



City of Yelm
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WASHINGTON

NOTICE OF DECISION

ADMINISTRATIVE SUBDIVISION 2023.0089

DATE: February 6th, 2024
PROJECT NAME: Liberty Grove
PROJECT LOCATION: 10143 Grove Rd SE, Yelm, WA 98597
PARCEL NUMBER: 51540302700
CASE NUMBER: LD.2023.0089

NOTICE IS HEREBY GIVEN that the Public Services Department issued an administrative subdivision approval to Jessica Bruce 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. For additional information, including how to obtain a print version of this decision, please contact assistant planner Clayton Wiebe at claytonw@yelmwa.gov or (360) 584-4204.

FINDINGS OF FACT

1. Jessica Bruce/AHBL propose to subdivide Assessor's Tax Parcel number 51540302700 into 24 residential lots in order to construct 24 single-family residences. The site is located at 10143 Grove Rd SE, Yelm, WA 98597.
2. The property currently contains a single-family residence, which will be demolished prior to site development.
3. The property is zoned Moderate-Density Residential (R-6), which is codified in Chapter [18.32 YMC](#). This zone allows between 3-6 dwelling units per acre. When calculating allowed density, gross area is used. Gross area includes land allocated for open space as well as streets, roads, and public rights-of-way ([18.30.010\[C\] YMC](#)). The gross area of the property is 5.01 acres. With 24 proposed dwelling units, the density for this subdivision will be 4.8 dwelling units per acre, which is within the allowable range for the R-6 zone.
4. Jessica Bruce submitted a land use application on 6/28/2023, which was determined to be complete on 10/12/2023. The application materials included preliminary civil plans, trip generation report, title report, and relevant environmental documents.
5. 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 10/18/2023. In addition, the notice was published in the Nisqually Valley News on 10/26/2023.

During the public comment period, one nearby resident commented to inform the City and the project developers that there is the potential for flooding in the area, expressing concern that the subject property has been inundated with water at certain times in the past several years. This comment was forwarded to the project developers and discussed internally among City staff.

Thurston County geodata mapping indicates a high ground water area directly to the east of the subject property. Through implementation of the management practices found in the most recent Stormwater Management Manual for Western Washington, the conditions on the subject property should improve thanks to better infiltration of onsite surface water.

6. 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 water and sewer requirements will be met at time of construction, with each single-family residence being connected to City water and sewer systems.
- 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.

The parcel fronts Grove Rd. Frontage improvements are required along Grove Rd, and the internal access road shall be constructed to City standards for a local access residential street.

Transportation Facility Charges are due and payable upon the issuance of a building permit for construction of each lot; this will satisfy concurrency for transportation.

According to the 11th Edition of the ITE Trip Generation Manual, the proposed development is expected to generate roughly 22.56 new PM peak hour trips (0.94 new peak PM trips per dwelling unit).

- c. Concurrency with school infrastructure means the developer pays a school impact fee upon issuance of the building permit for construction on each lot.

Payment of the school impact fee at the time of building permit issuance will satisfy the concurrency requirement for schools.

- d. Concurrency with fire protection means the developer pays a fire impact fee upon issuance of the building permit for construction on each lot.

Payment of the Fire Impact Fee at the time of building permit issuance will satisfy the concurrency requirement for fire protection.

7. The City of Yelm SEPA responsible official issued a Determination of Non-Significance on 12/1/2023. Comments were received from the Washington State Department of Ecology (ECY), which noted that the project is subject to existing regulations regarding solid waste

management and toxics cleanup. As the comments from ECY reflect existing regulations and did not note any potential significant adverse environmental impacts attributable to the proposed development, no further action was taken by the SEPA responsible official.

8. 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](#)]. The City has adopted the latest edition of the SWMMWW published by the Washington Department of Ecology (see Chapter [18.27 YMC](#)).
 - b. In April, 2014, the U.S. Fish and Wildlife Service listed the Yelm subspecies of the Mazama Pocket Gopher (MPG) 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.

The site has low to medium preferred soils for Mazama Pocket Gopher. The applicant provided an MPG Screening document dated 9/18/2023 which found no evidence of MPG on the subject property.
9. 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.

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.
10. [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 located within the R-6 zoning district.

- a. Setback requirements for the R-6 zoning district are 15 feet front yard from a local access street, 25 feet front yard from a collector street, 5 feet side yards, 15 feet flanking yard, and 25 feet rear yard (Section [18.32.040 YMC](#)).

The initial conceptual site plan shows conformance with the required setbacks.

- b. Buildings in the R-6 zoning district may be up to 35 feet in height (Section [18.32.040 YMC](#)).

Building heights will be reviewed prior to issuance of any building permits for single-family residences.

- c. Chapter [18.52 YMC](#) provides guidance for ingress and egress. The internal access road connects to Grove Rd. The internal access road layout features two dead-end cul-de-sacs. Each single-family residence will access the internal roads through an individual driveway or a shared driveway. The proposed means of access meet the requirements of Chapter [18.52 YMC](#).

- d. Detached single-family residences require two parking spaces for each unit with a minimum 20 feet driveway approach. The initial site plan meets minimum parking requirements.

- 11. Chapter [18.55 YMC](#) establishes landscaping requirements for various types of development.

- a. Perimeter landscaping, or a perimeter fence, is required for residential developments; the concept landscaping plans feature a 6-foot high solid board fence, which satisfies the perimeter landscape requirement.

- b. The proposed frontage improvements and internal roads require streetscape landscaping to provide visual relief and separation of pedestrians from streets.

The concept landscaping plan depicts 42 total planted street trees. A full landscape plan conforming to all aspects of Chapter [18.55.020\[C\] YMC](#) will be required during Civil Plan Review. Final landscaping plans must feature street trees from the approved street tree list.

- c. Section [18.55.070 YMC](#) requires that the owner/developer of any project requiring subdivision approval shall provide a performance assurance device in order to provide

for maintenance of the required landscaping until the tenant or homeowners' association becomes responsible for landscaping maintenance. This performance assurance device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.

12. Chapter [18.56 YMC](#) requires residential developments to include equal to or greater than five percent of the gross area of the development as qualified open space. The proposed site plan provides sufficient area for required open space.
13. Chapter [18.57 YMC](#) requires any trees retained on site to be protected during development. The initial plan indicates one tree on site that will remain.
14. Section [18.59.050 YMC](#) provides guidance for illumination.

Adequate street lighting is necessary to provide safety to pedestrians, vehicles, and homeowners. Street lighting must be adequate prior to final subdivision approval.
15. Mailboxes for the site shall be cluster box units (CBU) and placed on site (Section [18.59.080 YMC](#)). The applicant shall coordinate with the U.S. Postal Service for the location of mailboxes

CONCLUSIONS OF LAW & CONDITIONS OF APPROVAL

- 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. Jessica Bruce/AHBL has established that the request for administrative subdivision can satisfy all criteria set forth in Section [18.13.040\(C\) YMC](#), meet all requirements of the R-6 Moderate-Density Residential zoning designation, and meet all other requirements of the Yelm Municipal Code. Therefore, the administrative subdivision shall be approved subject to the following conditions:
 1. The civil engineering plans shall include plans for the collection, treatment, and infiltration of stormwater in accordance with the most current version of the SWMMWW. The final stormwater plan shall include an operation and maintenance plan and an agreement to maintain stormwater facilities.

2. Stormwater facilities shall be located in separate recorded tracts owned and maintained by the homeowners' association. The stormwater system shall be held in common by the Homeowners Association and the homeowner's agreement shall include provisions for the assessment of fees against individual lots for the maintenance and repair of the stormwater facilities.
3. A final landscape plan must be submitted during Civil Plan Review showing perimeter, streetscape, and stormwater facility landscaping in compliance with Chapter [18.55 YMC](#).
4. Cross-connection backflow protection is required for all landscaping irrigation.
5. The applicant shall provide a performance assurance device in order to provide for maintenance of the required landscape for this subdivision, until the homeowners' association becomes responsible for the landscaping maintenance. The performance assurance device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.
6. Tree protection fencing shall be installed around the one tree that will remain on site in accordance with section [18.57.050 YMC](#).
7. An adequate street lighting plan must be submitted during Civil Plan Review.
8. Mailboxes for the site shall be cluster box units (CBU) and placed on site (Section [18.59.080 YMC](#)). The civil engineering plans shall include the proposed location and details for mailbox placement.
9. During Civil Plan Review, the applicant shall provide a search and report of adjacent wells and septic tanks along with their locations. Any onsite wells shall be decommissioned, and water rights dedicated to the City of Yelm. Any onsite septic systems shall be abandoned per Thurston County Health Department standards. Offsite wells within 100 feet of the property shall be identified, and a well protection radius provided. If there are no wells or septic tanks found, please provide a statement indicating this.
10. Prior to construction, civil engineering plans shall be submitted to the Planning & Building Department for review and approval. Civil plans submission shall be

consistent with the requirements of the Yelm Development Guidelines and shall include details on all required infrastructure.

11. The civil engineering plans shall include an addressing map for approval by the Building Official.
 12. During Civil Plan Review, the applicant shall submit a site plan depicting the sidewalk near Lot 14 connecting to the future driveway of Lot 14.
 13. During Civil Plan Review, the final landscaping plan shall conform to YMC 18.55.020[C.3.f]: “Planting theme shall be a ratio of three street trees to one accent tree.” Any proposed street trees shall be selected from the approved street tree list.
 14. SE Thurston Fire Authority has requested an additional fire hydrant at the intersection of internal access Road A and internal access Road B. Two of the proposed fire hydrants could conflict with the driveways for Lot 9 and Lot 14 and may need to be moved to ensure they do not block access. The final locations for all proposed fire hydrants are subject to approval during Civil Plan Review. The applicant shall submit fire flow calculations for all proposed hydrants and shall be responsible for the fee for hydrant locks on all fire hydrants.
- C. The administrative subdivision is valid for five (5) years from the date of this approval. The applicant may request a six-month extension of the approval, if the request is made in writing prior to the expiration date of this approval.

DECISION

The request for administrative subdivision approval is hereby granted subject to the conditions contained in the conclusions above.

Dated this 6th day of February, 2024



Gary Cooper

Planning & Building Manager



Clayton Wiebe

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.