City of Battle Ground

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

Staff Report and Recommendation

Project Name: Word of Grace Church Parking Lot Expansion and Coffee Shop
Conditional Use, Site Plan, Critical Areas and SEPA Review (CU:01-17)

Report Date: November 1, 2017

Proposal: Conditional Use Permit and Site Plan Review for a phased development. Phase 1 would include a new parking lot with 304 parking stalls and a half-street road extension of NW 13th Avenue. Phase 2 would include a 900 square-foot coffee shop and 49 parking stalls.

Location: 23501 NE 120th Court
Battle Ground, WA 98604
Parcel: 228780-000

Property Owner: Serge Letundskiy
Word of Grace Bible Church
1317 NW 12th Avenue
Battle Ground, WA 98604.

Representative: Mike Odren
Olson Engineering, Inc.
222 E. Evergreen Boulevard
Vancouver, WA 98660

Staff: Sam Crummett, AICP, Planning Supervisor
Ryan Jeynes, PE, Associate Civil Engineer
Chris Drone, Building Official/Fire Marshall

SEPA Determination: Determination of Non-Significance

Staff Recommendation: Approve with Conditions

November 1, 2017

Sam Crummett **Date**
Planning Supervisor

EXHIBIT
A

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I. BACKGROUND

A. General Site Information

Size of Site:	4.93 acres based on GIS records
Existing Vegetation:	Trees shrubs and groundcover associated with the use
Existing Structures:	A single-family residence and associated outbuildings
Adjacent Land Uses:	To the south, west and north are single-family residences. To the east is the CAM Academy School and single-family residences
Adjacent Zoning:	Surrounding zoning is Residential, except to the southeast is Commercial were the CAM Academy and Baptist Church are located
Topography:	Relatively flat
Wetlands:	Yes
Flood Plain:	No mapping indicators
Archaeology:	Mod-High
Soils:	HuB, 22.9% and DoB 77.1% on the northern parcel

B. Background & Maps

The Word of Grace Bible Church received approval for a Conditional Use Permit (CUP-01-03) and Site Plan (SP2: 15-03) approval to construct their church on their 3.5 acre, southwest corner of State Route 503 and NW Onsdorff Boulevard on December 5, 2003 (Final Order, Exhibit 16). See also Figure 1 below. Since this time, the church has grown and has not been able to accommodate their parking on-site. This has forced attendees to parking in surrounding neighborhoods and on

both sides of State Route 503. The church actively managing their parking by encouraging carpooling, providing a shuttle bus service from the Captain Strong Elementary School, and directing traffic with on-site parking lot attendants.

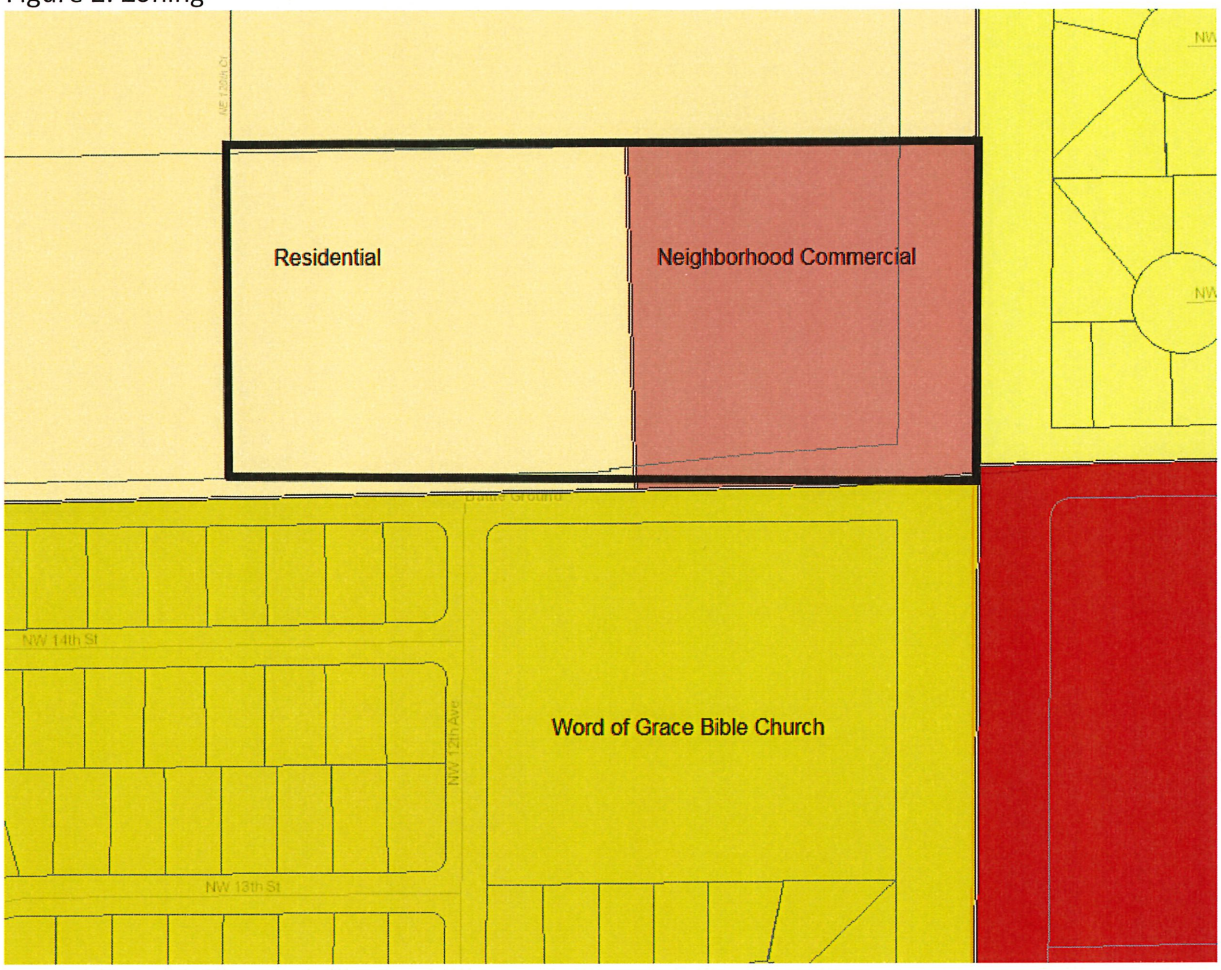
The church currently owns a 4.93 acres parcel, adjacent to their church building, north of NW Onsdorff Boulevard. This parcel contains a single-family home and the church indicates this will be rented out for residential use.

The property is split zoned, with Residential 10 (R10), on the west and Neighborhood Commercial (NC) on the east, as shown in Figure 2 below.

Figure 1. Site Location



Figure 2. Zoning



Key Dates:

Date Application Submitted:	August 25, 2017
Application Technically Complete:	August 30, 2017
Notice of Application:	September 13, 2017
Site Posted:	September 13, 2017
Reflector Publication:	September 13, 2017
Recommendation Staff Report Issuance:	November 1, 2017
Public Hearing	November 8, 2017

II. APPLICABLE REGULATIONS/ANALYSIS

A. BATTLE GROUND MUNICIPAL CODE (BGMC)

1.	Title 12 STREETS AND SIDEWALKS
12.116 Public and Private Street Standards	**Compliance:** Conditionally

Finding: The proposed site has frontage along NW Onsdorff Boulevard. Currently, NW Onsdorff Boulevard is not up to current City standards. Access will be from NW Onsdorff Boulevard and NW 13th Avenue.

Half-street improvements are required for NW Onsdorff Boulevard consistent with 'Major Collector' standards along the southern portion of the property. NW Onsdorff Boulevard shall have a curb-to-curb dimension of 40-feet, a 5-foot landscape strip, a 5-foot sidewalk and a median where possible. Additionally, the configuration of the right-in/right-out access on NW Onsdorff Boulevard will be vetted during the engineering review phase. A 15-foot dedication is necessary in order to meet the half-width improvement requirement.

NW 13th Avenue is required to be a neighborhood collector per the Transportation Master Plan. The minimum half-width right-of-way shall be 34-feet; 25-foot asphalt roadway, 4-foot landscape strip, and a 5-foot sidewalk.

Centerline curves for all new streets shall be designed to meet the requirements of AASHTO's *A Policy on Geometric Design of Highways and Streets*, aka The Green Book. Future submittals of engineering plans shall include, but not limited to, centerline radius, curve data, and any pertinent information that shows new streets meet the design requirements.

The applicant is required to provide landscaping 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. Submitted preliminary plans show landscaping in right-of-way.

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. Preliminary plans include information on proposed driveways.

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. A photometric plan shall be completed for all access points, intersections and frontage roads out to centerline and should include existing lights to ensure that proposed lights meet IES RP-8-00 standards. Streetlights shall be LED decorative cobra type units for NW Onsdorff Boulevard and LED acorn type units for NW 13th Avenue.

The applicant will need to provide approximately 15-feet of additional right-of-way, per BGMC 12.116.160, for NW Onsdorff Boulevard to allow for 30-feet of right-of-way from the centerline of the street. This dedication can be completed via Deed of Dedication paperwork.

The applicant's traffic engineer has indicated that 39 new a.m. peak trips and 15 new p.m.

peak trips will be generated by the proposed development. Per BGMC 12.116.175(C)(1) a traffic study is required when 10 new 10 a.m. and 10 p.m. peak trips are generated. A traffic study has been submitted. There is a Level of Service (LOS) issue with the proposed development. The traffic study recommends the installation of stop signs on NW 20th Avenue at the intersection of NW Onsdorff Boulevard & NW 20th Avenue. Additionally, the proposed development sends trips to one of the City's five failing intersections; NW Onsdorff Boulevard & SR 503. See below under the *Concurrency Management* section for more information on mitigation measures for the failing intersections.

Per BGMC 12.116.180(B), the applicant is required to perform pavement deflection testing, to determine the adequacy of the existing pavement on NW Onsdorff Boulevard where half-street improvements will occur if the existing portion of the asphalt section is to remain. Additionally, the applicant will need to demonstrate that the existing street geometrics are compatible with the proposed road section. If the remaining life of the pavement is less than five years and has a Pavement Condition Index number less than 70 as calculated by City Staff, then the half-street improvements will need to extend to the centerline of the street. This requirement is being met as the preliminary plat shows improvements going to centerline of respective streets.

Typically cross streets are required every 500-feet per BGMC 12.116.200. However, this requirement is not necessary, as the properties to the north and west of the proposed development show large areas of wetlands per Clark County GIS and to the east is SR 503.

Public streets and intersections shall comply with Sight Distances per BGMC 12.116.220 unless modified through the road modification process as outlined in BGMC 12.116.290.

Nonresidential driveways shall be designed and constructed per BGMC 12.116.246.

Staff received comments from the following citizens regarding transportation:

1. Robert Manelis: concern with lack of added turn lanes at NW Onsdorff Boulevard and SR 503.

Responses to citizen comments:

1. The intersection of NW Onsdorff Boulevard and SR 503 is failing during the a.m. peak time period. As the proposed development is affecting a failing intersection, it will be required to either pay its proportionate share of the improvements or construct the improvements to bring it out of failure. See *Concurrency Management* section for more information

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 plan 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 (ROW) or easement without a written permit.

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 or other approved surety is required when work will be within the City's ROW or within an easement. 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 or easement.

A Certificate of Liability Insurance, with the required thresholds, shall be submitted per BGMC 12.118.120 when construction activities occur within the City's ROW or in an easement.

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 39 a.m. peak and 15 new p.m. peak trips, which are more than the 10 a.m. and p.m. peak hour trips the code cites as a threshold amount.

The City has five intersections in concurrency failure: SW Eaton Boulevard & SR 503 (during the p.m. peak); SW Eaton Boulevard & SW 20th Avenue (during the p.m. peak); NW Onsdorff Boulevard & SR 503 (during the a.m. peak); East Main Street & Grace Avenue and SE Rasmussen Boulevard/SE Grace Avenue.

Mitigation measures are as follows:

- SW Eaton Boulevard & SR 503 include addition of an eastbound left turn lane and a second westbound left turn lane
- SW Eaton Boulevard & SW 20th Avenue construction of northbound, southbound, and westbound left-turn lanes and traffic signal
- NW Onsdorff Boulevard & SR 503 the addition of a second southbound through lane at the intersection
- East Main Street & Grace Avenue a traffic signal and realignment of intersection.
- SE Rasmussen Boulevard & SE Grace Avenue Boulevard include addition of stop signs to north and south legs of 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 per trip cost is $1,533.33, $2,291.40, $4,576.23, $1,721.77 for SW Eaton Boulevard & SR 503, SW Eaton Boulevard & SW 20th Avenue, NW Onsdorff Boulevard & SR 503 and East Main Street & Grace Avenue, respectively. 0 p.m. trips are going through SW Eaton Boulevard & SR 503, 0 trips through SW Eaton Boulevard & SW 20th Avenue, 16 a.m. trips are going through the NW Onsdorff Boulevard & SR 503 intersection, 0 trips through East Main Street & Grace Avenue, and 0 trips through SE Rasmussen Boulevard & SE Grace Avenue. Thus, the mitigation fees are as follows: $0.00 for SW Eaton Boulevard & SR 503, $0.00 for SW Eaton Boulevard & SW 20th Avenue, $73,219.68 for NW Onsdorff Boulevard & SR 503 and $0.00 for East Main Street & Grace Avenue. Due to the nature of improvements associated with SE Rasmussen Boulevard/SE Grace Avenue, there is no fee; mitigation measures to be fully installed by applicant.

One of these strategies will need to be completed prior to building permit issuance.

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

Finding: A new potable water system will required for this project. The City of Battle Ground is the public water purveyor for properties within the City.

As a result of anticipated near term water capacity issues, the City of Battle Ground does not guarantee, or set aside, water service capacity for any new development, redevelopment, or expansion, which increase water usage within the City of Battle Ground Service Area until such time as additional water capacity becomes available as outlined in the Battle Ground Water Master Plan. 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 a 12-inch water line in NW Onsdorff Boulevard. An 8-inch water line shall connect to this line, extend into the site and extend to the terminus of NW 13th Avenue. The applicant is showing connection being made to 12-inch line NW Onsdorff Boulevard. Engineering staff has reviewed this proposal and finds it acceptable.

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.

The site also contains an existing water well. This well shall be used for irrigation purposes only

and not to be connected to the proposed building. All cross connections will need to be eliminated before this set up will be accepted.

Per BGMC 13.110.017, water lines shall be located within the City' ROW where feasible. Lines located outside the City ROW shall be privately owned and maintained unless accepted by City Engineer.

Easements shall be provided for City maintained water lines constructed outside City right-of-way per BGMC 13.110.070.

The applicant is required to provide adequate backflow prevention devices. If backflow devices are not currently installed, they will need to be per City of Battle Ground details.

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.

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.

An existing sewer manhole is located at the intersection of NW 14th Street and NW 12th Avenue. An 8-inch sewer line shall connect to this manhole and into the proposed development. The applicant is proposing to connect this line and extend an 8-inch sewer line into the site. Engineering staff has reviewed this proposal and finds it acceptable.

There is a septic system on site. This system shall be decommissioned and documentation provided to the City showing that is was done to Clark County Health Department standards.

Per BGMC 13.120.020(B), sewer lines shall be located within the City' ROW where feasible. Lines located outside the City ROW shall be privately owned and maintained unless accepted by City Engineer.

Easements shall be provided for City maintained sanitary sewer lines constructed outside City right-of-way per BGMC 13.120.070.

Per the BGMC 13.137.170, the applicant shall complete and submit to the Battle Ground Engineering Department an industrial pretreatment survey form prior to engineering approval. The applicant is advised that any pretreatment requirements identified through the review process should be implemented prior to final occupancy.

Per BGMC 13.137.280(A) a sampling manhole for monitoring and testing is required for commercial and industrial type uses. The proposed site is a commercial type use therefore

engineering staff has determined that this site would need to meet this requirement. Each lateral will require a monitoring manhole. All monitoring manholes require a sewer easement for inspection.

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, CONSTRUCTION AND FIRE
15.104 Building Code	**Compliance:** Conditionally

General

The City of Battle Ground has adopted by reference the 2015 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).

The following separate permits will be required:

- Commercial Tenant Improvement (City of Battle Ground)
- Plumbing (City of Battle Ground)
- Mechanical (City of Battle Ground)
- Electrical (Washington State Department of Labor and Industries)
- Fire Sprinkler (Clark County Fire Marshal)
- Fire Alarm (Clark County Fire Marshal)
- Demolition permit as necessary (City of Battle Ground)

All permits must be secured prior to any construction and all applicable impact and permit fees shall be paid prior to the issuance of the permits. In accordance with IBC 107.3.4 and per RCW 18.08, an Architect shall act as the design professional in responsible charge and shall be responsible for reviewing and coordinating the submittal documents.

The applicant shall be responsible for coordinating with private utility companies to provide service to the project. Please be aware that utility providers may have specific requirements for utility placement, easements, or clearances and the applicant shall coordinate with the utilities to ensure all requirements have been met.

15.105.090 Fire Access Road Requirements	**Compliance:** No

Finding: Fire access to the overall site is by way of NW Onsdorff Boulevard by 24-foot wide drive lanes through a shared parking area providing access to all areas of the structure. **Provide location of required "No Parking – Fire Lane" signage at all curbs adjacent to fire lanes.**

Fire access to the north coffee shop parking lot is inadequate as shown. **The fire lane leading to the coffee shop parking lot shall be designed to allow an inside turning radius of 28 feet.**

15.105.100 Fire Hydrants	**Compliance:** No

Finding: There are no hydrants shown on the submitted plans. Per BGMC15.105.100, fire hydrants serving buildings or portions of buildings shall have a maximum lateral spacing of not exceed 350 feet. The distance from the most remote exterior first floor wall of any structure

shall not be more than 350 feet from a hydrant. A minimum of (2) new hydrants need to be shown to protect the converted single family residence and the proposed coffee shop.
15.105.180 Minimum Required Fire Flow — **Compliance:** Conditionally
Finding: In accordance with appendix B of the IFC, the adjusted fire flow for this project is 1,500 gallons per minute. Based on this, at least two hydrants shall be available to firefighting personnel. The applicant shall provide documentation showing the hydrants are capable of meeting this requirement.
Accessibility — **Compliance:** Conditionally
Finding: The site and building will be required to meet the requirements for accessibility found The accessible parking as shown is adequate for this project. The drawings shall provide information showing how changes in elevation will meet the accessible route requirements (spot elevations, ramp details, etc.). An accessible route will also be required from accessible parking to the accessible entrances.
Change of Use — **Compliance:** Conditionally
Finding: The applicant indicates the single-family use on site would remain and be rented out for residential use. If in the future the church decides to use the building for ancillary administration or meeting space for the parent occupancy to the south, a Change of Use would be required. This would require Commercial Tenant Improvement and drawings showing compliance with the Accessibility requirements of chapter 11 of the IBC and the ANSI A117.1 Standard for Accessible and Usable Building and Facilities. Specifically, the following should be addressed: An accessible route from the parking and public right to main entrance. All doors intended for user passage within the structure shall be required to be accessible. Accessible restroom(s) shall be required.

4.	**Title 17 ZONING**
17.118 Commercial /Residential Districts	**Compliance:** Yes
Finding: The site is split zoned, with R10 (Residential 10 units per acre) on the west side, and NC (Neighborhood Commercial) on the east side. Both the R10 and NC districts, authorize "Churches, including cemeteries and customary accessory buildings and uses, subject to BGMC 17.135.050," but are subject to conditional use review. BGMC 17.135.050 as reference above states, "Churches, temples, mosques, synagogues, and other places of worship shall be located on a site of at least one-half acre. A minimum thirty-foot-wide yard shall be required abutting any residential district." Staff finds that there are no church related structures associated with this request and the 30 foot setback is not applicable. The site itself is larger than ½ acre, thereby in compliance with this section. The proposed coffee shop, is permitted outright, in the NC district in which it is located, subject to site plan review. The parking area expansion is a customary use associated with church use, and is therefore subject to conditional use review.	

17.118-1 Dimensional Standards	**Compliance:** Yes

Finding: For the R10 district, no structures are proposed therefore no dimensional requirements need to be reviewed. The existing single-family home on site would remain and be used for residential purposes.

A minimum of 20% of the site must be landscaped. The applicant is proposing 43% of the site to be landscaped. The proposed coffee shop would be approximately 21 feet in height, thereby meeting the maximum 35 foot height limit.

A maximum 10-foot setback is required for the front yard or street side yard, which would apply for SR 503 to the east of the coffee shop. The underlying principle for this requirement is to bring buildings close to sidewalks and streets, to create an inviting, pedestrian friendly streetscape. The proposed setback for the coffee shop is 40 feet from State Route 503.

A deviation from this standard is warranted, since Washington State Department of Transportation will not grant access, vehicular or pedestrian, from SR 503, thereby undermining the goal of the 10-foot maximum setback standard. To off-set this deviation, the applicant is proposing an outdoor patio serve the underlying goal of creating a pedestrian friendly place. This deviation satisfies BGMC 17.200.040.A.2, which states:

> *BGMC 17.200.040.A.2 authorizes administrative deviations from the standards in the BGMC provided, that (a) any deviation is consistent with any development agreement related to the subject property; and (b) in the judgment of the planning director, any approved deviation would result in a project that is equivalent or superior to what would be required under the standards set forth in this chapter.*

Rear and side yard setbacks are satisfied. To the north is a residential R10 district. BGMC 17.131 requires a 20' B2 landscape buffer between this project and the R10 district. The applicant satisfies this requirement.

The maximum building coverage standard is satisfied, based on the project satisfying the minimum buffering, parking, stormwater, and landscaping standards.

17.118.040 Design Standards	**Compliance:** Yes

Finding: This section describes certain architectural and building design requirements. The submitted site plan and elevation plans show compliance with this section. The proposed coffee shop building will be oriented and facing NW Onsdorff Boulevard, which is acceptable. A **condition** will require the site to maintain all applicable design standards of BGMC 17.118.040.

17.133 Parking and Loading Requirements	**Compliance:** Yes

Table 17.133-1 lists the minimum vehicular parking requirements based on the amount of seats provided in the main auditorium, specifically, one parking space per 4 seats or one space for every 12 feet of bench length.

For the coffee shop, only 3 spaces are required.

The Church currently has 206 parking spaces, and at the time of development in 2003 only 139 were required by code. In their June 15, 2017 letter, the Word of Grace Bible Church outlines their parking needs based on their current service demands. They estimate between the two Sunday morning services, approximately 1,250 attendees may be present, with approximately 650 cars parked on-site and in the surrounding neighborhoods.

The proposed parking lot would add a total of 353 spaces, and 49 of these spaces would be added in Phase 2. A question was raised during this review, if the church building is over capacity, and whether such a large parking lot should be justified. Based on the Fire Marshall analysis, the approved building plans show and the occupant load as follows:

Sanctuary: 899
Gymnasium: 270
Classrooms: 101
Choir: 55
Conference room: 32
Office space: 16
Studio: 15
Cry room: 12
Kitchen: 3

Total occupants: 1,403

Staff finds that the church is not over capacity in respect to occupant load. Attendance is upwards of 1,250, spread between two morning services. The requested 353 spaces is warranted based on approximately 650 cars in the area between the two morning services, and the other reasons cited in the parking analysis provided by the applicant (June 15, 2017 letter from Word of Grace Bible Church).

BGMC 17.133.070 Parking Lot Design Standards	**Compliance:** Yes

This section of the code references the design standards for parking lots. Such things as surface materials, stormwater, landscape buffering, ADA requirements, and natural vegetation retention. The preliminary site plan shows compliance with these standards.

BGMC 17.133.070.C requires that all lighting facilities shall be so arranged to prevent the direct illumination of adjacent properties or public streets in conformance with BGMC 17.131.100. BGMC 17.131.100 states, "glare shall not directly or indirectly from reflection cause illumination on other properties or on public streets or private streets with permitted public access in excess of a measurement of one foot candle of illumination. Outdoor lights shall consist of fully shielded and downward directed fixtures."

A **condition** will require a final lighting plan, assuring compliance with BGMC 17.133070.C and 17.131.100 to avoid negative impacts to surrounding properties and streets.

BGMC 17.133.070.D requires parking areas to be screened with a B2 buffer or equivalent on each side that abuts residentially zoned properties. The preliminary plan indicates some areas where the parking lot abuts the property line, does not meet the B2 buffer standard, specifically the need for evergreen shrubs. The site is surrounded by residentially zoned

properties therefore a **condition** will require a B2 buffer or equivalent of screening on all perimeters of the parking area. A B2 buffer is not required where the parking lot does not abut street frontage, or a property line.

17.135.050 Churches	**Compliance:** Yes

The referenced code requires churches, temples, mosques, synagogues, and other places of worship shall be located on a site of at least one-half acre. A minimum thirty-foot-wide yard shall be required abutting any residential district. Staff finds that the site is 4.93 acres and surrounded by residential districts. Because no new church related buildings or structures are proposed, this section is not applicable.

17.139 Signs	**Compliance:** Conditionally

Finding: The applicant has not proposed any signs at this time. Sign permits and approvals will be required for any proposed signs. The applicant can submit for planning sign approval with a sign permit application.

17.143 Site Plan Approval	**Compliance:** Yes

Finding: The applicant has submitted a site plan together with this conditional use permit review. If the Hearing Examiner approves the CUP, preliminary site plan approval will be granted approval, as conditioned.

17.148 Conditional Use Permits	**Compliance:** Conditionally

Finding: The project is subject to the approval criteria as contained in BGMC 17.148.050 for conditional use permits, listed below.

CUP Criteria:

1. In order to grant any conditional use, the hearing examiner must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements to the neighborhood or to the general welfare of the city.

Staff finds that the project will not be detrimental to the health, safety or general welfare of the City. The project will be adding parking to improve the safety by creating a shorter walking distance to the church via delineated pedestrian routes and sidewalks. The project will also be adding sidewalks along its proposed street frontages of NW 13th Avenue and NW Onsdorff Boulevard, which will aid in overall pedestrian safety.

2. In reviewing and acting upon conditional uses, the planning director and the hearings examiner shall consider whether any specific requirements for the conditional use have been made as specified elsewhere in this title, and in addition shall consider the following as appropriate:

- Access to the site is appropriate to considering the anticipated volume of traffic resulting from the use.

Staff finds that existing driveway access off of NW Onsdorff Boulevard and NW 13th Avenue is adequate.

- Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.

Staff finds that the requested off-street parking is adequate in terms of location, amount, and

design as referenced in previous findings in this report concerning parking standards and design.

- The number, size and type of signs proposed are compatible with the surrounding area.

Staff finds that no signage is proposed at this time. All future signage will be required to meet code standards.

- The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.

Staff finds that the appropriate B2 buffer screening is **conditioned**. 43 percent of the site will remain in open space.

- The location and intensity of outdoor lighting is such that is does not cast light on adjacent, adjoining or neighboring properties.

Staff finds that a **condition** will assure that lighting does not negatively affect neighboring properties.

- Hours and manner of operation of the proposed use are not inconsistent with the adjacent or nearby uses.

Staff finds the parking lot would be generally used when the church services take place which are: Wednesdays at 7:00 p.m. and Sundays at 9:00 a.m., 11:30 a.m., and 6:00 p.m. These time frames are reasonable in respect to hours of activity of the surrounding residential uses.

- Public facilities and utilities are capable of adequately serving the proposed use.

Staff finds all public infrastructure is available and can adequately serve the site.

- The proposed use will not have a significant adverse effect on the health, safety and general welfare and character of adjacent land uses or the general area.

Staff finds the proposed parking lot is intended to improve the general character and welfare of the surrounding neighborhood by providing for additional on-site parking. Safety of pedestrians would improve by reducing the distance of travel to the church, and with the addition of sidewalks and pedestrian crossings.

- The physical conditions of the site, including size, shape, topography and drainage.

Staff finds the physical conditions of the site, including size, shape, topography and drainage are suitable for this parking lot expansion.

- The proposed use is consistent with the goals and objectives of the comprehensive plan.

Staff finds the proposed project is consistent with the goals and objectives of the comprehensive plan.

- Whether all pertinent and applicable laws have been met as contained in the Revised Code of Washington, the Washington Administrative Code and this code, together with all applicable federal laws.

Staff finds that as proposed and conditioned in this staff report, this project can meet all applicable laws for the development of the site in question.

• Any other factors deemed relevant to the planning director or the hearing examiner None identified.

5.	Title 18 ENVIRONMENTAL PROTECTION
18.145 SEPA	**Compliance:** Yes
Finding: Based on the size of this project, a SEPA review is required. The applicant submitted an environmental checklist for review. Staff issued a notice of application and an anticipated SEPA determination of Non-significance September 13, 2017. The written comment period ended September 27, 2017. A total of four comment letters were received and are listed under section C. Agency/Public comments. A final determination of Non-significance is issued with this report. It should be noted that an archaeologic and historic predetermination survey occurred on the site. No cultural or historic materials were noted and no further work is recommended. A **condition** will specify that if any cultural resources are discovered during construction, the State of Office of Historic Preservation and Archaeology and the City of Battle Ground Planning Department must be notified.	
18.250 Stormwater Control and Drainage	**Compliance:** Conditionally
Finding: BGMC 18.250.020 specifies when stormwater control and drainage provisions are applicable. Specifically, it identifies the following development activities as requiring stormwater control and drainage per applicable standards: 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 has submitted a stormwater plan and hydrology report for review. It appears that the layout shown is adequate for the project. The proposed stormwater facility shall be privately owned and maintained as it will be serving private properties. A maintenance covenant shall be submitted meeting the requirements of BGMC 18.250.310(B)(2). BGMC 18.250.320(E) requires that for privately maintained stormwater facilities that an easement or covenant acceptable to the City Engineer be provided for the purposes of inspection of privately maintained facilities. The applicant will be required, prior to the issuance of the occupancy permit, to submit a recorded covenant running with the land for the	

project site for the purpose of City inspection of the privately maintained facilities.

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.

18.260.050 Critical Areas	**Compliance:** Yes

The following critical areas are regulated by this title:

A. Wetlands as designated in Chapter 18.270 BGMC, Wetlands;
B. Fish and wildlife habitat conservation areas as designated in Chapter 18.280 BGMC, Fish and Wildlife Habitat Conservation Areas;
C. Critical aquifer recharge areas as designated in Chapter 18.290 BGMC, Critical Aquifer Recharge Areas;
D. Geologically hazardous areas as designated in Chapter 18.300 BGMC, Geologically Hazardous Areas; and
E. Frequently flooded areas as designated in Chapter 18.310 BGMC, Frequently Flooded Areas.

A Wetland Delineation and Assessment dated July 25, 2017 was conducted on the property and identified wetlands. Wetland A is 27,122 square feet, and classified as Type IV and Wetland B is 41,490 square feet and classified as Type III.

Impacts will occur to these wetlands resulting from the proposed streets and parking lot.

The applicant is also proposing buffer averaging as authorized in 18.270.080.

The above referenced impacts to the wetlands are authorized, as long as mitigation is

proposed. This may occur by on-site enhancement or purchasing off-site mitigation credits from an approved mitigation site or bank, or some combination thereof.

The applicant has not submitted a preliminary mitigation plan at this time.

The following conditions will be required:

1. Submit wetland mitigation plan that assures mitigation requirements of BGMC 18.260.120 and 18.260.130.
2. Submit a buffer averaging proposal that complies with 18.270.080, which includes showing that no buffer is reduced by more than 75% of its standard.
3. Per BGMC 18.260.180 all wetlands and buffer areas over 5,000 square feet shall be included in critical area tracts.
4. 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.
5. Adhere to all recommendations of a final Wetland Delineation and Mitigation Plan.
6. Coordinate with the State Department of Ecology for the proposed wetland impacts and final mitigation plan.

B. IMPACT FEES

Battle Ground charges for Impact Fees and Service Development Charges. These will be calculated at the time of building permit submittal, and payment will be required upon issuance of the approved building plans.

This project does not address any creditable capital infrastructure therefore; no credits are available for this project.

C. AGENCY/PUBLIC COMMENTS

Battle Ground School District submitted a letter dated September 17, 2017, stating this project would not impact the district since it would not be adding any children.

State Department of Ecology submitted a letter dated September 27, 2017 referencing water quality and erosion control standards. A **condition** will require the applicant to coordinate and comply with the requirement in Ecology's September 27, 2017 letter.

Robert Manelis, 805 NW 17th Circle, Battle Ground, WA 98604 submitted a letter dated September 27, 2017. The letter references traffic related concerns, previously addressed under the transportation section of this report. The letter also raises concerns over the loss of the environmental features, including tree shade, pollutant absorption, the presence of various plant and animal species. Staff notes that no endangered or threatened species have been identified on site that might warrant further protection. Wetlands have been identified and will be

protected, and in cases where they will be impacted, mitigated is required as outlined in this report.

Ron Herbig, Associate Pastor of Battle Ground Baptist, located on the east side of SR 503, provided email correspondence dated September 19, 2017. The correspondence is in support of the application, since it would help relieve surrounding parking issues.

III. Recommendation

This staff report to the Hearing Examiner is a recommendation to **preliminarily approve** with conditions this CUP application, Site Plan, and final SEPA determination. The Hearing Examiner, after reviewing the record and accepting public testimony on this matter, may adopt, modify or reject this recommendation in making his or her final decision.

The decision made by the Hearing Examiner in this matter is final. All appeals on this matter shall immediately proceed to Clark County Superior Court. The applicant shall receive written final approval on all plans prior to beginning actual construction on-site. The final approval shall consist of engineering plan approval followed by final site plan approval and then by building permit approval.

Conditions of Approval:

A. Prior To Engineering/Final Site Plan Approval:

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 adequate half-street improvements, based on pavement testing, for NW Onsdorff Boulevard, a Major Collector, including sidewalk, planter strip, median, curb and gutter, streetlights and asphalt.

    b. Showing adequate half-street improvements to NW 13th Avenue, a Neighborhood Collector including sidewalk, planter strip, curb and gutter, streetlights and asphalt.

    c. Demonstrating that NW 13th Avenue meets design requirements.

    d. Showing additional 15-feet of ROW dedicated to the City for NW Onsdorff Boulevard.

    e. Containing a combined landscaping and driveway plan.

    f. Containing a signing, striping, and street lighting plan.

    g. Showing sight distance and vision clearance triangles.

    h. Showing stop signs and stop bars at ingress and egress points on and abutting the

site that are outside the public right-of-way.

i. Showing driveways that meet the requirements of BGMC 12.116.243.

j. Showing traffic mitigation at NW Onsdorff Boulevard & NW 20th Avenue of installation of stop signs on NW 20th Avenue per recommendation of traffic study.

k. Showing traffic mitigation at NW Onsdorff Boulevard & SR 503 or indicating that mitigation fees will be paid in lieu of the improvements.

l. Showing 8-inch water line extending to the terminus of NW 13th Avenue.

m. Showing minimum 20-foot water easement over City maintained water mainlines not located in public right-of-way.

n. Showing the size of proposed water meters.

o. Showing approved backflow prevention device for each building.

p. Showing 8-inch minimum diameter sewer line extending into site by connecting to the existing manhole located at the intersection of NW 14th Street and NW 12th Avenue.

q. Showing a sampling manhole for each new sewer lateral, including any applicable easement.

r. Showing a grease and oil separator as required by BGMC 13.137.120(E)(2).

s. Showing minimum 20-foot sewer easement over City maintained sewer mainlines not located in public right-of-way.

t. Showing and labeling all existing and proposed fire hydrants.

u. Showing an adequate number of fire hydrants -preliminary review indicated two are required.

v. Showing a stormwater facility that meets the requirements of BGMC 18.250.

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

x. Provide location of required "No Parking – Fire Lane" signage.

y. Revise coffee shop parking lot fire apparatus access to meet required turning radius.

z. Showing B2 buffer or equivalent of screening on all perimeters of the parking area.

2. Adhere to all architectural and site design standards of BGMC 17.118.040.

3. Submit a completed industrial pretreatment survey for review by staff.

4. Provide a photometric plan shall be done for all access points, intersections, frontage roads out to centerline, and any existing lights to ensure that proposed lights meet IES RP-8-00 standards.

5. A photometric lighting plan, assuring compliance with BGMC 17.133.070.C and 17.131.100, so that glare shall not directly or indirectly from reflection cause illumination on other properties or on public streets or private streets with permitted public access in excess of a measurement of one footcandle of illumination. Outdoor lights shall consist of fully shielded and downward directed fixtures.

6. Submit a hydrology report that addresses all requirements found in BGMC 18.250.

7. Submit a SWPPP that meets the requirements of BGMC 18.250.050(B).

8. Coordinate and comply with the requirement in Ecology's September 27, 2017 letter as applicable during all phases of engineering and construction.

9. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department

10. 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 minus the $500.00 due at engineering plan submittal.

B. <u>Prior To Construction:</u>

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

2. Received an approved ROW permit from the City of Battle Ground.

3. Submit a surety bond meeting the requirements of BGMC 12.118.110.

4. Submit a Certificate of Liability Insurance meeting the requirements of BGMC 12.118.120.

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

6. 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.

7. 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.

8. If during construction any cultural resources are discovered during construction, the State

of Office of Historic Preservation and Archaeology and the City of Battle Ground Planning Department must be notified.

C. Prior To Creation Of Impervious Surface:

1. 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.

D. Prior To Engineering Acceptance:

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. Submit 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 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.

E. Prior To Building Permit Issuance:

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

2. Pay all required impact fees and system development charges.

3. Construct the mitigation measures for the failing intersection of NW Onsdorff Boulevard & SR 503 or pay the mitigation fee of $73,219.68.

F. Prior To Issuance Of Occupancy:

1. Must receive engineering acceptance.

2. Submit recorded Deed of Dedication for frontage area on NW Onsdorff Boulevard

3. Submit a Bill of Sale for sewer and water.

4. Submit recorded water and sewer easements, as applicable, after they have been reviewed by City Engineering Staff.

5. Submit documentation showing that the existing septic system was decommissioned to Clark Health Department standards.

6. Complete and have accepted by the City all public improvements, or at the City's discretion provide appropriate bonding meeting requirements of BGMC 12.116.090.

7. Submit a covenant running with the land, for inspection of private on-site stormwater facilities in conformance with BGMC 18.250.320(C) for review by the City of Battle Ground Engineering Department.

8. Submit to the City of Battle Ground a two-year/20-percent maintenance bond for all required public improvements after they are inspected and accepted by the City Engineering Department.

9. 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.

IV. Exhibits

EXHIBIT #	DESCRIPTION
A	Staff Report and Recommendation for Word of Grace dated Nov. 1, 2017
1	Conditional Use Permit Application
2	Applicant's Narrative
3	Applicant's Statement of Need
4	Reduced Development Plans
5	SEPA Checklist
6	Notice of Application and Likely SEPA DNS dated Sept. 13, 2017
7	Wetland Delineation and Assessment dated July 25, 2016
8	Preliminary Wetland Mitigation Plan dated May 22, 2017
9	Shallow Infiltration Testing Results dated December 15, 2015
10	Traffic Impacted Study dated August 15, 2017
11	Preliminary Hydrology Report dated July 3, 2017
12	Email from Ron Herbig received September 19, 2017
13	Letter from Battle Ground Public Schools received September 25, 2017
14	Letter from Department of Ecology received September 27, 2017
15	Letter from Robert Manelis received September 27, 2017
16	Final Order Battle Ground Slavic Baptist Church dated Dec. 5, 2003
17	Working Exhibit List dated November 1, 2017

V. APPEAL

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