



City of Yelm
EST. 1924
WASHINGTON

NOTICE OF DECISION

DATE: February 12, 2024
PROJECT NAME: Eagle Plaza Retail
PROJECT LOCATION: 937 Yelm Avenue
PARCEL NUMBER: 45170000400
CASE NUMBER: MU 2023.0195

NOTICE IS HEREBY GIVEN that the Public Services Department issued an Administrative Site Plan Review approval to Melena Stewart of Helix Design Group for the above referenced project.

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 in City Hall 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.

ADMINISTRATIVE SITE PLAN REVIEW

FINDINGS OF FACT

1. Melena Stewart of Helix Design Group proposes to construct a 6,300 square foot building with two businesses, one of which is a coffee shop with a drive thru. The site is located at 937 Yelm Avenue.
2. The property is zoned C-1 Commercial which is codified at Chapter 18.36 YMC and allows retail and service oriented establishments.
3. Melena Stewart applied for an Administrative Review on December 7, 2023 and the application was determined to be complete on December 18, 2023. The application included a Trip Generation Report, Preliminary Site Plan, Preliminary Utility Plans, and Landscaping Plans.
4. As required by Section 18.10.050 YMC, the Yelm Planning & Building Department mailed a Notice of Application to local and state agencies and surrounding property owners on 12/18/2023. In addition, the notice was published in the Nisqually Valley News on 12/21/2023. No comments were received.
5. The project is a part of the 2008 Binding Site Plan to construct a 36,000 square feet medical office building, and three commercial buildings equaling approximately 32,786 square feet retail with associated parking.
6. The City of Yelm SEPA responsible official issued a Mitigated Determination of Non-Significance on October 14, 2008. Consistent with the MDNS, this project will be subject to the standard Traffic Facilities Charge per PM peak hour trip and additional traffic mitigation measures as follows:
 - A. \$137.20 per PM peak hour trip for the Longmire Street/Yelm Avenue traffic signal.
 - B. \$322.68 per PM peak hour trip for the realignment of 93rd Avenue/Burnett Road.
 - C. \$63.06 per PM peak hour trip for the construction of the Coates Road extension.
7. A trip generation report completed by SCJ Alliance concludes that Starbucks will generate 19 PM peak hour trips and the general commercial, identified as "Strip Retail Plaza" will generate 16 PM peak hour trips. A credit of 16 PM peak trips will be allocated to the general retail site. Traffic Impact Fees are due and payable at the time of building permit issuance.
 - A. If the tenant of the general commercial building exceeds 16 PM peak trips the tenant will be responsible for the difference.
8. Chapter 13.04 YMC and Chapter 6 of the Development Guidelines establish requirements for connection to the City's water system.

The site will need to connect to City water service.

One water connection is equal to 875 cubic feet of water per month. The civil engineer shall provide estimated water calculations at the time of civil plan review to determine the number of connections needed to serve this project.

The City has implemented a cross-connection and backflow control program pursuant to Title 43 RCW and Chapter 248-54 WAC [Section 13.04.220 YMC]. A backflow prevention

assembly is required to protect Yelm’s water system from cross-connections from all new development [Section 13.04.220 (D) YMC]. A reduced pressure backflow assembly is required on the commercial meter.

9. Chapter 13.08 YMC and Chapter 7 of the Development Guidelines establish requirements for connection to the City’s sewer system.
 - A. The site is will need to be connected to City sewer service. Sewer connections are based on water usage. Proposed water calculations will be used to determine the number of sewer connections that will be required. Any commercial use that potentially generates Fats, Oils, or Greases (FOG) are required to remove FOG from the wastewater before it enters the STEP tank through grease traps and grease interceptors. Proof of compliance with FOG regulations is required at civil plan submission.
10. 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.
 - 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.
 - C. Concurrency with transportation infrastructure means that the project completes frontage improvements in accordance with requirements of pedestrian oriented streets, and pays the traffic facilities charges listed above. The pedestrian oriented requirement will be met with a screen wall/ trellis with additional plantings at the corner of the shopping center, and a pathway that connects to the outdoor seating area.
 - i. A 42” railing must be installed surrounding the outdoor seating area in addition to the landscaping buffer for the outdoor seating areas.
 - D. Concurrency with fire protection means the developer pays a fire impact fee at the time of construction. Payment of the Fire Impact Fee at the time of building permit issuance satisfies concurrency requirements
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.
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 Community Development 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.

In April, 2014, the U.S. Fish and Wildlife Service listed the Yelm subspecies of the Mazama Pocket Gopher as threatened under the Endangered Species Act. While the City of Yelm is not responsible for implementation or enforcement of the Endangered Species Act, it consults with the Service and provides notice to applicants that the pocket gopher is a federally protected species and a permit from the U.S. Fish and Wildlife Service may be required.

As this site is already disturbed, and completely surrounded by impervious surfaces, a gopher study is not required. Compliance with Yelm’s requirements under the Critical Areas Code does not ensure compliance with the provisions of the Endangered Species Act. The applicant should contact the US Fish and Wildlife Service with any questions about compliance with Federal standards for threatened species.

CONCLUSIONS OF LAW & CONDITIONS OF APPROVAL

- A. Section 18.12.060 (B) YMC allows the Site Plan Review Committee to approve preliminary administrative site plans when the site conforms to the standards, provisions, and policies of the city as expressed in its various adopted plans and ordinances.
- B. Melena Stewart / Helix Design Group has established that the proposed site can satisfy all criteria set forth in Section 18.12.060(C) YMC, meet all requirements of the C-1 Commercial Zoning classification, and meet all other requirements of the Yelm Municipal Code. Therefore, the site should be approved subject to the following conditions:
 - 1. Install 42” railing surrounding the outdoor seating area.
 - 2. Pay Traffic Facilities Charge per PM peak hour trip and additional traffic mitigation measures as listed in the 2008 MDNS.
 - i. \$137.20 per PM peak hour trip for the Longmire Street/Yelm Avenue traffic signal.
 - ii. \$322.68 per PM peak hour trip for the realignment of 93rd Avenue/Burnett Road.

- iii. \$63.06 per PM peak hour trip for the construction of the Coates Road extension.
 - 3. If the tenant of the general commercial building exceeds 16 PM peak trips the tenant will be responsible for the difference.
- 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.
- D. All conditions of this approval must be met before a certificate of occupancy will be issued.

DECISION

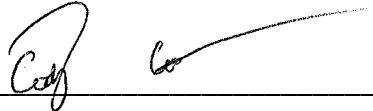
The request for Preliminary Site Plan approval is hereby granted to Melena Stewart / Helix Design Group, subject to the conditions contained in the conclusions above.

Dated this 12th day of February, 2024



Gary Cooper

Planning and Building Manager



Cody Colt

Public Services Director

Prepared this 8th day of January, 2024



Andrew Kollar

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.