



**City of Yelm**  
EST. 1924  
**WASHINGTON**

## **NOTICE OF DECISION**

DATE: May 11, 2022  
PROJECT NAME: The Grill at 507  
PROJECT LOCATION: 608 Yelm Ave E, Yelm, WA 98597  
PARCEL NUMBER: 64303700300  
CASE NUMBER: 2022.0288.OT0049

**NOTICE IS HEREBY GIVEN** that the Public Services Department issued an approval for a mobile food vendor at the above referenced location.

The complete decision may be viewed on the City's website at [www.yelmwa.gov](http://www.yelmwa.gov) and choosing 'I Want To' then 'View' then 'Public Notices' from the menu system. A copy of the decision may also be obtained at the Public Services Department at 901 Rhoton Rd. NW, Yelm, WA 98597 during normal business hours for a fee of 15 cents per page. For additional information, please contact the Public Services Department at 360-400-5001.

**MOBILE FOOD VENDOR APPROVAL 2022.0288.OT0049**  
**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION**

**PROJECT DESCRIPTION**

Juan Martinez, submitted an application to the City of Yelm to locate a mobile food vending unit at 608 Yelm Ave E, Yelm, WA. The application materials included an application, a project description and a site plan.

Having fully considered the record, the Site Plan Review Committee enters the following:

**FINDINGS OF FACT**

1. Juan Martinez proposes to operate a mobile food vending unit at 608 Yelm Ave E, Yelm, WA 98597, identified by Assessor’s Tax Parcel Number 64303700300. The mobile food vending unit will be located in the parking lot of 507 Taproom occupying three parking spaces as shown on the site plan. The dimensions of the food truck are 18ft x 8ft.
2. The property is currently developed and the current use of the property is restaurant/bar.
3. The property is zoned Commercial (C-1). Per section 18.36.10 Yelm Municipal Code, the Commercial zone is intended to provide for the location of business centers to serve the needs of the community for convenience goods and services such as food, drugs, household supplies, and other uses related to, but lesser in scope, than downtown core area uses.  
Per section 18.36.20 YMC, service-oriented establishments are permitted in this zone.
4. According to section 18.12.105 YMC, a mobile food vending approval is required to site a mobile food vending cart or vehicle not part of a special event in any commercial zone within the city.
5. Per section 18.12.105 (B) YMC, the Site Plan Review Committee shall process mobile food vending applications as provided in chapter 18.10 YMC.
6. On March 2, 2022, Juan Martinez, submitted a mobile food vending application. The application materials included an application form, a site plan, and the project description.
7. On March 31, 2022, the applicant was notified the application is incomplete since the primary business didn’t have a site plan approval. (507 Taproom)
8. On March 31 ,2022 city has received a ministerial site plan review application for the primary business (507 taproom)
9. On April 28, 2022 a ministerial site plan approval for the primary business was issued.
10. The planning department has determined the project is exempt from SEPA review pursuant to Section 197-11-800 (1) WAC and Section 18.20.020 (A).
11. Chapter 18.16 YMC requires a determination that the infrastructure facilities necessary to serve a proposed development are in place or planned for and properly funded with a

reasonable expectation that the facilities will be in place at the time needed to preserve adopted levels of service.

- a. Concurrency with sewer infrastructure means the project is within an area approved for sewer pursuant to the adopted sewer comprehensive plan for the City and improvements necessary to provide facilities and services are present to meet the needs of the proposed development.

The mobile food vendor unit is self-contained. Sewer connection is not required. This satisfies the concurrency requirement for sewer.

- b. Concurrency with water infrastructure means the project is within an area approved for municipal water service pursuant to the adopted water comprehensive plan for the City and improvements necessary to provide services are present.

The mobile food vendor unit is self-contained. Water connection is not required. This satisfies the concurrency requirement for water.

- c. Concurrency with transportation infrastructure means that the project completes frontage improvements, makes off-site improvements required for the safe movement of traffic and pedestrians if impacted by traffic from the development, and pays a traffic facilities charge.

Both frontages of the site are currently improved to City standards. No additional frontage improvements are required. This satisfies the concurrency for transportation infrastructure.

Transportation facility charges are not required as the use is not located on the site permanently, but on and off the site at different times.

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

The project does not impact schools as it does not increase student population therefore it's exempt from school impact fees.

- e. Concurrency with fire protection means the developer pays a fire impact fee at the time of construction.

The project does not include construction of new structures and therefore a fire impact fee is not required.

12. The Yelm Critical Areas and Resource Lands, Chapter 18.21 YMC provides protection for critical aquifer recharge areas, frequently flooded areas, wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas.

- a. All of Yelm is identified as a critical aquifer recharge area. Compliance with Federal, State, and County water source protection regulations and with the City's adopted stormwater regulations is required to protect the aquifer [Section 18.21.070(C) YMC].

- b. The Mazama Pocket Gopher has been listed as a threatened species by the Washington Department of Fish and Wildlife since at least 2008. Yelm has protected this species through the implementation of the Critical Areas Code. When a development occurs

on property suspected to be occupied by the Mazama Pocket Gopher, the Planning Department has required the applicant prepare a critical areas report which would include mitigation measures if it was determined that pocket gophers would be impacted by the proposed development. The Washington Department of Fish and Wildlife is provided with notice of all threshold determinations issued pursuant to the State Environmental Policy Act and the City consults with the Department when a critical areas report is required.

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

13. All of Yelm is considered a critical aquifer discharge area. The control and treatment of stormwater is required to protect the critical aquifer. The City has adopted the latest edition (2019) of the Stormwater Management Manual for Western Washington (SWMMWW) published by the Washington Department of Ecology [Chapter 18.27 YMC].

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

14. Title 18 YMC is the Unified Development Code for the City of Yelm and establishes standards for development within the various zoning districts. The subject property is identified by the Zoning Map as being within the C-1 zoning district. Chapter 18.36 provides guidance for the C-1 district.

- a. Service oriented establishments are a permitted use in the C-1 zoning district [Section 18.36.020(B) YMC].

- b. Setback requirements for the C-1 zoning district are 15-foot front yard, 10-foot side yards, and 20-foot rear yard [Section 18.36.040 YMC].

The proposed location of the mobile vending unit meets setback requirements.

- c. Buildings in the C-1 zoning district may be up to 40 feet in height [Section 18.36.040 YMC].

15. Establishments for the sale and consumption of food and beverages require a minimum of one parking space per 200 square feet of gross floor area [Section 18.54.030 YMC].

The unit is mobile and located at a site that has improved parking available. Adequate parking is available for both the existing establishment, and the mobile food vending unit.

- a. All stalls are required to be 8.5 ft. × 20 ft. according to Chapter 2 of Yelm Development Guidelines.

Aerial image shows parking stalls are 8 ft. × 17 ft. which does not meet City standards. Proof of compliance is required.

- b. All aisle widths are required to be at least 23 feet in width for parking stalls at an angle of 90 degrees pursuant to Chapter 2 of Yelm Development Guidelines.

Proof of 23 foot aisle widths and a parking lot design map is required.

These standards must be met by 507 Taproom.

16. Chapter 18.55 YMC establishes landscaping requirements for various types of development. The site complies with the requirements of the Code.
17. Chapter 18.59 YMC regulates site planning during development.
  - a. Section 18.59.040 YMC requires that trash enclosures incorporate the architectural feature of the primary structure and landscaping. Trash enclosures should be located to the rear of the site, and not located between a street and building, and location approved by the local provider. The enclosure shall be constructed of CMU, wood or architectural steel, with gates of similar durable materials [Section 18.59.040 YMC].

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

These standards must be met by 507 Taproom.
  - b. Section 18.59.050 YMC provides guidance for illumination. Walkways shall be lit to a minimum of 2 foot candles. Parking lot illumination levels shall not exceed 0.1 foot candle at five feet past the edge of the property line(s). Fixtures shall be mounted to a maximum of 20 feet above grade.

These standards must be met by 507 Taproom.
18. Per section 18.68.020 YMC, mobile food vendors may be located on a private property. All mobile food vendors are required to obtain a city business license and be approved by the Thurston County health department. Mobile food vendors may not impede pedestrian or vehicular movements within the public right-of-way.

The applicant has an active City of Yelm business license.
19. The maximum size for mobile food unit, including accessory structures, is 300 square feet.

The proposed unit is 144 sq. ft.
20. A canopy or umbrella may be included with the mobile food unit. The canopy or umbrella should be of vinyl, canvas, or similar durable material. All parts of the canopy or umbrella must have a minimum of seven feet of vertical clearance to the ground.

The applicant is not using a canopy or an umbrella.
21. Accessory seating and tables must meet the standards of the Americans with Disabilities Act.

The applicant is not proposing outdoor seating. Truck will be to-go only with options of seating inside the taproom.
22. Restroom facilities to be used by the mobile food employees shall be contained within the unit or located within 200 feet of the unit. If tables and chairs are provided for customer use, customer restroom facilities must be provided as required by the Thurston County health department. Written approval from the property owner of the restroom facility must be provided before approval of the mobile food vending application.

Restroom facilities are provided pursuant to the restroom agreement between the mobile food vendor and adjoining business. (507 taproom)

23. Mobile food vendors must meet the setbacks to private property lines of the zoning district in which the use is located.

The location of the mobile vending unit meets the required setbacks.

24. Mobile food vendor units must be self-contained.

The mobile food vending unit is self-contained.

25. Electrical power generators are not permitted unless noise impacts can be mitigated.

The applicant does not propose to use a generator.

26. Utility service connections are permitted. Electrical service connections may be permitted by an adjacent property owner when the following requirements are met:

- A. Electrical lines are not allowed overhead or lying on the sidewalk.
- B. The outlet location must be placed outside walkways which are accessible to the public.
- C. Hookup must be permanently wired to the retail stand and meet National Electrical Code requirements as to type, size and grounding, terminating in an approved outside weatherproof type receptacle.

The applicant must work with building department to ensure safe connection to 507 taproom.

27. Mobile food vendors must keep the site clean and orderly at all times, and pick up all refuse or debris. All vendors must provide a refuse container for customer use.

A refuse container is required to be provided for customer use.

28. Mobile food vendors located within parking lots shall not occupy more than 15 percent of the parking spaces required for the primary use of the property, and provide safe vehicular maneuvering area for its customers.

The mobile food vending unit is occupying three approved parking spaces, and does not reduce minimum parking requirements. The window serving the customers must be facing the sidewalk to ensure customers' safety.

29. Mobile food vendors located within public right-of-way must:

- A. Be located at least 100 feet from an existing food establishment. This minimum distance may be reduced or waived if the existing establishment provides written statement approving the location.
- B. Assure the public sidewalk remains accessible under the Americans with Disabilities Act.
- C. Obtain and maintain liability and property damage insurance coverage, in the amount of \$1,000,000, naming the city as the co-insured, and sign an agreement to indemnify and hold the city harmless.

The mobile food vending unit is not located within public right-of-way.

## CONCLUSIONS OF LAW

- A. Section 18.12.105 (B) YMC allows the Site Plan Review Committee to process mobile food vending applications as provided in chapter 18.10 YMC.
- B. A mobile food vending application shall be approved if the proposal complies with all applicable development, construction, and design standards of the Unified Development Code.
- C. The proposal, as submitted, is generally consistent with the development, construction, and design standards of the Unified Development Code if certain mitigating measures are applied.
- D. A refuse container is required to be provided for customer use.
- E. The approval of a mobile food vending is valid for twelve (12) months. This permit will be expired on May 10<sup>th</sup>, 2023.

## DECISION

The request for mobile food vending approval is hereby granted subject to the conditions contained in the conclusions above.

Dated this 11<sup>th</sup> day of May, 2022



London Hawes  
Planning and Building Manager



Derek McCoy for Cody Colt  
Public Works Director



Chris Vaccaro  
Building Official

Prepared this 11<sup>th</sup> day of May, 2022



Maryam Moeinian  
Associate Planner

## APPEAL

The Site Plan Review Committee's decision in this matter may be appealed pursuant to Chapter 18.10 YMC, to the City of Yelm Hearing Examiner no later than 21 days from the date of this decision. An appeal must be in writing, contain specific factual objections, and include the appeal fee of \$1,250.00.