City of Battle Ground

Community Development Department
109 SW 1st Street, Suite 127, Battle Ground, WA 98604
(360) 342-5047

Staff Report and Recommendation to the Hearing Examiner

Project Name: **Bloomquist Subdivision** (SUB: 01-16)
SEPA Review, Boundary Line Adjustment, and Critical Areas Review

Report Date: February 15, 2017

Hearing Date: February 22, 2017

Proposal: A 123-lot single-family subdivision on approximately 43.5 acres in the R-7 zone. The project will preserve wetlands and other open spaces and incorporate a community trail.

Location: East of NE Grace Avenue/NE 142nd Avenue, Battle Ground, WA 98604. Parcel #'s: 229024-000, 229023-000, 229020-000, 2290180-00, 229019-000, 229021-000, 229022-000, 228984-000.

Applicant/Owner:
Randy Rutherford
Bloom LLC
PO Box 61426
Vancouver, WA 98666

Bloomquist Properties, LLC
815 NW Lofall Road
Poulsbo, WA 98370

Applicant's Representative:
Rebecca Wahlstrom
Olson Engineering, Inc.
222 E Evergreen Boulevard
Vancouver, WA 98660

Staff: Sam Crummett, AICP, Planning Supervisor
Marit Ernst, PE, Associate Civil Engineer

SEPA: Recommending a Final Determination of Mitigated Non-significance (MDNS)

Recommendation: Preliminary subdivision approval subject to conditions listed throughout and in the conclusions of this report.

FEB 15, 2016

Sam Crummett
Planning Supervisor

Date

EXHIBIT
A

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I. BACKGROUND

A. General Site Information

Size of Site:	43.5 acres
Existing Vegetation:	The site contains natural grasses, shrubs, and trees.
Existing Structures:	Vacant
Adjacent Land Uses:	Predominately large lot residential land uses to the west, pasture land to the north and residential single-family subdivisions to the east and south.
Topography:	Flat
Wetlands:	Yes
Flood Plain:	No Mapping indicator
Landslide Hazard:	No Mapping Indicator
Soils:	DoB, HtA, OeD
Archaeology:	High mapping indicator

B. Land Use Processing

Date Application Submitted:	October 28, 2016
Application Technically Complete:	November 23, 2016
Notice of Application:	November 30, 2016
Site Posted:	November 30, 2016
Reflector Publication:	November 30, 2016
Staff Report Issuance:	February 15, 2016
Public Hearing:	February 22, 2017
Decision:	Within two weeks of the public hearing

II. APPLICABLE REGULATIONS/ANALYSIS

A. Battle Ground Municipal Code (BGMC)

1.	Title 12 Streets and Sidewalks
12.112 House and Street Numbering	**Compliance:** Conditionally
Finding: The initial preliminary plat submittal shows Tract "H" serving lots 56 and 57; this shall be a private street named NE 11th Avenue. The street identified on the preliminary plat as NE 19th Street shall be known as NE 19th Way, the street shown as NE 19th Way shall be named NE 19th Street and NE 18th Way shall be named NE 18th Street. The remaining streets are correctly identified. All further references to streets in this staff report will be by these names.	
12.116 Transportation Standards	**Compliance:** Conditionally
Finding: The proposed site would have frontage along NE Grace Avenue/NE 142nd Avenue, which is a Minor Arterial in the City Transportation System Plan. Per BGMC 12.116.160 and BGMC 12.116.180 half street improvements are required per the City's Minor arterial standards in BGMC Table 12.116.040A. BGMC Table 12.116.040A states that access to a Minor Arterial is controlled. With the plat, access to the site is being provided by NE Grace Avenue/NE 142nd Avenue. A note shall be placed on the plat stating that no curb cuts shall be allowed onto NE Grace Avenue/NE 142nd Avenue. The applicant is showing several new streets to be built with this development. NE 19th Way, NE 19th Street, NE 18th Street, NE 17th Street, NE 15th Street, NE 11th Avenue, NE 12th Avenue and NE 15th Avenue shall be built to Local "A" standards per BGMC 12.116.040C. NE 17th Street/NE 15th Avenue/NE 15th Street extends approximately 790-feet and NE 16th Street(private) extends approximately 270-feet as dead-end streets. BGMC Table 12.116.040.E requires any dead-end street over 150-feet in length to be built with an approved fire apparatus turnaround. An easement will be required on the plat for the temporary turnaround located on the eastern end of NE 15th Street with language stating that the fire turnaround at the end of NE 15th Street is temporary and once the public street is extended the easement will automatically be relinquished." The temporary fire turn around shall not extend into storm facility #1. The applicant is required to provide landscaping in the planter strips in the right-of-way. Per BGMC 12.116.050(F) the applicant shall submit a landscaping plan with the engineering plans that provides the required landscaping. The applicant is required to submit as part of the engineering plans, per BGMC 12.116.050(G), a driveway location plan that specifies proposed driveway curb cuts, where required, for all lots within the plat. If possible the landscape and driveway plan should be on the same page in order to show possible conflicts. The applicant is required to provide a signing, striping, and street lighting plan per BGMC 12.116.050(H). The plan shall be submitted with the final engineering plans.	

The applicant has shown a 8-foot pedestrian path adjacent to the wetlands. The path surface must meet the requirements of the Americans with Disabilities act and should be asphalt or concrete. Refer to the easement and width requirements listed in BGMC 17.128.040.

Per BGMC 12.116.080(B), traffic calming devices are required for all residential streets in new developments. Traffic calming requirements for this subdivision will be determined during the final engineering review process.

BGMC 12.116.130(A)(3) requires that the final plat have the following note: "The City of Battle Ground has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property designed in this development." BGMC 12.116.130(A)(5) requires a private road maintenance agreement. BGMC 12.116.130(A)(6) requires private street identification signs to be installed at the intersection with the public street.

NE 16th Street (Private) shall be built to private roads standards as listed in BGMC 12.116.140 for serving 1-8 lots. Lots 1-8 are required to take access off of NE 16th Street (Private).

Tract "H" (NE 11th Avenue) shall be built to private road standards as listed in BGMC 12.116.140 for serving two lots.

BGMC 12.116.150 requires a note on the plat stating the responsibilities of the lot owners abutting the private street to maintain the street.

The site will generate approximately 125 new p.m. and 94 new a.m. peak trips. Per BGMC 12.116.175(C) a traffic study is required when there is an increase of 10 new p.m. and a.m. peak trips. A traffic study was submitted with the application and revisions to the traffic study are being completed.

The applicant is showing some cross-circulation streets on the preliminary plat. BGMC 12.116.200 contains the City's cross-circulation requirements, which require connections every 500-foot. The proposed plat is approximately 1323-feet deep and approximately 1296-feet wide. Based on these dimensions the proposed plat would have to provide, at a minimum, a total of three east-west cross-circulation streets and three north-south cross-circulation streets. The plat shows two east-west street and one north-south streets. The wetlands significantly constrain the street layout. Therefore, engineering staff has determined that the applicant has provided all necessary cross-circulation.

Public and private streets shall comply with sight distances per BGMC 12.116.220 unless modified through the road modification process as outlined in BGMC 12.116.290.

Per BGMC 12.116.243(A-C), driveways must be spaced a minimum of five feet from the property line; corner lots shall have their driveways be as far away from intersections as this code section allows; maximum width is twenty-five feet for a two-car garage and thirty-five feet for a three-car garage or fifty percent of lot frontage, whichever is less; and single-family residences are allowed one driveway.

The preliminary plat complies with all other criteria listed in BGMC 12.116. The final engineering plans and final plat shall comply with these criteria at the time of approval or recording.

Staff received comments from the following citizens regarding transportation:

1. Gary Tint: concern regarding overflow parking onto neighborhood controlled by CCR's which prevent homeowner's from parking on public streets and the difficulty of accessing the intersection of NE 12th Street and NE 17th Street (sic). Also installation of additional stop signs was discussed.
2. Charles Insley: concern over unidentified adverse traffic and parking impacts to the Crystal Springs neighborhood.
3. Alverez Family: requesting speed bumps be installed in NE 17th Street due to high traffic.

Responses to citizen comments:

1. The streets in Crystal Springs are public roads and the local "A" street designation allows for parking on both sides of the street. The installation of additional stop signs is only allowed if the warrants from the MUTCD are met. Based on the accident data and vehicular trips, the intersection would not meet MUTCD multiway stop sign warrants.
2. The letter did not provide any specific issues that can be addressed.
3. Traffic calming measures typically only apply to new developments but the City would support the installation of traffic calming measures along NE 17th Avenue if the developer would construct them with this project.

It should be noted that final engineering plans pertaining to transportation for the proposed project shall be submitted for staff review and approval prior to final plat approval and construction. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.

12.118 Construction in Public Right-of-Way	**Compliance:** Conditionally

Finding: The proposed development will be doing construction type work within the City's right-of-way.

Per BGMC 12.118.020, any type of construction, alteration, maintenance, or repair shall not occur within City right-of-way without a written permit. However, this development will be obtaining approval from the City Engineer via the engineering approval process. This approval can be a substitute to a permit per BGMC 12.118.030. Therefore, no written permit is required.

Any construction activity within the City Right-Of-Way shall require a traffic control plan per BGMC 12.118.060(C). The traffic control plan shall be submitted for review and approval prior to the commencement of construction.

Per BGMC 12.118.110, a surety bond shall be submitted to the City prior to the commencement of construction. Said bond shall meet the monetary requirements of this code section and shall cover all work associated with the construction, alteration, maintenance, or repair of any infrastructure within the City's Right-Of-Way.

Prior to the commencement of construction, a Certificate of Liability Insurance, with the required thresholds, shall be submitted per BGMC 12.118.120.

12.120 Concurrency Management	**Compliance:** Conditionally

Finding: Per BGMC 12.120.050(B) the subject development is not exempt from Concurrency. At full build out, this development will generate 94 new a.m. and 125 new p.m. peak trips, which is more than the 10 p.m. peak hour trips the code cites as a threshold amount.

The traffic study showed that the intersections of SE Grace Avenue/SE Rasmussen and SE Grace Avenue/ E Main Street fall below LOS levels after project build out. The traffic study identified the following mitigation measures to bring the intersections into compliance:

1. Provide a stop control for the northbound and southbound approaches of SE Grace Ave at the intersection with SE Rasmussen.

2. Provide a pro-rata share of the construction costs of the installation for the signalization and realignment of the SE Grace Avenue and E Main Street intersection.

Prior to final plat approval, the Applicant shall pay a proportionate share of the cost of mitigation for the Grace/Main intersection in a mutually agreed upon amount. In the event that the City and the Applicant cannot agree on an amount, the City shall set the matter for hearing before the Hearing Examiner who will make the final determination.

The City has three intersections which have been identified in other traffic studies as being in concurrency failure: SR 503 & SW Eaton Boulevard, SW 20th Avenue & SW Eaton Boulevard and SR 503 & NW Onsdorff Boulevard. The traffic engineer has provided information that 42 PM trips will be directed towards the SR 503 & SW Eaton Boulevard intersection, 6 PM trips will be directed towards the SW 20th Avenue & SW Eaton Boulevard intersection and 4 AM trip will be directed towards the SR 503 & NW Onsdorff Boulevard intersection. Mitigation measures for SR 503 & SW Eaton Boulevard include addition of an eastbound left turn lane and a second westbound left turn lane, for SW 20th Avenue & SW Eaton Boulevard construction of northbound, southbound, and westbound left-turn lanes and traffic signal and SR 503 & NW Onsdorff Boulevard the addition of a second southbound through lane at the intersection.

Consistent with State law, "Concurrent" is defined in BGMC 12.120.030 as (A) that there is the existing capacity in the affected intersection to accommodate the projected transportation impacts of a proposed development, or (B) transportation system improvements, strategies, or other mitigation measures which will achieve or maintain an operating level at or above the applicable level of service for the intersection is (1) planned, funded, and scheduled for completion no later than six years after development approval as reflected in the Six-Tear TIP, or (2) will be available and complete no later than six years after development approval, as provided with a voluntary financial commitment (where appropriate) that is in place at development approval. Based on the applicant's traffic study the Development does not meet (A). In order to meet concurrency via (B) the City has come up with 2 possible strategies as follows:

1. The applicant can construct the aforementioned mitigation measures for the failing intersections to meet concurrency requirements.
2. The applicant can pay a proportionate share of the costs to construct the

aforementioned mitigation measures. Proportionate share, on a per trip basis, would be based upon the cost to do the mitigation measure divided by the number of trips created over the next six-year time frame. The number of trips generated by the proposed development going to the intersections during the failing peak period would be multiplied by the per trip cost to generate the proportionate share of construction cost. The applicant's traffic engineer provided a memo which showed the number of trips from a development compared to overall trips for SW SR 503 & SW Eaton Boulevard, SW Eaton Boulevard & SW 20th Avenue and SR 503 & NW Onsdorff Boulevard. The per trip cost is $1,533.33, $2,291.40, $4,576.23 for SR 503 & SW Eaton Boulevard and SW 20th Avenue & SW Eaton Boulevard and SR 503 & NW Onsdorff Boulevard, respectively. 14 PM trips are going through SR 503 & SW Eaton Boulevard, 6 PM trips through SW 20th Avenue & SW Eaton Boulevard and 4 AM trips are going through the SR 503 & NW Onsdorff Boulevard intersection. Thus, the mitigation fees are as follows: $64,399.86 for SR 503 & SW Eaton Boulevard, $13,748.40 for SW 20th Avenue & SW Eaton Boulevard and $18,304.92 for SR 503 & NW Onsdorff Boulevard.

One of these strategies will need to be completed prior to final plat.

2.	**Title 13 Water and Sewer**	
13.110/112 Water Service and Water Use Regulations		**Compliance:** Conditionally

Finding: Potable water will be required for this project. The City of Battle Ground is the public water purveyor for properties within the city limits.

Although capacity for water is available at this time, the City does not guarantee or set aside of service capacity with this preliminary approval, as it is the city's policy that service commitment occurs when it is paid for at the time building permits are issued.

Currently, there is an 8-inch City of Battle Ground water line in the intersection of NE Grace Avenue and NE 10th Street. The Creekside subdivision is in the process of constructing a 12" water line in NE Grace/ NE 142nd Avenue. The applicant is proposing to connect to and extend the 12-inch line from the proposed improvements but this is unnecessary since our water system plan calls for an 8" water main in NE Grace Avenue north of Onsdorff. If the 12" water line has not been constructed, the 12" water line will need to be extended from the NE Grace/NE 10th Street intersection to NE Onsdorff. In order to provide adequate cross circulation and promote water quality, the water line serving lots 103-123 will need to be connected to the proposed water lines in NE 12th Avenue or NE 13th Street. The final engineering drawings shall represent this requirement.

Easements shall be provided for all water lines not constructed in City right-of-way per BGMC 13.110.070.

The applicant has not shown the size of the water meters on the preliminary utility plan. All water meters including their sizes shall be shown on the final engineering plans.
It should be noted that final engineering plans pertaining to water service for the proposed project shall be submitted for staff review and approval prior to building permit issuance. Final engineering plans shall be prepared and stamped by a professional engineer registered in the

State of Washington.	
13.120 Sewer System - Connection	**Compliance:** Conditionally

Finding: Sewer service is required for this project. The City of Battle Ground is the public sanitary sewer purveyor for properties within the City and the project is located in basin GAR-08.

Although capacity for sewer is available at this time, the City does not guarantee or set aside of service capacity with this preliminary approval, as it is the city's policy that service commitment occurs when it is paid for at the time building permits are issued.

The applicant's engineer has proposed a connection to the 8-inch sanitary sewer in NE 17th Street to serve lots 103-123 which would drain towards basin PS1A-02. The sanitary sewer main for lots 103-123 cannot connect to the sanitary sewer line in NE 17th Street since this is out of the basin. The applicant can connect the sanitary line for lots 103-123 to the 8" main that is being constructed in NE 12th Avenue with the Creekside subdivision or bring it across to the west and connect to the proposed sanitary sewer system. The connection shown on NE 12th Avenue can be made if the Creekside subdivision has completed their sanitary improvements otherwise connection would be to the existing sanitary line in NE Grace Avenue.

The applicant is responsible for these sanitary sewer improvements per the current General Sewer Plan. Sanitary sewer lines throughout other areas of the proposed subdivision shall be a minimum of 8-inches

Easements shall be provided for all sanitary sewer lines not constructed in City right-of-way per BGMC 13.120.070.

It should be noted that final engineering plans pertaining to sanitary sewer service for the proposed project shall be submitted for staff review and approval prior to building permit issuance. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.

3.	**Title 15 Building and Construction/Fire**

The City of Battle Ground has adopted by reference the 2015 International residential Code (IRC), International Building Code (IBC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC), Washington State Energy Code (WSEC) and International Fire Code (IFC). These codes are adopted statewide as amended by the Washington State Building Code Council with additional amendments as noted in Title 15 of the Battle Ground Municipal Code. All building permit applications will be reviewed based on these codes. The applicant is not proposing to build any structures at this time, but the intent is to construct single-family detached dwelling units once platted. Building permits and all impact fees will be required for each structure to be built. Impact fees will be calculated and shall be paid at the time of permit issuance.

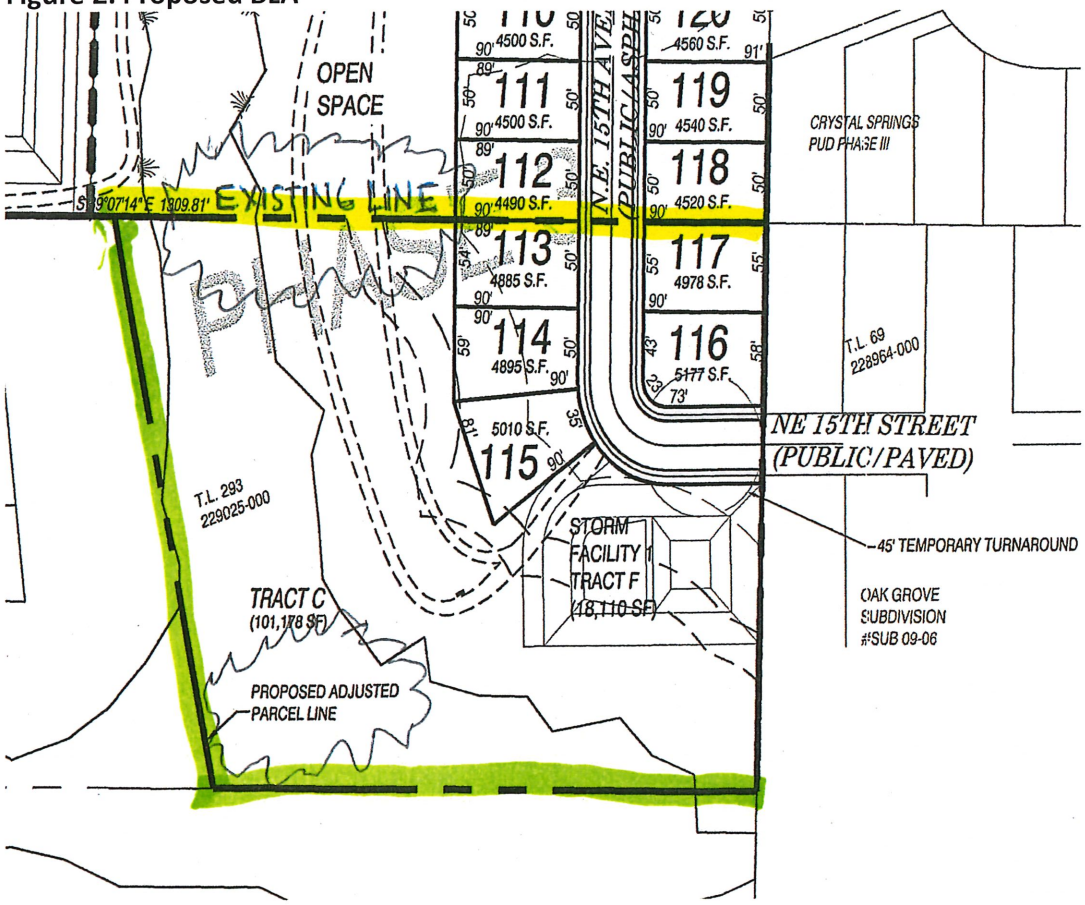
In accordance with International Building Code 1803, a geotechnical investigation will be required prior to start of construction. The geotechnical report shall include information regarding construction near slopes, placement and compaction of fill materials, mitigation of moisture variation on soil bearing, soil liquefaction, expansiveness, and infiltration rate.

15.105.090 Fire Apparatus Roads	**Compliance:** Conditionally
Finding: All roads shall meet the City of Battle Ground Engineering standards and shall be designed to carry the loads of fire apparatus. NE 16th Street is proposed to be a private street and incorporates a hammerhead style fire apparatus turn around and as submitted will meet the requirements of International Fire Code appendix D. The turn-around shall be kept clear at all times and shall be marked with red painted curb or signage stating "No Parking- Fire Lane." Tract "H" will be considered a fire access lane serving lots 56 and 57 and shall be posted as "No Parking- Fire Lane" on one side. The drive access serving lots 10, 56, and 57 shall be maintained clear and marked with "No Parking- Fire Lane" signage on both sides. The addresses for those lots shall be posted at the entrance to the drive access to allow for identification for emergency services.	
15.105.100 Fire Hydrant Requirements	**Compliance:** Conditionally
Finding: Hydrant installation shall be as per Chapter 5 of the IFC and BGMC 15.105.100. Hydrants in residential sub-divisions shall have a maximum lateral spacing of 700 feet with no lot or parcel in excess of five hundred feet from a hydrant. Hydrants and the water mains serving them shall be installed in accordance with City of Battle Ground requirements and the city's standard construction details. Hydrant locations shall be coordinated with Fire District 3 as a part of engineering review. Prior to completion of subdivision construction the contractor shall provide a fire flow letter stating that the hydrants meet the required fire flow. For this project the required fire flow will be 1,500 gallons per minute.	

4.	Title 16 Subdivisions
16.112 Boundary Line Adjustments	**Compliance:** Conditionally

Finding: This project also includes a boundary line adjustment (BLA) request. The two involved parcels are: 229025-000 and 228984-000. This BLA would absorb 3.5 acres of the Creekside Heights Preliminary Subdivision. The area includes lots 113-117, open space, and a storm facility. This area was previously inaccessible as part of the Creekside Heights project due to environmental constraints, but with the extension of NE 17th Street from Crystal Springs Subdivision this area can now be developed. The proposed BLA satisfies the criteria in BGMC 16.112.030 and a **condition** will require it to be finalized as part of final plat approval or prior. The BLA is illustrated in Figure 2 below.

Figure 2. Proposed BLA



16.125.010. Conformance to Comprehensive Plan	**Compliance:** Yes
Finding: All aspects of the subdivision conform to the City's Comprehensive Plan and Transportation standards.	
16.125.020. Protective improvements required for topographical hazards	**Compliance:** Yes
Finding: No topographical hazard areas are located on these parcels.	
16.125.030. Continuation of existing streets	**Compliance:** Yes
Finding: Streets are designed per City Transportation standards	
16.125.040. Street jogs	**Compliance:** Yes
Finding: All curves and street jogs comply with the City's Transportation standards.	
16.125.050. General street design requirements	**Compliance:** Yes

Finding: Streets meet all applicable public and private street standards specified in Chapter 12.116 BGMC.	
16.125.060. Blocks	**Compliance:** Yes
Finding: Block standards are met.	
16.125.070. Lot access requirements and restrictions	**Compliance:** Conditionally
Finding: All lots have frontage on either a public or private street and satisfy the minimum 20 foot standard for frontage, except for a Lot 9. A **condition** will require the applicant to modify Lot 9 to have 20 feet to comply with the minimum standard.	
16.125.080. Lot line angles	**Compliance:** Yes
Finding: Lot line angles are satisfied.	
16.125.090. Lot size and width requirements	**Compliance:** Yes
Finding: As referenced in 17.106-2 Dimensional and Density Standards, the minimum lot area is 3,000 square feet, and minimum average lot area in the R7 district is 4,500 square feet. The average lot area 5,518 and the smallest lot proposed is 4,120 square feet. All other dimensional standards are satisfied.	
16.125.100. Double and reverse frontage lots	**Compliance:** Yes
Finding: There are no proposed double or reverse frontage lots.	
16.125.110 Flag lots	**Compliance:** Yes
Finding: The flag lots proposed, are acceptable given the access limitations related to protecting the on-site wetlands.	
16.125.120. Easements	**Compliance:** Conditionally
Finding: All necessary easements will be conditioned as part of the final plat.	
16.130 Required Improvements and Dedications	**Compliance:** Conditionally

Finding: The applicant makes no mention of utility lines. BGMC 16.130.010 requires that all utility lines be installed underground. A condition should be established to require that all utilities be installed underground and that a note on the face of the plat be provided stating that all public and private utilities serving the development should be underground.

The applicant has provided a preliminary utility plan. BGMC 16.130.030 requires that water and sanitary sewer service within or along the frontage of a development shall be extended to the extreme property lines of the development unless the applicant demonstrates to the decision body that such extension is undesirable, impractical or unfeasible. The Battle Ground Engineering Department has determined that the extension of water and sanitary sewer service within or along the frontage of a development to the extreme property lines of the development is desirable, practical and feasible and shall be required. BGMC 16.130.030, along with BGMC 13.110 and 13.120 requires water and sanitary service throughout the subdivision. The applicant shall submit engineering plans meeting the following conditions:

- All water lines throughout the subdivision shall be a minimum of 8-inches in diameter and extend to the extreme property lines of the subdivision.
- An 8-inch water line shall be constructed in the NE Grace Avenue frontage and a 12-inch water line may need to be constructed from the intersection of NE Grace Avenue/NE 10th Street to Onsdorff if it has not been previously constructed.
- The main lines running throughout the site shall connect to the existing water line in NE 17th Street and NE Grace Avenue.
- All sewer lines throughout the subdivision shall be a minimum of 8-inches in diameter

and extend to the extreme property lines of the subdivision.

The applicant has not provided any preliminary street lighting plan. Per BGMC 16.130.035 engineering plans shall be prepared by a licensed electrical engineer and shall show the necessary minimum lighting levels. A street lighting shall be included with the engineering plans to be approved by the city.

The applicant makes no mention of permanent control monuments. BGMC 16.130.040 requires permanent control monuments to be installed at controlling corners of the land being subdivided. A condition to this effect is warranted and should be provided.

The applicant has provided on the preliminary plat the roads, which will be dedicated to the city. BGMC 12.116.060 requires this dedication, which will be satisfied with the dedication of the final plat. On-site roads shall be consistent with standards found in BGMC 12.116.040.

The preliminary plat complies with all other criteria listed in BGMC 16.130. The final engineering plans and final plat shall comply with these criteria at the time of approval or recording.

II. *It should be noted that final engineering plans pertaining to transportation, sewer, water, and street lighting for the proposed project shall be submitted for staff review and approval prior to final plat approval. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.*

5.	**Title 17 Zoning**
17.106-2 Dimensional and Density Standards	**Compliance:** Conditionally

Table 17.106-2, Residential Lot Development Standards

	R3	**R5**	**R7**	**R10**	**R12**	**R16**	**R20**
Minimum average lot area (square feet)	10,500	6,300	4,500	N/A	N/A	N/A	N/A
Minimum average lot area for density transfer (square feet)	8,000	4,600	3,300	N/A	N/A	N/A	N/A
Minimum lot area (square feet)	6,300	4,000	3,000	2,000	2,000	2,000	2,000
Maximum density (units per gross acre)	3	5	7	10	12	16	20
Minimum density (units per net acre) [1]	N/A	N/A	N/A	5	6	8	10
Minimum lot frontage (feet)	30	25 [2]	20 [2]	20 [2]	16 [2]	16 [2]	16

Minimum setbacks (feet)	Residence front yard [3]	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 3'
	Garage (minimum) [4]	20	20	20	20	20	20	20
	Side yard [5]	5	5	5	5	5	5	5
	Street side yard	10	10	10	10	10	10	10
	Rear yard [4]	20 [8]	20 [8]	10	10	10	10	10
Minimum distance between principal buildings (feet)		20	14	10	10	10	10	10
Maximum lot coverage (%)		35	40	45	50	60	70	80
Maximum height (feet)		35	35	35	35	45	45	45
Front yard landscape strip (feet)		N/A	N/A	N/A	N/A	10 [7]	10 [7]	3 [7]
Side yard landscape strip (feet)		N/A	N/A	N/A	N/A	5	5	5
Minimum landscaped open space (%)		N/A	N/A	N/A	20 [6]	20 [6]	20 [6]	20 [6]

1 Net acres shall be based on the total area of the site minus public-private road rights-of-way, stormwater facilities, and land voluntarily or required to be set aside for parks, open space or environmental protection.

2 Lots may be approved without any frontage where they are part of a cottage development where appropriate easements are granted to gain access to the public or private street and the shared parking areas.

3 Attached front porches may intrude into required minimum front yard setbacks up to six feet.

4 Garages accessed via alleys may be located zero lot line to the edge of alley right-of-way if side entry and five feet from edge of alley right-of-way if front entry.

5 Where a permitted use by the code, townhouses are not required to meet the side yard setback on the attached side(s).

6 For townhouse or single-family detached development, the minimum landscaped area shall apply to the project as a whole and each individual lot.

7 If parking is placed adjacent to the public right-of-way or front yard, then a minimum landscaping buffer of fifteen feet will be required.

8 A rear yard setback abutting a park, open space, wetland, or other critical area may be reduced to ten feet.

Finding: Dimensional requirements within the residential districts shall be in accordance with Table 17.106-2 above. The maximum density for the underlying zoning district is 7 units per gross acre. There is no minimum density required in this district. The gross acreage of the site is 43.5 acres. Proposed are 123 homes, at a density of 2.8 units per acre, thereby meeting the density

requirements.

All other dimensional standards including setbacks, lot coverage, and building height will be determined at the time of building permit issuance. A **condition** will require a note on the final plat requiring that all new structures shall conform to the setbacks and building heights of the R7 zoning district.

17.106.040 Neighborhood Design standards	**Compliance:** Conditionally

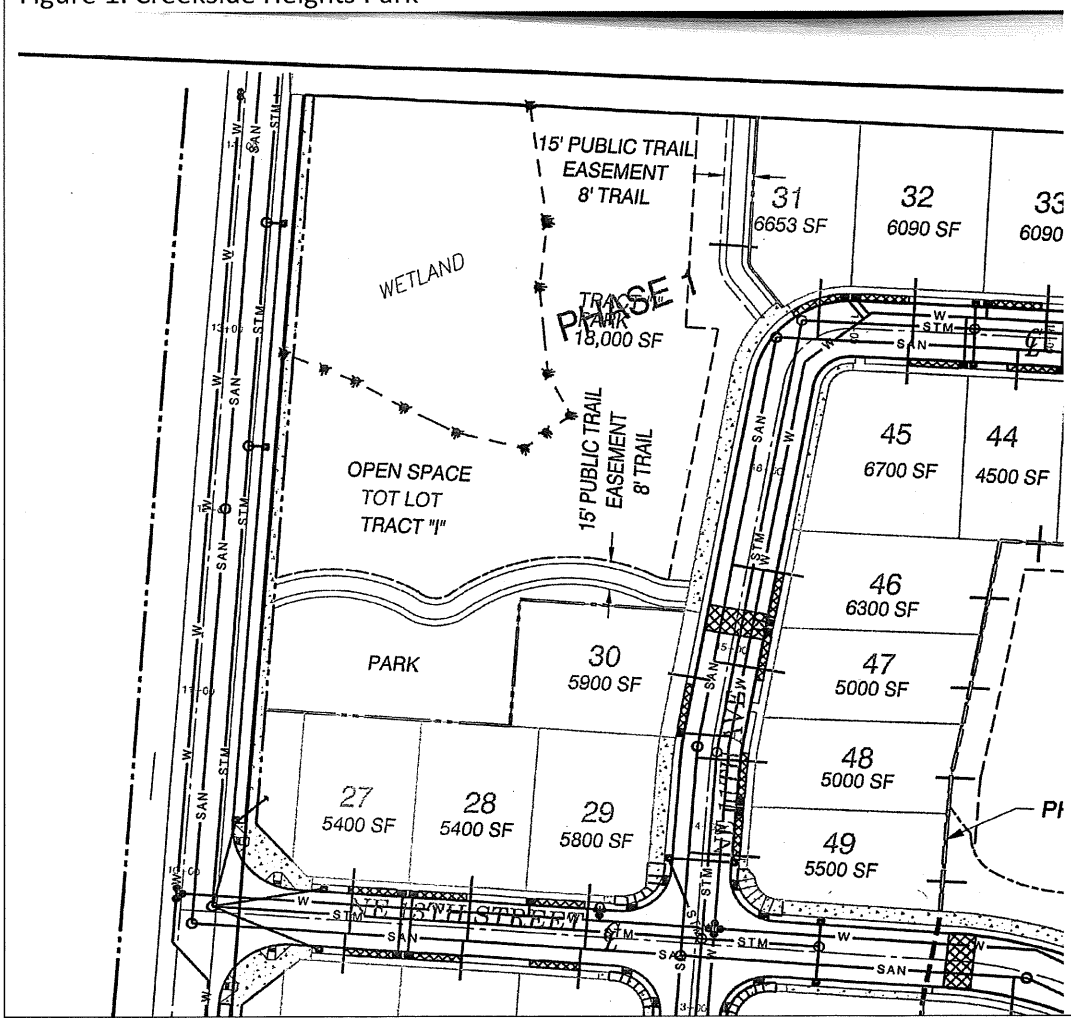
Finding: The City of Battle Ground contains minimum architectural requirements for new home construction. A **condition** will be required on the plat that all houses to be built will comply with the requirements of BGMC 17.106.040.

17.128 Park and Open Space	**Compliance:** Yes

Finding: The purpose of this chapter is to implement the Comprehensive Parks and Open Space Plan for new development. The subdivision is located in Neighborhood Service Area #16, which calls for a 2-acre neighborhood park. There is currently not a neighborhood park in NSA #16.

The Creekside Heights Subdivision abutting this project to the south is currently under construction proposes a private park, but it does not qualify as a two-acre neighborhood park. Figure 1 below shows Creekside Heights proposed park in relation to this project.

Figure 1. Creekside Heights Park



17.128.040 Park location and design standards	**Compliance:** Conditionally
Findings: The applicant is proposing to set aside approximately 16 acres of open space (37% of the site). Much of this area is wetland and will require protection based on the City's critical areas ordinance. Within this area are a serious of trails benches and seating areas. One of these trails would connect to the Creekside Heights park to the south. The applicant has requested using bark chips for the trail in some areas, to minimize the impact to the critical areas. The City does not accept bark chip trails in this case. A **condition** will require all trails to be built to City standards specified in 12.116.070. This project satisfies the on-site recreational requirements by preserving a natural open space corridor with an on-site pedestrian trail that can connect with a larger trail system as properties develop along this corridor. At the time of final plat approval, a **condition** will require the trail to be overlaid with a public access easement and the developer shall establish a mechanism to assure perpetual care and maintenance of the trail.	
17.128.050 Impact fee credits	**Compliance:** Yes
Findings: As noted, the City's Plan calls for a 2-acre neighborhood park in this area. This project is not contributing to this park need, and is therefore not eligible for park impact fee credits. However, the applicant is satisfying the on-site recreational component of 17.128.040.A.1.b.	

6.	**Title 18 Environmental Protection**
18.100-185 SEPA Categorical Exemptions and Threshold Determinations	**Compliance:** Yes

Title 18 of the Battle Ground Municipal Code establishes procedures and policies for implementing the State Environmental Policy Act. In order to be approved, the proposal must meet the requirements of Title 18, SEPA Procedures and Provisions. The applicant submitted a SEPA checklist with the preliminary application. Staff has reviewed the checklist and noted the following mitigating measures:

1. An Archaeological pre-determination survey was completed on July 22, 2015, by Applied Archeological Research, Inc. The report recommended that no further archeological work is needed. The pre-determination report was sent to the Department of Archaeology and Historic Preservation on September 12, 2016, as well as the standard SEPA notification on November 30, 2016. No comments from the Department of Archaeology have been received to date.
2. If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation, and the City of Battle Ground shall be contacted immediately.
3. If necessary, coordinate and comply with the recommendations in the Department of Archaeology and Historic Preservation.

All other environmental impacts identified in the SEPA checklist can be fully mitigated by adhering to the City's code, as conditioned for this project.

As part of this land use decision, a Final Determination of Mitigated Non-significance (MDNS) is issued pursuant to WAC 197-11-350 is being issued by the Hearing Examiner. This determination was made utilizing the provisions of WAC 197-11-355 which authorizes an optional process for

SEPA with a 14-day comment period to allow for public comments on the determination.	
18.250 Stormwater Control and Drainage	**Compliance:** Conditionally

Finding: BGMC 18.250.020 specifies when stormwater control and drainage provisions are applicable and references the Western Washington Manual. Specifically, it identifies the following development activities as requiring stormwater control and drainage:

A. Projects that disturb one acre or more, or projects that are part of a larger common plan of development or sale that will disturb one acre or more, shall comply with the following requirements:

1. Projects that add five thousand square feet or more of new impervious surface, convert three-quarters of an acre or more of native vegetation to lawn or landscape areas, or convert two and a half acres or more of native vegetation to pasture shall comply with Minimum Requirements Nos. 1 through 9 as specified in BGMC 18.250.050;

The proposed project meets these requirements and therefore requires stormwater control and drainage per applicable standards specified in BGMC 18.250. The applicant shall submit final engineering plans and a hydrology report that addresses the requirements as outlined in Section 4-7 of the Stormwater Design and Construction Requirements manual. The submitted preliminary hydrology report does not address minimum requirement #5. The final hydrology report shall fully evaluate minimum requirement #5 and clearly outline infeasibility criteria with regard to low impact development. If LID features that require inspection are incorporated into the site, then appropriate stormwater covenants will need to be provided.

An access ramp will need to be provided to the bottom of the first cell for both of the proposed stormwater facilities.

The applicant has submitted a preliminary stormwater plan and preliminary hydrology report for review. It appears that the layout shown on the preliminary plans/report is adequate for the project.

As this is a single-family residential subdivision, the stormwater facility(s) shall be publicly owned and maintain as described in BGMC 18.250.300(F).

A public stormwater easement shall be provided over the discharge pipe for storm facility #2 since it appears to be located on an adjacent parcel or it needs to be redesigned to discharge on the applicant's parcel.

The applicant is, per BGMC 18.250.310(A), required that in order to insure satisfactory operation of new stormwater facilities to maintain it for two years after completion of the project. Prior to final City acceptance of the stormwater facility the applicant shall submit a two-year maintenance contract for the required stormwater facility for review and approval. As a condition of final plat approval this two-year agreement shall be recorded with the final plat.

The final plat shall include a note specifying the party(s) responsible for long-term maintenance of the stormwater facilities per BGMC 18.250.310(B)(1). Since the City will be providing long-term maintenance of the stormwater facility, conditions of BGMC 18.250.310(B)(3) shall be met.

All stormwater facilities maintained by the City shall be in a tract per BGMC 18.250.320. The final plat shall show separate tracts, which encompass the stormwater facilities and do not include the wetlands.

Per BGMC 18.25.350(A), stormwater ponds dedicated to the City shall be fenced. The final engineering plans shall meet this requirement.

The applicant is required to provide erosion control as determined through the engineering review process. The applicant shall submit engineering plans showing grading and erosion control that will occur on site. The plans will provide for erosion control around delineated wetland boundaries, if applicable, which shall be flagged prior to construction.

It should be noted that final engineering plans for stormwater control and drainage shall be submitted for staff review and approval prior to building permit issuance. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.

18.255 Erosion Control	**Compliance:** Conditionally

Finding: The applicant's engineer will need to provide erosion control plans meeting the requirements of BGMC 18.255. These plans will be required to incorporate all of the applicable elements required in BGMC 18.255.060 through BGMC 18.255.090. The plans will provide for erosion control around delineated wetland boundaries, if applicable, which shall be flagged prior to construction.

The final grading and erosion control plans shall be conformance with applicable City standards including the City's Standard Construction Details.

The contractor will be required to provide evidence that an individual on-site has successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the City per BGMC 18.255.100. This must be submitted prior to construction.

It should be noted that final engineering plans for grading and erosion control shall be submitted for staff review and approval prior to building permit issuance. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.

18.270 Wetlands	**Compliance:** Conditionally

Findings: A *Critical Areas Report* dated June, 2016 and *Wetland Mitigation Plan* dated October 2016 was prepared by Ecological Land Services, Inc. The critical areas report identifies two critical areas within the project: Wetlands and Oregon White Oak. The biologist identified 23 wetlands on site. Twenty-two of the wetlands are Category III wetlands, and the remaining wetland, the largest, is Category II. All twenty-three wetlands will require a 150 foot buffer. Further wetland modifications are allowed per BGMC 18.270.080. Per the Mitigation Plan, wetlands will be mitigated by purchasing credits from the Remy Site here in Battle Ground, which is an acceptable form of mitigation per code.

The biologist identified 71 Oregon White Oak and small groupings of less than one foot apart. Oregon White Oak are considered a priority habitat based on the City's local code as well by Washington State Department of Fish & Wildlife. If impacts occur to the tree habitat, mitigation

will be required per BGMC 18.280.040. This will require a replanting at a ratio of 2:1 in the City or within one mile of the city urban growth boundary.

Per BGMC 18.270.050, permanent marking of all buffer areas shall occur. Such demarcation may consist of logs, a tree or hedge row, fencing made of wood only, or other prominent physical marking approved by the director. Additionally, a sign measuring no more than six square feet in area and no shorter than four feet and no higher than six feet in height shall be posted at approximately every one hundred feet, along the outer perimeter of the wetland buffers, or where practical.

It should also be noted that some utility connections may impact the critical areas on site. Any unanticipated impacts that may occur as a result of the finial engineering of the site will need to be accounted for in a final mitigation plan. A condition will require compliance with water quality recommendations in Ecology's December 14, 2016 letter.

B.	**Service Development Charges, Impact Fees, Credits**

Fees will be calculated at the time of building permit issuance based on the adopted Fee Schedule at that time. This project doesn't address any creditable capital infrastructure therefore no credits are available for this project.

C.	**Public/ Agency Comments**

1. December 10, 2016 letter from the **Battle Ground Public Schools**. This letter outlines the various ways this development would impact the school district in respect to the additional students that would reside in the development. The letter discusses the school district's plans to serve the students and states that school impact fees will be collected to help off-set the cost associated with serving the additional students.
2. December 12, 2016 letter from **Gary Tint.** This letter outlines concerns about the additional parking and traffic that would be routed through the Crystal Springs subdivision, to the west with extension of N.E. 17th Street. Concerns are noted about their private park being used by new residents are noted as well.
3. December 14, 2016 email from **Charles Isely.** Mr. Isely is an attorney representing the Crystal Springs Neighborhood Association. Preliminary comments were submitted to raise concerns about parking and traffic.
4. December 14, 2016 letter from **Washington State Department of Ecology.** Comments focused on water quality measures and protections.
5. December 15, 2016 letter from the **Alvarez Family**, 1610 NE 17th Ave. This letter requests that the homes along N.E. 15th Avenue that will connect to N.E. 17th Street, to be incorporated into Crystal Springs Home Owners Association.

III. RECOMMENDATION

Staff recommends **approval** of the Bloomquist Preliminary Subdivision, SEPA Review, Boundary Line Adjustment, and Critical Areas Review. Based upon the findings and conclusions herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval, and no significant adverse impacts have been identified.

CONDITIONS OF APPROVAL

A. <u>Prior to Engineering Plan Approval</u>:

1. Submit final engineering plans, for review and approval by staff, pertaining to transportation, sewer, water, grading, erosion control, stormwater, driveways, street lighting, and landscaping prepared and stamped by a registered engineer in the state of Washington.

    a. Showing full width improvements to NE 19th Way, NE 19th Street, NE 18th Street, NE 17th Street, NE 15th Street, NE 11th Avenue, NE 12th Avenue and NE 15th Avenue per Local "A" standards, including sidewalk, planter strip, curb & gutter, and asphalt.

    b. Showing adequate half-street improvements, based on pavement testing, for NE Grace Avenue, a Minor Arterial, including sidewalk, planter strip, curb and gutter, and asphalt and necessary right-of-way dedications.

    c. Showing Lots 57 and 56 served by Tract "H" meeting the minimum paved width of 18-feet within a 24-foot tract.

    d. Showing Lots 1-8 served by a private road meeting the applicable private street requirements of 28-feet paved width within a minimum 42-foot tract

    e. Showing lots 76 and 77 served by a driveway easement with a minimum paved width of 18-feet.

    f. Showing street names as listed in the final order.

    g. Showing temporary and permanent IFC fire apparatus turnarounds.

    h. Showing the pedestrian pathway in a 12-foot pedestrian easement.

    i. Containing a combined landscaping and driveway plan.

    j. Showing sight distance triangles.

    k. Containing a signing and striping plan.

    l. Containing a street lighting plan.

    m. Showing traffic calming devices on all public streets.

    n. Showing driveways that meet the requirements of BGMC 12.116.243

    o. Showing a 12" water line in NE Grace Avenue/NE 142nd Avenue.

p. Showing 8-inch minimum diameter water lines looped throughout the subdivision, extending to the extreme property lines and connecting to existing water mains in NE Grace Avenue and NE 17th Street. The water line serving lots 103-123 shall connect to the proposed water system to the west or south.

q. Showing each residential lot having its own individual water service.

r. Showing an 8-inch gravity sewer line throughout the subdivision and connecting to the proposed sanitary sewer connection in NE 12th Avenue or if that if that has not been constructed connecting to the sanitary sewer line in NE Grace Avenue. The sanitary sewer line serving lots 103-123 shall connect to the proposed sewer line to the west or south.

s. Showing each residential lot having its own sanitary lateral.

t. Showing fire hydrants meeting spacing requirement throughout the subdivision and along the frontage of NE Grace Avenue.

u. Showing traffic mitigation at the intersection of SE Grace Avenue and SE Rasmussen Boulevard.

v. Showing traffic mitigation at SE Grace Avenue & E Main Street, SW Eaton Boulevard & SR 503, SW Eaton Boulevard & SW 20th Avenue and SR 503 & NW Onsdorff Boulevard or indicating that mitigation fees will be paid in lieu of the improvements.

w. Showing a stormwater facility which meets the requirements of BGMC 18.250.

x. Showing the stormwater facilities in separate tracts.

y. Showing a 6-foot high black vinyl fence around the perimeter of the stormwater facility.

z. Showing grading and erosion control in conformance with applicable city standards and standard construction details.

2. Submit a hydrology report that addresses all requirements found in BGMC 18.250 and meets the approved Department of Ecology criteria.

3. Provide a geotechnical report in accordance with IBC 1803.

4. All trails shall be built to City standards specified in 12.116.070.

5. Any unanticipated impacts to critical areas resulting from final engineering of the site will need to be accounted for in the final mitigation plan.

6. Submit a construction cost estimate for required public improvements for review and

approval by the City Engineering Department.

7. Following the City Engineer's acceptance and approval of the construction cost estimate, pay the required engineering plan review and construction inspection fee which is two (2) percent of the estimated costs of construction. If no public improvements are constructed, the fee will be generated by time spent by staff to review plans.

B. <u>Prior to Final Plat Approval</u>:

1. Construct all required public improvements and gain engineering acceptance or provide appropriate bonding.

2. Construct the mitigation measures for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $64,399.86.

3. Construct the mitigation measures for the failing intersection of SW 20th Avenue & SW Eaton Boulevard or pay the mitigation fee of $13,748.40.

4. Construct the mitigation measures for the failing intersection of SR 503 & NW Onsdorff Boulevard or pay the mitigation fees of $18,304.92

5. Construct the mitigation measures for the failing intersection of SE Grace Avenue & E Main Street or pay a proportionate share of the cost of mitigation for the Grace/Main intersection in a mutually agreed upon amount. In the event that the City and the Applicant cannot agree on an amount, the City shall set the matter for hearing before the Hearing Examiner who will make the final determination.

6. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.

7. Construct traffic mitigation at the intersection of SE Grace Avenue and SE Rasmussen Boulevard.

8. Provide a public stormwater easement over the discharge pipe for storm facility #2.

9. Submit a final plat:

    a. That shows easements for public utilities not located in the right-of-way.

    b. Showing a 12-foot perpetual pedestrian access easement for the pedestrian path.

    c. Showing a shared 20-foot access easement serving lots 76 and 77 and noting that the lots 76 and 77 shall be responsible for the maintenance of the shared driveway.

    d. With a note describing the maintenance responsibilities of each lot owner for the private streets.

e. Showing the stormwater facilities in separate tracts.

f. With the following note: "No fences are allowed in the sight distance triangle."

g. With the following note: "All utilities are to be located outside of the sidewalk section and to be underground where possible."

h. That shows where any control monuments have been placed.

i. That shows the dedication of any public roads or alleys.

j. Showing Lot 9 to have 20 feet of frontage to comply with the minimum standard.

k. With the following note: "The fire turnaround at the end of NE 15th Street is temporary and once the public street is extended the easement will automatically be relinquished."

l. With the note: "All new structures shall conform to the setbacks and building heights of the R7 zoning district."

m. With the note: "All houses shall conform to the neighborhood design standards as listed in BGMC 17.106.040."

n. With a note: "Wetland buffer demarcation shall comply with 18.270.050."

10. Submit a two-year stormwater maintenance contract for review and/or approval.

11. Submit a private maintenance agreement for private streets.

12. Submit documentation, acceptable to City, demonstrating that the pedestrian path maintenance and liability responsibilities have been met.

13. Finalize the Boundary Line Adjustment.

C. <u>Prior to Engineering Acceptance</u>:

1. Construct all public improvements, if applicable, and go on a walkthrough with City of Battle Ground Engineering Staff and correct any deficiencies as determined by City staff.

2. A letter shall be provided by the applicant showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.

3. Submit to the City of Battle Ground a two-year/20-percent maintenance bond for all completed and accepted public improvements.

4. Submit complete sets of as-built drawings for all required public improvements for streets and roads, stormwater drainage and control, sanitary sewer and water services, as applicable prior to the issuance of the occupancy permit for review and approval by

the Engineering Department. Upon acceptance by the Engineering Department, submit prior to the issuance of the occupancy permit, one (1) Mylar set, one (1) full size paper set, two (2) 11x17 paper sets of As-Built record drawings and one (1) 3.5-inch disk (s) or compact disc version of the as-built drawings in AutoCAD, PDF and TIF formats.

D. Prior to Construction:

1. Receive signed and approved engineering plans from the City of Battle Ground.

2. Submit a surety bond for right-of-way construction.

3. Submit a certificate of liability meeting the requirements of BGMC 12.118.120.

4. Erect and conduct erosion control measures consistent with the approved Erosion Control Plan and City of Battle Ground erosion control standards.

5. Submit evidence that an individual on-site has successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the City.

6. Conduct a pre-construction conference with City engineering and planning staff. Contact the Planning Customer Service Clerk at (360) 342-5047 to schedule an appointment.

7. If merchantable timber will be removed/harvested as part of the proposal, then a Forest Practices Application (FPA) will be needed (RCW 76.09 and WAC 222). The FPA will need to meet the requirements of the Forest Practices Act and its rules.

8. If any cultural resources are discovered in the course of undertaking the development activity, the State of Office of Historic Preservation and Archaeology and the City of Battle Ground Planning Department must be notified.

9. Adhere to all recommendations of a final Wetland Delineation and Mitigation Plan.

10. Comply with water quality recommendations in Ecology's December 14, 2016 letter.

11. Any unanticipated impacts to critical areas that may occur as a result of the finial engineering of the site will need to be accounted for in a final mitigation plan.

E. Prior to Creation of Impervious Surface:

1. Except roofs, the stormwater treatment and control facilities shall be installed in accordance with the approved final engineered plans and in accordance with the City of Battle Ground stormwater regulations.

F. Prior to Building Permit Issuance:

1. All required fees, including Transportation, Park and School Impact fees shall be paid.

2. Fire hydrants shall be tested and approved and fire flow letter shall be submitted to the City showing the minimum fire flow has been attained.

3. Per BGMC 18.270.050, permanent marking of all buffer areas shall occur. Such demarcation may consist of logs, a tree or hedge row, fencing made of wood only, or other prominent physical marking approved by the director. Additionally, a sign measuring no more than six square feet in area and no shorter than four feet and no higher than six feet in height shall be posted at approximately every one hundred feet, along the outer perimeter of the wetland buffers, or where practical.

IV. EXHIBITS

Because of the size of the exhibits, they are not included with this report, but listed below. The documents are available for review at the Planning Department, 109 SW 1st Street, Suite 127, Battle Ground, WA, 98604.

EXHIBIT #	DESCRIPTION
A	Staff Report and Recommendation for Bloomquist dated Feb. 15, 2017
1	Subdivision, Wetland, SEPA Review Development Application
2	Boundary Line Adjustment Application
3	Applicant's Narrative
5	Reduced Development Plans
5	SEPA Checklist
6	Notice of Application and Likely SEPA DNS dated Nov. 30, 2017
7	Critical Areas Report dated June 2016
8	Wetland Mitigation Plan dated October 2016
9	Traffic Impact Study dated October 14, 2016
10	Preliminary Hydrology Report (TIR) dated Oct. 5, 2016
11	Letter from Battle Ground Public Schools dated Dec. 10, 2016
12	Letter from Gary A. Tint dated Dec. 12, 2016
13	Email from Charles Isely dated Dec. 14, 2016
14	Letter from Department of Ecology dated Dec. 14, 2016
15	Email from Alvarez Family dated Dec. 15, 2016
16	Exhibit List dated Feb. 15, 2017

V. APPEAL

The Decision of the Hearings Examiner is appealable to the Washington Superior Court per RCW 36.70C.