C0.1.
9 All internal roads will be dedicated to the public and constructed to local access residential
10 standards. This will require a sidewalk on one side of the road together with planter strips and
11 curbs and gutters on both sides of the street, and with street parking allowed. Street lighting and
12 street landscaping will be consistent with City standards at time of development.

13 The proposed subdivision contains 6 tracts: Tracts A and B are located along the west
14 boundary of the project and provide an additional landscape buffer (in addition to frontage
15 landscaping required along Vancil Road). Tract C is located at the southwest corner of the Road
16 C cul-de-sac and serves as both a stormwater tract as well as an open space tract. Stormwater
17 will be sent to this site to be infiltrated underground while aboveground the tract will be utilized
18 as a recreation open space and with the requirement that it include at least one item of
19 playground equipment. Tracts D and E serve as footpaths to provide pedestrian access from
20 Vancil Court SE and Road A to the open space recreation Tract C. Tract F is located along the
21 south boundary of the project and is reserved for future dedication to the City for the "Yelm
22 Loop Phase 3" project. This project is intended to establish an additional arterial from the
23 existing Walmart property to Highway 507 and is included in the City's Six-Year Transportation
24 Plan but currently is only in concept phase with no timetable for its development.

1 City Staff was asked why proposed Road C terminates in a cul-de-sac rather than
2 continue westerly to Vancil Road SE. Ms. Baraconi, with assistance from the City Engineer,
3 explained that both the Applicant and the City prefer that proposed Road C not offer a direct
4 connection between Vancil Road and Morris Road as this would invite motorists to utilize the
5 road as a shortcut and result in traffic safety issues. The proposed design requires motorists
6 traveling west along Road C to turn to either Vancil Court SE or Road A before reaching Vancil
7 Road, slowing their speed and discouraging thoughts of using the road as a bypass.

8 The Hearing Examiner next questioned staff regarding the requirement for safe walking
9 routes to nearby schools. Prairie Elementary is located a relatively short distance away off of
10 Morris Road SE but there is no direct road connection between this property and the school. As
11 a result, any safe walking requirements are achieved by making provision for sidewalks on
12 internal streets and along Vancil Road, recognizing that students residing in the subdivision will
13 be bussed to schools.

14 At the conclusion of the City's presentation Evan Mann spoke on behalf of the Applicant.
15 Mr. Mann acknowledged the need to dedicate 13 feet along Vancil Road. He also confirmed that
16 the Applicant prefers "Road C" to not connect to Vancil Road so as to avoid its use as a bypass
17 route to Morris Road SE. He also confirmed that this project will have its students bussed to
18 nearby schools and that safe walking requirements do not apply, but that the project will provide
19 sidewalks both internally and along Vancil Road. Mr. Mann also acknowledged the project will
20 require him to install half street frontage improvements along Vancil Road. Once these
21 improvements are made almost all of Vancil Road will have complete frontage improvements
22 along both sides of the street.

23 Mr. Mann responded to some written public comments expressing concern over the
24 project's density by noting that the project's density is consistent with its zoning designation and
25

1 that it is also consistent with the nearby location of the City's commercial core, much of which is
2 within easy walking distance.

3 Mr. Mann confirmed that the project will extend City water and sewer mains to the site.
4 The site will be designed to implement the City's STEP sewer system but can easily be adjusted
5 to provide for grinder pumps instead of the STEP system should the City prefer this.

6 Mr. Mann concluded his comments by noting that this project is separate and independent
7 from Country Meadows Estates Phase 2 and that each project is to be reviewed independently of
8 the other and without imposing conditions on one for the benefit of the other.

9 At the conclusion of Mr. Mann's testimony the City's Planning Manager, Gary Cooper,
10 testified briefly in response to Mr. Mann's comments regarding the independent review of Phase
11 1 and 2 of Country Meadows Estates. Mr. Cooper explained that, while in many respects the two
12 projects are to be reviewed indecently of each other, SEPA requires that they be reviewed in a
13 more collective fashion as they are related projects. Mr. Cooper stated that the two projects have
14 been reviewed per SEPA consistent with this standard.

15 Following the presentations by City Staff and the Applicant, the hearing was opened for
16 public testimony. There was only one member of the public present, Chuck Markee, who
17 testified over concerns regarding traffic and water. As to traffic, Mr. Markee is concerned that
18 Vancil Road has only one point of exit (at its intersection with the highway) and worries that
19 increased development along it leads to a potentially catastrophic situation should that point of
20 access be blocked. Mr. Markee also notes that the neighborhoods water pressure decreases
21 during evening hours and worries that this project will exacerbate the current water pressure
22 issue.

23 City Staff responded to Mr. Markee's concerns regarding water pressure by explaining
24 that the Applicant will be required to undertake a fire flow test prior to development to ensure
25

1 that the City's water mains will provide adequate water flow to the site for both firefighting and
2 potable water.

3 While I recognize concerns by members of the public over the project's density, the
4 density of Phase 1 is consistent with its R-6 zoning designation. Similarly, concerns over traffic
5 are legitimate ones but the Applicant's Traffic Impact Analysis finds that the project, as
6 conditioned, will achieve all traffic concurrency requirements. And, while the delivery of water
7 to this neighborhood is of some concern, site development will be conditioned upon
8 demonstrating that sufficient water is available to the neighborhood. I therefore concur with City
9 Staff that the project should be approved subject to the revised set of conditions proposed by
10 Staff.

11 I therefore make the following:

12 **FINDINGS OF FACT**

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

16 **General Findings**

17 2. The Hearing Examiner has admitted documentary evidence into the record, heard
18 testimony and taken this matter under advisement.

19 3. City Staff, as Responsible Official, issued a SEPA Determination of
20 Nonsignificance (DNS) on March 7, 2024. The Determination has not been appealed and is now
21 final. Comments received by the City in response the SEPA Determination have been
22 incorporated into project conditions.

23 4. Notice of the Application was mailed to State and local agencies and properties
24 within 300 feet of the site on November 16, 2023, and published in the Nisqually Valley News
25 on November 9, 2023. Several comments were received from members of the public (Exhibit B)

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1 expressing concerns over the project's density as well as its traffic impacts. Comments were also
2 received from the Nisqually Indian Tribe. The Tribe did not have any specific comments or
3 concerns about the project but sought to be kept informed of any inadvertent discovery of
4 archaeological resources or human burials.

5 5. Notice was also published in the Nisqually Valley News on May 9, 2024. Notice
6 of the Public Hearing before the Hearing Examiner was posted on the project site, mailed to
7 property owners within 300 feet, and also mailed to the recipients of the Notice of Application.
8 One comment was received (Exhibit I on May 22, 2024) expressing general concerns over the
9 City's rapid growth and the impacts of this growth upon traffic, school levies, utilities, and other
10 impacts.

11 6. The Applicant proposes to develop 9.84 acres currently vacant land into 59
12 single-family detached residences. The proposed development also includes an internal road
13 system designed to local neighborhood standards as described more fully in the Public Hearing
14 Section.

15 7. The proposed development also includes 6 tracts described as Tracts A-F. The
16 purpose of each tract is more fully described in the Public Hearing Section.

17 8. The project site is relatively flat, has no critical areas onsite and is devoid of trees.

18 9. The property is located in the R-6 (Moderate Density Residential) zone. This
19 zoning designation is intended to provide for moderate density single-family residential
20 development and allows between 3-6 dwelling units per gross acre of land.

21 10. The project site is located along the south boundary of the City limits. Properties
22 immediately south are outside of the City and include a mix of rural residential properties.
23 Immediately west of the project is Vancil Road SE and, further wester, existing low density
24 residential development. Immediately north of the project is Vancil Court SE and, further north,
25

1 existing single-family residential development. The property immediately east of the project is
2 proposed for a related subdivision referred to as Country Meadows Estates Phase 2. Both
3 properties were recently annexed into the City and have been designed for common subdivision
4 including a connecting road (Road C). But despite their common development, the two phases
5 of Country Meadows Estates are separately owned and are being reviewed independently of each
6 other.

7 11. The Applicant's site plan is found at Exhibit D and includes Sheets C0.01-C6.1.
8 The site plan identifies all street layouts including the locations of Road A, B and C; all tract
9 layouts including Tracts A-F; the preliminary landscape plan and preliminary utility plan. The
10 site plan also identifies a connection via Road C to Country Meadows Estates Phase 2 to the east,
11 leading to a connection to Morris Road SE.

12 Findings Relating to Concurrency Requirements

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

15 13. For preliminary subdivisions, the Hearing Examiner must evaluate the project for
16 concurrency with respect to transportation, water and sewer along with appropriate provisions
17 for schools and fire protection. YMC 18.16.050(C)(1).

18 Transportation.

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

23 15. The Applicant submitted a Traffic Impact Analysis (Exhibit E) which estimates
24 that the subdivision will generate 46 AM peak hour trips and 61 PM peak hour trips per day.
25 The TIA concludes that the expected increase in traffic is not sufficient to generate additional

mitigation. Traffic facility charges will be applied at the time of building permit issuance. The TIA also concludes that concurrency intersections will not drop below accepted Levels of Service due to new trips associated with this project.

16. As noted earlier, frontage improvements are required as part of development. These include the dedication of 13 feet along Vancil Road SE; half street frontage improvements along Vancil Road to neighborhood collector standards and frontage improvements along all internal streets to Local Access Residential standards.

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

Water

18. 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).

19. The Staff Report notes that the required 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).

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

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

22. 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 at a site due west of the Road C cul-de-sac.

1 23. Members of the public have expressed concern that the City's water system in this
2 neighborhood lacks sufficient pressure and that the project may worsen this problem. Prior to
3 development, the Applicant will be required to undertake a fire flow test to confirm that the
4 City's water service in this area can provide sufficient delivery of water for consumer use and fire
5 protection.

6 Sewer

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

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

14 26. The City's Sewer Comprehensive Plan identifies the property as being within the
15 sewer service area but is not currently connected to the City's STEP sewer system. Connection
16 to the City sewer service is required. The Applicant notes that the project's sewer design will
17 allow it to be converted to the use of grinder pumps if the City desire this conversion.

18 27. City Staff finds that the City has the ability to treat and discharge wastewater from
19 the project and that concurrency with respect to sewer is achieved.

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

1 Impact Fees

2 29. Concurrency with respect to fire protection and school infrastructure are achieved
3 pursuant to YMC 18.16.090. Concurrency with fire protection is achieved through contribution
4 to the Fire Protection Facilities as identified in the Capital Facilities Plan adopted by the
5 Southeast Thurston Fire Authority and endorsed by the Yelm City Council. This fee will be
6 collected at the time of building permit issuance. Concurrency with school infrastructure is
7 achieved through a contribution to School Facilities as identified in the most current version of
8 the Capital Facilities Plan adopted by Yelm Community Schools and endorsed by the Yelm City
9 Council. This fee is also subject to change and is collected at the time of building permit
10 issuance. With these two impact fees, concurrency with fire protection and school infrastructure
11 is satisfied.

12 Findings Relating to Critical Areas

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

16 Aquifer Recharge

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

20 32. Project approval is conditioned upon meeting the most recent edition of the
21 Stormwater Management Manual for Western Washington to be presented with civil plan
22 submission.

1 Other Critical Areas

2 33. There are no wetlands or other critical areas or associated buffers on or near the
3 project site.

4 34. No evidence has been presented that the proposed subdivision implicates the
5 City's wetland regulations (YMC 18.21.060); Flood Damage Protection Provisions (YMC
6 18.21.090) or Geographically Hazardous Areas (YMC 18.21.100).

7 Fish and Wildlife Habitat Conservation Areas

8 35. Fish and Wildlife Habitation Conservation Areas are addressed in YMC
9 18.21.110. The Mazama Pocket Gopher has been listed as a threatened species and the City has
10 protected it through implementation of the Critical Areas Code. If development occurs on
11 property suspected to be occupied by the Mazama Pocket Gopher, the Applicant must prepare a
12 Critical Areas Report. The report must include mitigation measures if it determines that Pocket
13 Gophers would be impacted by the proposed development. As part of this subdivision
14 application the Applicant submitted a Mazama Pocket Gopher and Regulated Prairie Absence
15 Report (Exhibit F). The report found no evidence of Mazama Pocket Gophers on or near the
16 subject property.

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

19 Findings Relating to Design Standards

20 Water

21 37. The site is not currently connected to City water service. Connection to City
22 water service is required.

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

39. 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

40. 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.

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

42. 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.

Fire Protection

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

Stormwater

44. As noted earlier, the Applicant has submitted a proposed stormwater system satisfying the requirements of the most recent Stormwater Manual.

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

Lot Size and Setbacks

46. The City's Development Regulations do not establish minimum or maximum lot sizes but do require standard yard setbacks of 15 feet adjacent to a local access street or 25 feet a

collector street, 5 feet from the side property lines, 15 feet from any flanking yard, and 25 feet from the rear property line, with a minimum 20 foot driveway approach.

Transportation

47. The project must improve street frontages to current City standards.

48. Frontage improvements along Vancil Road will be constructed to the City's neighborhood collector standards.

49. The Applicant will be required to dedicate additional right-of-way along Vancil Road necessary for it neighborhood collector standard.

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

51. 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 Vancil Court SE and (2) a connection to proposed Street B further south.

Parking

52. 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

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

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

5 Open Space

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

8 56. The Applicant has proposed Tract C as its proposed open space area. This tract
9 contains 20,448 square feet. This area satisfies the requirement for open space.

10 57. The area designated for open space is intended to include a children's play area.
11 Submitted site plans must meet the minimum requirements for open space area in terms of total
12 land allocated and suitability for the intended purpose.

13 Street Lighting

14 58. Adequate street lighting is required to provide safety to pedestrians, vehicles and
15 homeowners. The Applicant must submit a lighting plan during civil plan review meeting all
16 requirements of 18.59.050 YMC.

17 Mailboxes and Street Lighting

18 59. US Postal Service approved mailboxes and adequate street lighting must be
19 provided all to be reviewed at time of civil plan review.

20 Subdivision Name

21 60. The subdivision name must be reserved with the Thurston County Auditor's
22 Office prior to final subdivision approval. Addresses and street names will be assigned or
23 approved by the City's Public Service Department prior to final subdivision approval.
24
25

1 Findings Relating to Safe Walking Routes.

2 61. Pursuant to RCW 58.17.110, the Hearing Examiner must find that appropriate
3 provisions have been made for consideration of sidewalks and other planning features to assure
4 safe walking conditions for students who only walk to and from school.

5 62. The Yelm Middle and High Schools are located a substantial distance from the
6 project site and students walking to these facilities is not anticipated. The project site is within
7 potential walking distance to the nearest elementary school, Prairie Elementary, located along
8 Morris Road SE, but there is no direct access via existing roads from the project site to this
9 elementary school. As a result, all students are expected to be bussed to school including Prairie
10 Elementary. Nonetheless, the project addresses safe walking routes by the inclusion of
11 sidewalks on all internal and external streets as well as through the payment of traffic impact
12 fees.

13 63. City Staff recommends preliminary subdivision approval subject to the conditions
14 found in the Revised Staff Report.

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

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

23 **CONCLUSIONS OF LAW**

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

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

4 3. The requirements of SEPA have been met.

5 4. Appropriate provisions are made for the public health, safety and general welfare,
6 for open spaces, drainage ways, streets, alleys, and other public ways, water supplies, sanitary
7 waste, playgrounds, schools, fire protection and other public facilities.

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

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

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

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

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

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

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

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

23 13. The project, as conditioned, is in compliance with the City's design standards for
24 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 seventeen conditions contained in the Revised Staff Report.

DECISION

The Applicant's request for preliminary approval of subdivision containing 59 lots on a 9.84 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. All right of ways shall be constructed to City standards. Plans must be reviewed and approved by the City prior to construction.

3. 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.

4. 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.

5. 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.

6. The sidewalk on the cul-de-sac shall be continued to the middle.

7. The Applicant shall provide the information for existing/abandon well and septic at the time civil plans are submitted for preliminary review.

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

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

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

10 11. Landscaping:

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

15 b. **YMC 18.55.020** Types of landscaping. i. "f. Planting theme shall be a
16 ratio of three street trees to one accent tree."

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

19 d. The Applicant shall include the scientific name of all vegetation on the
20 landscaping plan.

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

25 f. 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.

 12. The Applicant shall provide a performance assurance device in order to provide
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. The Applicant must show how Tracts A, B, and D meet the City's open space requirements.

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

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

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

DATED this 29 day of May, 2024.

Mark C. Scheibmeir
City of Yelm Hearing Examiner