

BEFORE THE CITY OF YELM HEARING EXAMINER

IN RE:) HEARING NO. 2022-0108
HABITAT FOR HUMANITY,) FINDINGS OF FACT, ANALYSIS
Applicant.) CONCLUSIONS OF LAW
AND DECISION

APPLICANT: Ben Fransua on behalf of Habitat for Humanity
711 Capitol way south, Suite 401
Olympia, WA 98501

REPRESENTATIVES: Mallory Dobbs, Civil Engineer
Tyrell Bradley, Civil Engineer

SUMMARY OF REQUEST:

Preliminary Plat approval for a 22 lot subdivision on a 2.3 acre parcel along Coates Road between Cullens Road and Longmire Road.

LOCATION OF PROPOSAL:

407 Longmire Street N.W., Yelm, 98597.

SUMMARY OF DECISION:

The Preliminary Plat Application is **approved** subject to slightly modified conditions.

BACKGROUND

The project proposes six detached single-family homes and sixteen attached townhomes in addition to an internal street. The project includes a request for a Planned Development Overlay, allowing its density to be increased to the proposed 22 residential lots. All of the proposed homes are intended to be affordable, with prices well below area median income. City Staff recommends approval of the proposed subdivision subject to various conditions. The project has been met with significant public response, mostly in opposition, largely due to concerns over parking and traffic.

*Findings of Fact, Analysis, Conclusions
of Law and Decision - 1*

CITY OF YELM HEARING EXAMINER
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PUBLIC HEARING

The Public Hearing commenced on Monday, October 9, 2023, at 1:00 p.m. in the City Council Chambers. The City appeared through Clayton Wiebe, Assistant Planner, along with Gary Cooper, Senior Planner, for the City. The Applicant, Habitat for Humanity, was represented by Ben Fransua and by the project's civil engineers, Mallory Dobbs and Tyrell Bradley. The Hearing occurred in a hybrid format allowing for both in-person testimony as well as remote testimony utilizing the Zoom platform with City Staff serving as the host. A verbatim recording was made of the proceeding and all testimony was taken under oath. Documents considered at the time of the Hearing were the Staff Report prepared by Mr. Wiebe along with its attachments, collectively identified as Exhibit 1. Mr. Wiebe alerted the Hearing Examiner that some additional public comments had been received just before commencement of the Hearing. These comments from Caitlin Messbarger and Kendra Mason were collectively recognized as Exhibit 2.

Testimony got under way with the presentation by Clayton Wiebe, Assistant Planner, with some additional information from Gary Cooper, Senior Planner (collectively, "Planning Staff"). The testimony of Planning Staff followed closely the Staff Report dated September 21, 2023. Staff explained that the project proposes to subdivide 2.3 acres into 22 residential lots including six detached single-family homes and 16 attached townhomes. The project proposes one internal street providing access to Longmire Street N.W. The Project is located within the R-6 Zoning District intended for moderate density residential development. The Project has been proposed with a Planned Residential Overlay to allow a density bonus of twenty percent (20%). Without this bonus the maximum density of the project would be six units per acre, or approximately 13 - 14 dwelling units total, but with the allowed density bonus it can increase to the requested 22 dwelling units.

The project has a street address of 407 Longmire Street. Immediately east is Coates Road

1 with the project site touching both Cullens Street to the north and Longmire to the south. To the
2 west is an existing development along Trump Avenue. Surrounding properties to the east, north
3 and south are predominately moderate density residential development with an assisted living
4 facility to the west and across Cullens Road. The project site is largely undeveloped but does
5 contain a single-family home and detached garage, both of which are slated for demolition.

6 The project is designed for ingress/egress from Longmire Street. Staff prefers this access
7 over either Cullens Road or Coates as Longmire is the least used of the three adjoining streets
8 and the City's design policies favor access onto the least used available street. Longmire is a
9 two-lane local access residential road with a speed limit of 25 m.p.h. and is currently without
10 sidewalks.

11 Staff acknowledges that the project has generated a considerable amount of public
12 comment, the majority of which has been in opposition. Those opposed express support for the
13 Applicant, Habitat for Humanity, but are nonetheless concerned about the project's density and
14 how that density will affect neighborhood parking and traffic. Other public concerns include
15 suitable access for emergency vehicles; impacts to schools and school transportation; and a more
16 intense level of development than is currently found in nearby residential areas. These concerns
17 are expressed in a number of written comments submitted in advance of the Hearing and
18 collectively identified as Exhibit A to the Staff Report. Staff responds to these concerns by
19 noting that the project has been designed to meet all requirements for fire and other emergency
20 service access; that its traffic impacts have been carefully analyzed through a professionally
21 prepared traffic impact analysis; and that the design includes the required two parking spaces per
22 residence, thus satisfying the City development regulations for parking; and that the projects
23 density is expressly allowed by the City's land use regulations. Staff therefore concludes that the
24 public's concerns have been adequately addressed and that the project satisfies the six
25 requirements of YMC 18.14.080 for approval of a planned residential development. Staff makes

1 particular note of the traffic impact analysis prepared by Heath & Associates and its conclusion
2 that the project is expected not have an adverse impact upon the level of service ("LOS") on
3 nearby streets or intersections even when taking into consideration other in-process
4 developments within the City. The TIA also notes that, when choosing whether to have access
5 off of Coates or Longmire Street, the better choice is Longmire.

6 City Staff therefore recommends approval of the planned residential development as set
7 forth in the Site Plan subject to the twelve conditions set forth in the Staff Report at pages 11 and
8 12. Staff adds that this recommendation is consistent with the City's new Housing Action Plan,
9 enacted June 2023, which recognizes that Yelm is one of the fastest growing communities in the
10 region and that it needs to find creative ways to encourage housing especially for those with low
11 to moderate incomes.

12 At the conclusion of the Staff's testimony, the Hearing Examiner posed several questions.
13 The Hearing Examiner noted that the site plan provides for no parking along the internal street
14 and asked why. Staff explained that the allowed density of the project reduces the area available
15 for roadway and that the reduced roadway must have clear access for fire and other emergency
16 services, resulting in there being no on-street parking. Each unit will have two parking stalls but
17 the project has not been designed for garages. The internal street will have curbs, gutters
18 sidewalks, landscape trees and landscape strips. The project must also provide frontage
19 improvements along Longmire including sidewalks, curbs, gutters, landscaping and lighting.
20 The sidewalk along Longmire will only extend to the property limits and not extend to other
21 properties or across the street. Frontage improvements already exist along Coates and Cullens
22 Roads such that the project does not require additional improvements along either of these
23 streets. The site is separated from residences along Trump Avenue to the south/west by a
24 common fence running the length of these properties. The proposed site plan does not identify
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1 additional buffer landscaping along this fence but does require the standard 25' rear lot line
2 setback.

3 Following Staff's presentation, testimony was received from the Applicant through its
4 civil engineer, Mallory Dobbs. Ms. Dobbs confirmed that the project does not propose any
5 onsite parking for the reasons already explained by City Staff but also due to the location of the
6 required pressure septic system along the fronts of these properties. The frontage improvements
7 along Longmire will allow some parking although the amount of parking will be minimized by
8 the need to have no parking areas immediately adjacent to the entrance to ensure safe entrance
9 and exit. As the Staff noted, improvements to the internal road include standard frontage
10 improvements as well as sidewalks on both sides of the street even though not required by
11 development regulations. The Applicant also anticipates that some level of vegetative buffer
12 next to the fence separating the development from the adjoining neighborhood along Trump
13 Avenue. Ms. Dobbs concluded her testimony by declaring that the development will be a benefit
14 to the City; provide much needed low income housing; will be eco-friendly and EV ready and
15 will satisfy all other City requirements for development.

16 At the conclusion of Ms. Dobbs' testimony, the Hearing was open for public testimony.
17 Several individuals asked to testify:

18 Wayne Robinson:

19 Mr. Robinson resides on Longmire Street. He is concerned that the project may result in
20 a "firehose" of traffic along Longmire creating an unsafe condition and there simply will be no
21 areas for neighbors to park. He believes that the project's density is a big issue and proposes too
22 many houses on too small a location, resulting in a doubling of the number of residences along
23 Longmire. Mr. Robinson understands the need for growth but does not believe this development
24 to be well planned.

25 Shellene LaPraim:

*Findings of Fact, Analysis, Conclusions
of Law and Decision - 5*

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1 Ms. LaPraim resides on Longmire across from the project site where she is engaged in a
2 cottage bakery business. Like Mr. Robinson, she is concerned about impacts to what is already
3 limited amount of parking along Longmire, especially for her business, and is equally worried
4 over increased traffic and speeds on a narrow street with no sidewalks.

5 Cecelia LaPraim:

6 Ms. LaPraim resides at the same address as Shellene LaPraim and shares her concerns.
7 Her primary concern is parking along Longmire especially as neither Cullens Road or Coates
8 Road allow any parking, causing added parking burdens on Longmire as well as on Trump
9 Avenue. She suggests that the project remove at least two of its proposed units to allow greater
10 opportunity for internal parking.

11 Shailie Steel:

12 Ms. Steel lives nearby and is a mother of small children. She is concerned over their
13 safety and over dangerous conditions along Longmire including increased traffic, speeding, and
14 the lack of sidewalks. She believes that most of the development's residents will turn right on
15 Longmire and head toward the highway, thus increasing the amount of traffic on this narrow
16 street. The lack of sidewalks makes pedestrian use, especially by children, unsafe and that the
17 entire stretch of Longmire needs widening and sidewalks to be adequate for this project.

18 Margaret MacLeod:

19 Margaret MacLeod has expressed her concerns in a series of previous written statements
20 found in Exhibit A. She proposes that the project be reduced to thirteen units consistent with its
21 R-6 Zoning and that the density bonus be eliminated. This would allow the project to provide
22 internal parking and eliminate its likely burden on the residents along Longmire. She concurs
23 with the sentiments expressed by the other witnesses that this project will significantly increase
24 the problems found along Longmire Street especially given its narrow width and lack of
25 sidewalks.

1 Sandy Nehl:

2 Ms. Nehl resides along Trump Avenue in the neighborhood immediately adjoining the
3 project site. She notes that traffic is already difficult along Trump Avenue and it has limited
4 parking. The neighborhood is already encountering spillover of parking from other properties
5 due to there being so little available along Longmire and none available on Coates or Cullens.
6 She does not believe that the project has adequately considered any of these traffic impacts and
7 that it should be denied unless traffic is better addressed.

8 At the conclusion of all public testimony City Staff and the Applicant were allowed an
9 opportunity to respond. City Staff acknowledged the public's legitimate concerns about traffic
10 and reiterated that traffic impacts had been carefully studied as part of the Traffic Impact
11 Analysis and that the project's traffic was determined not to have a significant impact.
12 Therefore, it concludes that the project satisfies the City's traffic requirements even though it is
13 likely to have some negative impact to parking and travel along Longmire Street.

14 Following the City's response, the Applicant also responded through its other civil
15 engineer, Tyrell Bradley. Mr. Bradley stressed that the project has been well designed; that
16 landscaping will be installed along the rear of the lots where it adjoins the Trump Avenue
17 neighborhood; that the existing fence separating the project site from residences along Trump
18 Avenue will be extended the length of the property; that the Traffic Impact Analysis was done
19 during the school year and considers all school related traffic; and that the required design of the
20 project simply does not allow for increased parking on the internal street. The Applicant
21 understands the neighbors' concerns regarding parking and traffic but believes that these issues
22 are adequately addressed and that the project has otherwise satisfied all other City requirements.

23 At the conclusion of the Public Hearing, I undertook an independent site examination of
24 the project site and all surrounding streets and neighborhoods. As previously noted, the site is
25 largely undeveloped but enjoys existing frontage improvements along both Cullens and Coates

1 Roads including curbs, gutters, sidewalks and landscape strips and trees, although some of the
2 landscape trees along Cullens have failed to survive. The site adjoins the residential
3 neighborhood located along Trump Avenue and is separated by a continuous wood fence in
4 varying degrees of condition from residence to residence. No parking is allowed on either
5 Cullens or Coates. Parking is allowed along Longmire Street and many of the property owners
6 make use of it for parking. The paved width of Longmire decreases as it heads southwest toward
7 Yelm Avenue and parking becomes more difficult as well. Immediately southwest of the project
8 site is the existing neighborhood along Trump Avenue. Parking is allowed on both sides of
9 Trump Avenue and is well used. The area surrounding the project site is primarily residential
10 but includes nearby schools and retirement facilities and becomes increasingly commercial in
11 nature as it approaches Yelm Avenue (SR 510). Multiple streets, including Longmire, serve as
12 feeder streets for traffic seeking access onto SR 510.

13 ANALYSIS

14 This Application poses difficult land use questions, even for those opposed to it. Nearly
15 everyone who testified acknowledged their appreciation for the efforts being made by Habitat for
16 Humanity and, further, that the City has a real need for affordable housing for low to middle
17 income families. Nonetheless, they are concerned that the current project, while well intended, is
18 a poor fit for the neighborhood in which it is located partly due to inadequate parking and other
19 traffic limitations. Both the City Staff and Applicant recognize these concerns but respond that
20 the Application has satisfied all of the City's development regulations while also demonstrating
21 that it will not have an adverse effect on levels of service at local intersections and streets.
22 Somewhat reluctantly, I concur with City Staff even though I recognize that the project will
23 increase parking and traffic burdens along Longmire and perhaps also along Trump Avenue and
24 other side streets. Stated slightly differently, I conclude that the likely inconveniences caused by
25 this project are not so great as to outweigh its compliance with all development regulations.

1 It has been suggested that the problem would be lessened if the density bonus was
2 eliminated and the project reduced in scope to that normally allowed by its R-6 Zoning. While
3 this is a reasonable suggestion, it is not within the Hearing Examiner's authority. The decision to
4 establish a density bonus is made by the City Council and must be respected. The Hearing
5 Examiner is not empowered to disregard development regulations or to establish his own. Thus,
6 this project must be considered in light of its allowed density bonus and the other development
7 regulations imposed by the City. A thorough analysis of all of those regulations reaches the
8 conclusion that the Application is in compliance and should be approved.

9 Even so, there are some issues regarding aesthetics that still need to be addressed.
10 Although frontage improvements already exist along Cullens Road, not all of the planted street
11 landscaping has survived and needs to be replaced. Similarly, the existing common fence
12 separating properties along Trump Avenue needs to be repaired and extended the length of these
13 properties. And, to the extent there is any uncertainty as to the need to provide a vegetative
14 buffer along this fence, the conditions of project approval need to more clearly provide for this.
15 Subject to these added conditions, and those found in the Staff Report, I conclude that the project
16 should be approved. I therefore make the following:

17 **FINDINGS OF FACT**

18 1. Any Findings of Fact contained in the foregoing Background, Public Hearing or
19 Analysis Sections are incorporated herein by reference and adopted by the Hearing Examiner as
20 his own Findings of Fact.

21 **General Findings**

22 2. The Applicant seeks planned residential development approval to subdivide 2.3
23 acres into 22 residential lots including 6 detached single-family residences and 16 attached
24 townhomes at property located at 407 Longmire Street N.W. Other site improvements include
25 an associated internal road, frontage improvements, stormwater facilities, landscaping and

1 perimeter landscaping. The configuration of the proposed subdivision can be found at the
2 conclusion of the Traffic Impact Analysis, Exhibit E ("Site Plan").

3 3. The project site is bounded on the east by Coates Avenue N.W., and further east,
4 by residential neighborhoods; on the south by Longmire Street N.W., and further south,
5 additional residential neighborhoods and schools; to the west by single family residences along
6 Trump Avenue and, further west, residential neighborhoods transitioning to commercial
7 neighborhoods as the area approaches SR 510; and to the north Cullens Street and, further north,
8 a mix of residential neighborhoods and retirement facilities.

9 4. The project historically contained a single-family residence and detached garage
10 intended to be demolished as part of this project.

11 5. The project site has a zoning designation of R-6. Properties abutting and near the
12 site have a similar zoning designation.

13 6. The Staff finds that the project's consistency is consistent with the goals and
14 policies of the City's Comprehensive Plan, including its future land use map.

15 7. Notice of the Public Hearing before the Hearing Examiner was posted on the
16 project site on September 5, 2023, mailed to interested parties and property owners within 300'
17 of the site and published in the Nisqually Valley News. Project information was also posted on
18 the City's website.

19 8. Notices of the pending project elicited comments from State and other agencies as
20 well as from members of the public. Concerns expressed by members of the public included
21 parking and traffic impacts, safety and general concerns over the density of the development.
22 (Exhibit A to the Staff Report)

23 9. The City, as lead agency, issued a SEPA Determination of Nonsignificance
24 ("DNS") on July 20, 2023. The Determination was not appealed and is final. Comments were
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received from various agencies and tribes and have been incorporated into the conditions of project approval.

Findings Relating to Concurrency

10. Pursuant to YMC 18.16.010, no land use shall be approved unless concurrency requirements are satisfied including those specifically required for preliminary subdivisions, binding site plans, mixed use developments and planned residential developments. YMC 18.16.050(c)(1).

11. The Staff Report, commencing on page 3, analysis the project's compliance with concurrency requirements.

12. Pursuant to YMC 18.16.030(b), concurrency with water requirements is demonstrated by the ability to provide potable water to the consumer for use as well as for fire protection in accordance with adopted health and environmental regulations. City Staff finds that with the additional water rights granted to the City in 2022, the City has the capacity to service the proposed subdivision and that the concurrency requirement for water has been met. The development will be required to connect to and extend the main along the new proposed internal roadway and all required improvements will be specifically identified during civil plan review. Any existing wells on the property will be decommissioned and any water rights shall be dedicated to the City.

13. Pursuant to YMC 18.16.030(c), concurrency with sewer requirements is demonstrated by the ability to treat and discharge wastewater in accordance with adopted health and environmental regulations. The project site is within the sewer service area of the City and there are sewer mains located within Longmire Street. The development will be required to connect to and extend the main along the new proposed internal roadway. Staff finds that the project, as conditioned, satisfies all concurrency requirements with respect to sewer infrastructure. Any existing septic tanks must be abandoned and proof must be provided.

1 14. Pursuant to YMC 18.16.050(c)(3), concurrency with transportation is achieved
2 when the level of service at concurrency intersections does not drop below accepted levels of
3 service due to new trips associated with a project unless planned improvements identified in the
4 Six-Year Transportation Improvement Program will assure levels of service. The Applicant has
5 provided the City with a Traffic Impact Analysis ("TIA") which demonstrates that the project
6 will not result in any reduction in the level of service at concurrency intersections and that
7 project-generated traffic will result in minimal change in levels of service.

8 15. The TIA further examines whether access into the project should occur off of
9 Longmire Street or Cullens Road. An analysis of impacts concludes that the better access is off
10 of Longmire Street.

11 16. Traffic Facility Charges will be applied at the time of building permit issue. With
12 these charges, the requirement for concurrency with transportation infrastructure will be met.

13 17. Pursuant to YMC 18.16.090(c), concurrency with fire protection must be
14 demonstrated. Concurrency is achieved by contribution to the Fire Protect Facilities as identified
15 in the most current version of the Capital Facilities Plan adopted by the Southeast Thurston
16 Regional Fire Authority and endorsed by the City Council. This fee will be determined and
17 collected at the time of building permit issuance. Payment of the fee will satisfy the requirement
18 for concurrency with fire protection.

19 18. Pursuant to YMC 18.16.090(b), concurrency with school infrastructure is
20 achieved by making a contribution to school facilities as identified in the most current version of
21 the Capital Facilities Plan adopted by Yelm Community Schools and endorsed by the City
22 Council. This fee will be determined and collected at the time of building permit issuance.
23 Payment of this fee will satisfy the requirement for concurrency with school infrastructure.

24 19. Staff therefore finds, and the Hearing Examiner concurs, that the project, as
25 conditioned, will satisfy all concurrency requirements.

*Findings of Fact, Analysis, Conclusions
of Law and Decision - 12*

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1 Findings Relating to Critical Areas

2 20. The project must demonstrate compliance with the City's Critical Areas
3 Regulations, Chapter 18.21 YMC.

4 21. The Staff Report, commencing at page 5, examines the project's compliance with
5 critical area requirements.

6 22. The site is identified as a critical aquifer recharge area and must comply with all
7 federal, state and county protection regulations and with the City's adopted stormwater
8 regulations.

9 23. There are no identified wetlands located on the project site.

10 24. Important animal and plant species, their habitats and primary association, and
11 other important habitats are protected under the Critical Areas Regulations. In particular, the
12 Mazama pocket gopher is recognized as threatened and the City's Critical Areas Regulations
13 requires its protection. The property site is mapped with soils that often contain the presence of
14 Mazama pocket gopher. Therefore, a Mazama pocket gopher study was conducted in 2021. The
15 report finds no indicators for the Mazama pocket gopher.

16 25. City Staff finds, and the Hearing Examiner concurs, that the project, as
17 conditioned, is compliant with the Critical Areas Requirements found in Chapter 18.21 YMC.

18 Findings Relating to Compliance with Design Standards

19 26. The proposed use is permitted use in the R-6 Zoning District.

20 27. Pursuant to Chapter 18.32 YMC, the R-6 Zoning District has a maximum density
21 of 6 dwelling units per acre but development is allowed a 20% density bonus for planned
22 residential developments. YMC 18.64.020(a)(2). When calculating the number of dwelling
23 units allowed, gross area is used. Based upon this standard, the project site is allowed up to 22
24 residential units. The project is consistent with this density of development.

1 28. The project must satisfy all development regulations of the R-6 Zoning District.
2 City Staff finds that the project, as conditioned, meets all development requirements.

3 29. The project must also satisfy the requirements for building design found in
4 Chapter 18.62 YMC. City Staff finds that the project, as conditioned, will satisfy all such
5 building design requirements.

6 30. The project must satisfy all requirements for street lighting, mailboxes and transit
7 access. Staff finds that the project, as conditioned, will satisfy all of these requirements.

8 31. Each dwelling unit must have two parking spaces. The project has been designed
9 to allow the required two parking spaces, to be located on the driveway for each unit. The City
10 Staff finds that this will meet the requirement of the Code. No on-street parking will be allowed
11 and appropriate no parking signs must be installed.

12 32. The Staff Report, at page 8, contains findings relating to compliance for
13 requirements for connection to the City's water system. The site is not currently connected to
14 the City's water service. There is an existing 8-inch service main on Mountain View Road and a
15 10-inch main on Killian Road. These mains were installed by other developers and are subject to
16 water latecomer's fees. The project will be subject to these fees. The project will also be
17 subject to all other water connection requirements including cross-connection and back flow
18 control, fire hydrant locks and the decommissioning of any wells on site.

19 33. The Staff Report, at page 9, addresses requirements for connection to the City's
20 sewer system. The project is located in the City's S.T.E.P. sewer system service area and is
21 currently not connected to this system. There is a 3-inch sewer main located on Mountain View
22 Road and a 4-inch main located on Killian Road. Connection to the City's sewer service will be
23 required and will require payment of latecomer's fees associated with these sewer mains.

24 34. The project must comply with the Department of Ecology Stormwater
25 Management Manual for Western Washington. The Applicant has submitted a preliminary

1 Stormwater Report demonstrating conceptual design for the treatment and infiltration of
2 stormwater, including a Bay Filter treatment system. Stormwater facilities will be required to be
3 maintained by the homeowners.

4 35. The project must comply with YMC 18.55.020 with respect to landscaping for all
5 new developments. As shown on the Site Plan, the project has been designed to include street
6 scape landscaping as well as stormwater facility landscaping, with all final landscape plans
7 submitted with civil plans.

8 36. As noted earlier, some of the existing street scape landscaping along Cullens
9 Road has failed to survive. In addition, existing fencing separating the project site from the
10 adjoining neighborhood along Trump Avenue is in varying degrees of repair and is not extended
11 the full length of the adjoining neighborhood. Further, the site plan does not indicate any
12 vegetative screening along this common fence. Project approval should therefore be conditioned
13 upon:

14 A. The replacement of any street trees along Cullens Road having failed to survive;

15 B. The repair and extension of the common fence separating the neighborhood along
16 Trump Avenue; and

17 C. The installation of a vegetative buffer along the common fence.

18 The final landscape plan must demonstrate these improvements and also provide a detailed
19 irrigation plan, to be submitted with civil plans.

20 37. Stormwater Facility Landscaping shall also be required with final landscape plans
21 submitted with civil plans.

22 38. YMC 18.56.010 requires that residential developments include 5% or more of the
23 gross area as qualified open space. The site plan identifies Tract C as dedicated to open space
24 and containing .14 acres. City Staff finds that this Tract will satisfy the open space requirements
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requirements of YMC 18.56.010. The final landscape plan must demonstrate how this open space area will meet the requirements of YMC 18.56.020 for allowed uses.

39. City Staff recommends approval of the Application subject to the conditions found at pages 11 and 12 of the Staff Report. The Applicant does not object to these conditions.

40. The conditions of project approval should be amended to include an additional condition relating the landscaping requirements as noted above and reading as follows:

“14. The final landscape plan shall:

1. Provide for the replacement of any dead streetscape trees along Cullens Street;
2. Repair and extend the existing common fence separating the project site from the neighborhood along Trump Avenue; and
3. Include a vegetative buffer adjoining the common fence.”

The final landscape plan will be submitted with civil plans.

Based upon the foregoing Findings of Fact and Analysis, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

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

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

3. All notice requirements have been met.

4. All SEPA requirements have been met.

5. The project, as conditioned, is consistent with the City's Comprehensive Plan.

6. The project is consistent with its R-6 Zoning Designation.

7. The project satisfies all requirements for its requested density bonus per YMC 18.64.020(a)(2).

1 8. The project, as conditioned, satisfies all other design standards including building
2 design standards, street lighting requirements, mailbox requirements, parking requirements,
3 water connection, sewer connection, stormwater management, landscaping and open space
4 requirements.

5 9. The proposed Plat will provide additional housing in an urban area within the
6 existing infrastructure and services as directed by the Washington State Growth Management
7 Act.

8 10. The public interest will be served by this subdivision.

9 11. All other general requirements for subdivision approval have been meet.

10 12. Pursuant to YMC 18.14.080, and as conditioned:

11 A. The project is consistent with the goals and policies of the City's
12 Comprehensive Plan.

13 B. The project meets minimum requirements for fire and life safety.

14 C. The project provides adequate provisions for utilities and other public
15 services, roads, streets, and sidewalks necessary to serve the needs of the development.

16 D. There are no unavoidable impacts to adjoining streets and neighborhoods.

17 E. The development creates no greater burden on present and public utilities
18 and services than would result from traditional development.

19 F. The development is better than that resulting from traditional
20 development.

21 G. The project is consistent with the City's recently completed Housing
22 Action Plan and therefore satisfies one of the goals of the City's Comprehensive Plan to
23 provide a variety of housing for different income levels.
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13. The proposed plan residential development should be approved subject to the conditions set forth in the Staff Report, together with the additional condition identified by the Hearing Examiner relating to landscaping.

DECISION

Having entered his Findings of Fact and Conclusions of Law, the planned residential development is **approved**, subject to the following conditions:

1. Frontage improvements on the new road inside the subdivision and also Longmire Street N.W. are required. The frontage improvements along Longmire Street N.W. and the internal street must be constructed per City's adopted Local Access Residential standard as illustrated in Chapter 2 of Yelm's Engineering Specifications and Standards Details.
2. The final landscape plan submitted as part of the civil plan review shall include details of the street scape landscaping, storm water landscaping and minimum of five (5) percent of the gross land area as qualified open space, with active recreation component.
3. If irrigation is provided, an irrigation plan shall be submitted as part of the landscape plans, and compliant with Section 13.04.097 YMC.
4. Street lighting is required.
5. Pursuant to Chapter 18.16, the Applicant shall pay School and Fire Impact fees at the time of building permit issuance.
6. The civil engineering plans shall include an addressing map for approval by the Building Official.
7. The civil engineering plans shall include the proposed location and details for

1 mailbox placement.

2 8. Prior to final subdivision application, a subdivision name must be reserved with the
3 Thurston County Auditor's Office.

4 9. A no-parking sign must be installed on the internal road.

5 10. The Applicant shall provide a performance assurance device in order to provide for
6 maintenance of the required landscape for this subdivision, until the homeowners
7 association becomes responsible for the landscaping maintenance. The performance
8 assurance drive shall be 150 percent of the anticipated cost to maintain the
9 landscaping for three years.

10 11. Stormwater facilities shall be located in separate recorded tracts owned and
11 maintained by the homeowners association. The stormwater system shall be held in
12 common by the Homeowners Association and the homeowner's agreement shall
13 include provisions for the assessment of fees against individual lots for te
14 maintenance and repair of the stormwater facilities. All roof drain runoff shall be
15 infiltrated on each lot utilizing individual drywells.

16 12. The Applicant shall submit a fire hydrant plan to the Community Development
17 Department for review and approval as part of the civil engineering plans prior to
18 final subdivision approval. The applicant shall submit fire flow calculations for all
19 existing and proposed hydrants. All hydrants must meet minimum City standards.
20 The Applicant shall be responsible for the fee for hydrant locks on all fire hydrants
21 required and installed as part of development. These fees shall be collected by the
22 Community Development Department prior to final plat recording.
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1 13. The civil engineering plans shall include a search and report of adjacent wells and
2 their locations. Any onsite wells shall be decommissioned, and water rights dedicated
3 to the City. Offsite wells within 100 feet of the property shall be identified, and well
4 protection radius provided.

5 14. The final landscape plan shall:

6 A. Provide for the replacement of any dead street scape trees along Cullens
7 Street;

8 B. Repair and extend the existing common fence separating the project site from
9 the neighborhood along Trump Avenue; and

10 C. Include a vegetative buffer adjoining the common fence.”

11 DATED this 16 day of October, 2023.

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14 Mark C. Scheibmeir
City of Yelm Hearing Examiner
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