

NOTICE OF DECISION

DATE: April 7, 2023
PROJECT NAME: SE Reservoir
PROJECT LOCATION: 17021 103rd Ave. SE, Yelm, WA
PARCEL NUMBER: 64303100500
CASE NUMBER: 2022.0046

NOTICE IS HEREBY GIVEN that the Public Services Department issues a short subdivision approval to Patrick Hughes at the above referenced location.

The complete decision may be viewed on the City's website at www.yelmwa.gov and choosing 'I Want To' then 'View' then 'Public Notices' from the menu system. A copy of the decision may also be obtained at the Public Services 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 360-400-5003.

Short Subdivision 2022.0046 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION FINDINGS OF FACT

1. Patrick Hughes proposes to subdivide a 5.62-acre parcel into two parcels (one 1.353-acre parcel and one 4.266-acre parcel). An essential public facility as a water reservoir is proposed on the 1.353-acre parcel, the subdivision is located at 17021 103rd Ave. SE, Yelm, WA, identified by Tax Parcel Number 64303100500.
2. The property is currently undeveloped with pavement. Previously the property was a single-family home. The properties to the East is a single-family home and the property to the South (the newly subdivided property) will be multifamily dwelling units.
3. The property is zoned Moderate-Density Residential (R-6) which is codified at Chapter 18.32 YMC. The R-6 district is intended to enhance and guide development of moderate density, and to provide for a greater variety of housing types. [Section 18.32.010 YMC].
4. Patrick Hughes submitted a short subdivision application on April 5, 2022, and it was determined to be complete on May 25, 2022.
5. As required by Section 18.10.050 YMC, the Yelm Public Services Department mailed a Notice of Application to local and state agencies and surrounding property owners on June 28, 2022. In addition, the notice was published on the City's website on June 28, 2022 and published in the Nisqually Valley News on June 28, 2022.

6. The City of Yelm SEPA Responsible Official issued a Determination of Non-Significance based on WAC 197-11-158 on November 23, 2022.
 - a) Comments were received from the Department of Ecology stating:
 1. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department or Department of Ecology for proper management of these materials.
 2. If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Thomas Middleton with the SWRO, Toxics Cleanup Program at the phone number provided above.
 3. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State;
and

Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.

This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
Any size construction activity discharging stormwater to waters of the State that Ecology:

Determines to be a significant contributor of pollutants to waters of the State of Washington.

Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment

control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Evan Wood at evan.wood@ecy.wa.gov, or by phone at (360) 706-4599.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application>.

Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

- b) Comments were received by the Nisqually Indian Tribe on November 29th, 2022 stating that no they had no specific comments or concerns at the time, Brad Beach asked if there were any Inadvertent Discoveries of Archaeological Resources/Human Burials to please inform the tribe. Brad also stated although there were no specific comments at the time the Nisqually Indian Tribe respects the traditional cultural knowledge of affected tribes and supports their opinions on the matter as well.
 - c) Comments were received from Shaun Dinubilo from the Squaxin Island Tribe stating: we have no specific cultural resource concerns for this project. However, if DAHP recommends a survey, or any other additional recommendations, we concur with DAHP's recommendations. If any archaeological or cultural resources are uncovered during implementation, please half work in the area of discovery and contact DAHP and the Squaxin Island Tribe's Archaeologist Shaun Dinubilo.
7. 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. Chapter 13.08 YMC and Chapter 5 of the Development Guidelines establish requirements for connection to the City's sewer system.
 - 1. The proposed development is not connected to City sewer service. This development does not need to connect to City sewer service.
8. 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. Chapter 13.04 YMC and Chapter 4 of the Development Guidelines establish requirements for connection to the City's water system.

1. The proposed development does not need to connect to City water service.
- b) Concurrency with transportation infrastructure means that the project completes frontage improvements, makes off-site improvements required for the safe movement of traffic and pedestrians if impacted by traffic from the development, and pays a traffic facilities charge.
 1. The parcel fronts 103rd Ave. SE, and Walmart Blvd. SE, both are considered local access residential. Walmart Blvd. SE, is scheduled to be reconstructed as the Yelm Loop, part of the intersection improvements for the Loop will be constructed along the 103rd Ave. SE, as well. A deferral of frontage improvements would be favorable for the City.
 2. Transportation Facility Charges are due and payable at the time of building permit issuance.
 3. Transportation facilities charges are required for any new PM peak hour trips generated by this project. PM peak hour trips are calculated using the 11th generation ITE trip generation manual.
 4. The land use code 170 (utility) was used to generate potential trips for the proposal. At 2.16 trips per 1,000 square feet of gross floor area and the accessory building having a gross floor area of 378 feet, the amount of trips equal out to .812 new trips.
- c) Concurrency with fire protection means the developer pays a fire impact fee at the time of construction.
 1. Payment of the Fire Impact Fee at the time of building permit issuance satisfies concurrency requirements. Frontage improvements are required as part of development in the City [Section 18.16.050 YMC].
9. 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 the City's adopted stormwater regulations is required to protect the aquifer. [Section 18.21.070 (C) YMC]
 - b) Important animal and plant species, their habitats of primary association, and other important habitats are protected under YMC 18.21, Critical Areas and Resource Lands. This property is mapped with soils that often contain the presence of priority species (Mazama Pocket Gopher/MPG).
 1. The property was previously developed as a house, and currently has pavement over most of the site; no Pocket Gopher screening was required based on the Mazama Pocket Gopher protocol-preclusions. On April 8, 2014, the U.S. Fish and Wildlife Service listed four subspecies of the Mazama Pocket Gopher (MPG) under the Endangered Species Act. It is the responsibility of the landowner to be aware of any species listing under the federal Endangered Species Act and comply with applicable federal regulations. Approval of this and other City permits may be

superseded by federal law. Endangered species cannot be harmed at any time, even after permit issuance. If any are found during development, the applicant should contact the U. S. Fish and Wildlife Services and the City of Yelm.

10. All of Yelm is considered a critical aquifer discharge area. The control and treatment of stormwater is required to protect the critical aquifer. The City has adopted the latest edition of the Stormwater Management manual for Western Washington (SMMWW) published by the Washington Department of Ecology [Chapter 18.27 YMC].
 - a) If a stormwater report is required by Yelms civil engineer, a stormwater report meeting the most recent SMMWW would be required at the civil plan submission.
11. Fire protection to the buildings must be provided per the International Fire Code. The specific requirements for installation of additional fire hydrants will be determined during civil plan review. The International building code (IBC) provides occupancy ratings for different types of uses. The fire coverage system for the proposed use must meet IBC requirements”
 - a) Identified in the 2002 City of Yelm Water Comprehensive Plan is a requirement to install fire hydrant locks as part of the City’s water conservation and accountability program.
12. 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 R-6 zoning district. The property to the North and West is developed as residential.
 - a) Essential public facilities are allowed in the R-6 zoning district as a permitted use [Section 18.32.020 YMC].
 - b) Setback requirements for the R-6 zoning district are a 15-foot front yard along local access streets, 5-foot side yards, 15-foot flanking yards, and 25-foot rear yard [Section 18.32.040 YMC].
 1. The proposed building meets the R-6 setback requirements.
 - c) Buildings in the R-6 zoning district may be up to 35 feet in height [Section 18.32.040 YMC].
 1. Due to the proposals classification of a reservoir and being an essential public facility the building heights under Chapter 18.32.040 YMC would not be applicable.
 2. The accessory building must meet all setback requirements of Chapter 18.32.040 YMC.
 - o The proposed accessory building meets the R-6 setback requirements.
13. Chapter 18.52 YMC provides guidance for ingress and egress.
 - a) An ingress and egress is proposed on 103rd Ave. SE.
 - b) The ingress and egress (driveway) shall not be smaller than 20 feet and the widths and spacing shall be designed following the Institute of Transportation Engineers (ITE) Guideline for Driveway Design and Location (latest edition).
14. Chapter 18.54 YMC provides guidance for parking requirements.
 - a) Off-street parking requirements for uses similar or related to, or any use not specifically

listed under Chapter 18.54 YMC, shall be determined by the site plan review committee on the basis of the requirement for similar uses, and on the basis of evidence of actual demand created for similar or related uses in Yelm, and such other traffic engineering or planning data as may be available and appropriate for the establishment of minimum and maximum parking requirements.

- b) The site plan review committee has determined two parking spaces would be adequate for maintenance vehicles of the reservoir.
15. Chapter 18.57.090 YMC requires the preservation of trees with new development.
- a) Land clearing shall be accomplished in a manner that will not create or contribute to landslides, creep soil, and settlement and subsidence on the property or adjoining properties.
 - b) Trees to be retained shall be flagged or marked in some manner so as to make it clear the tree or groups of trees are to be retained.
 - c) Trees and groups of trees shall have temporary fencing installed around the drip line and must be installed prior to any site work.
16. Title 18 YMC provides guidance and regulation for site planning during development. Chapter 18.55 establishes landscaping requirements for various types of development.
- a) Dense site barriers are required to provide a physical buffer to buffer conflicting uses.
 - 1. A minimum of 15 feet of landscaping following Chapter 18.55.020 A YMC is required on the East and South side where two residential uses currently exist.
 - 2. A combination of trees, shrubs, fences, walls, earthen berms, and related plant materials or design features may be selected; provided, that the resultant effect is sight-obscuring from adjoining properties and will be covered within 3 years with plant materials/living groundcover.
 - b) Perimeter landscaping is intended to provide separation of uses from streets, and visual separation of compatible uses to soften the appearance of streets, parking areas, and building elevation
 - 1. A minimum of 8 feet of landscaping following Chapter 18.55.020 B YMC is required on the West and North side of the parcel.
 - 2. Any combination of evergreen and deciduous trees (no more than 50 percent being deciduous), shrubs, earthen berms and related plant materials or design features may be selected.
 - 3. All plant materials and living groundcover must be selected and maintained so that the entire landscaped area will be covered within 3 years.
 - c) Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas [18.55.020(C)].
 - 1. Streetscape landscaping is considered part of frontage improvements; the proposed site will have a deferral of frontage improvements.
 - d) Parking lot landscaping is required to provide visual relief and shade in parking

areas following Chapter 18.55.020 D YMC.

1. Alternative landscaping will be used to satisfy the criteria of Chapter 18.55.020 D.
 2. Permanent curbs and/or structural barriers shall be provided to protect the plantings from vehicle overhang.
- e) Stormwater Facility Landscaping includes landscaping of the stormwater facility to be incorporated with all on-site landscaping. If stormwater is required, any above ground stormwater facilities shall have stormwater facility landscaping in compliance with Section 18.55.020 (E).
1. The trees around the stormwater pond satisfy the requirement for incorporation with all on-site landscaping.
 2. The stormwater pond is located at the rear of the lot.
 3. The floor and slopes of the stormwater pond shall be planted with vegetation suitable for hydric soils.
- f) Alternative landscaping is being proposed for this project under Chapter 18.55.030 YMC, which provides for a better solution in terms of public benefit.
1. Alternative landscaping proposed on this site is the incorporation and protection of significant trees, vegetation, and slopes.
 2. Retaining natural vegetation or stands of trees that existed prior to development.
 3. Alternative landscaping will be used in place of parking lot landscaping and to help buffer perimeter/dense site barrier landscaping.
17. Chapter 18.61 YMC provides requirements for building design.
- a) All buildings must adhere to the allowed materials and colors, and roof-mounted mechanical equipment shall be screened pursuant to Chapter 18.61.050 YMC.
1. Metal siding over 25 percent of a building's façade must have a matted finish in a neutral or earth tone color, and must include visible window and door trim painted or finished in a complementary color and corner and edge trim that cover exposed edges of the sheet metal panels.
 2. Pre-finished metal roofing must have standing seams and muted colors.
 3. Concrete block walls, or exposed concrete surfaces that are visible from a public street or park must be architecturally treated by split face or grooved surface, colored mortar, or other masonry types in conjunctions with concrete blocks.
 4. Architecturally finished vinyl or fiberglass material used for wall surface must not possess sheen.
 5. Stucco surfaces must be finished.
 6. Terra cotta tile.
 7. Clear or lightly tinted glass.
 8. Natural copper or bronze.
 9. Wood shingles/shakes. Wood siding and wood product panels shall be weather resistant, and all edges and seams covered or trimmed.

10. Architectural polymers and plastics are prohibited for exterior walls.
11. Backlit vinyl or plastic awning illumination is limited to a single fluorescent tube the length of the awning or canopy.

Proof of compliance is due at building permit submittal [18.61.050(A)]. The following materials are prohibited:

12. Mirrored glass, corrugated fiberglass, and chain link fencing, when visible from the street (except for temporary purposes such as a construction site).
13. Corrugated roofing or siding, and fiberglass.
14. Galvanized roofing.
15. T-111, fiberboard, and untreated plywood siding.
16. Applied aggregate finishes (“marble-crete”).
17. Mirrored or opaque glass [18.61.050(B)].

CONCLUSIONS OF LAW

- A. Section 18.13.020 (B) YMC allows the Site Plan Review Committee to approve a proposal when the preliminary site plan conforms to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances.
- B. Patrick Hughes has established that the request for site plan review approval can satisfy all criteria set forth in Section 18.13.020(C) YMC, meet all requirements of the R-6 Moderate-Density Residential Zoning classification, and meet all other requirements of the Yelm Municipal Code. Therefore, the preliminary site plan should be approved subject to the following conditions:
 - 1. If a stormwater report is required by the City of Yelm civil review engineer, a stormwater report meeting the most recent SMMWW would be required at the civil plan submission.
 - 2. The ingress and egress (driveway) shall not be smaller than 20 feet and the widths and spacing shall be designed following the Institute of Transportation Engineers (ITE) Guideline for Driveway Design and Location (latest edition).
 - 3. The site plan review committee has determined two parking spaces would be adequate for maintenance vehicles of the reservoir.
 - 4. Trees to be retained shall be flagged or marked in some manner so as to make it clear the tree or groups of trees are to be retained.
 - 5. Trees and groups of trees shall have temporary fencing installed around the drip line and must be installed prior to any site work.
 - 6. A minimum of 15 feet of landscaping following Chapter 18.55.020 A YMC is required on the East and South side where two residential uses currently exist.
 - 7. A combination of trees, shrubs, fences, walls, earthen berms, and related plant materials or design features may be selected; provided, that the resultant effect is sight-obscuring from adjoining properties and will be covered within 3 years with plant materials/living groundcover.
 - 8. A minimum of 8 feet of landscaping following Chapter 18.55.020 B YMC is required on the West and North side of the parcel.
 - 9. Any combination of evergreen and deciduous trees (no more than 50 percent being deciduous), shrubs, earthen berms and related plant materials or design features may be selected.
 - 10. All plant materials and living groundcover must be selected and maintained so that the entire landscaped area will be covered within 3 years.
 - 11. Alternative landscaping will be used to satisfy the criteria of Chapter 18.55.020 D.
 - 12. Permanent curbs and/or structural barriers shall be provided to protect the plantings from vehicle overhang.
 - 13. The floor and slopes of the stormwater pond shall be planted with vegetation suitable for hydric soils.
 - 14. Alternative landscaping will be used in place of parking lot landscaping and to

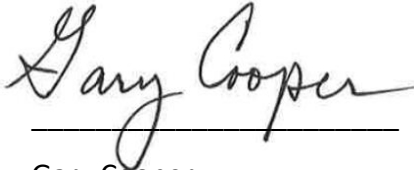
help buffer perimeter/dense site barrier landscaping.

15. A deferral of frontage improvements must be made.
 16. The water reservoir and accessory building must follow all R-6 setback requirements.
 17. All driveways and parking areas shall be paved.
 18. All buildings must adhere to the allowed materials and color pursuant to Chapter 18.61.050 YMC.
 19. If any Inadvertent Discoveries of Archaeological Resources/Human Burials are found, please contact the Nisqually Indian Tribe and the Squaxin Island Tribe's Archaeologist.
- C. The site plan is valid for eighteen (18) months from the date of this approval. The applicant may request a six-month extension on the approval, if the request is made in writing prior to the expiration date of this approval.

DECISION

The request for site plan review approval is hereby granted subject to the conditions contained in the conclusions above.

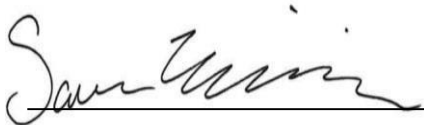
Dated this 7th day of April, 2023

A handwritten signature in cursive script that reads "Gary Cooper". The signature is written in black ink and is positioned above a horizontal line.

Gary Cooper,

Planning and Building Manager

Prepared this 7th day of April, 2023

A handwritten signature in cursive script that reads "Sara Williams". The signature is written in black ink and is positioned above a horizontal line.

Sara Williams,

Assistant 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.