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: **Stonewood Haven 2** Subdivision and SEPA Review (SUB:03-17)

Report Date: April 4, 2017

Hearing Date: April 11, 2017

Proposal: The applicant is seeking preliminary subdivision approval to subdivide 9.9 acre into a 40-lot single-family subdivision.

Location: 24101 NE 132nd Avenue, Battle Ground, WA 98604. Parcel: 226706-000

Applicant/Owner: Steve Burnett
194414 NE 89th Ave.
Battle Ground, WA 98604

Applicant's Rep: Ed Greer
13023 NE Hwy 99, Suite 7-126
Vancouver, WA 98686

Staff: Sam Crummett, AICP, Planning Supervisor
Ryan Jeynes, PE, Associate Civil Engineer

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

Recommendation: **Preliminary Approval** subject to conditions listed at the conclusion of this report.

April 4, 2018

Sam Crummett **Date**
Planning Supervisor

EXHIBIT

A

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I. BACKGROUND

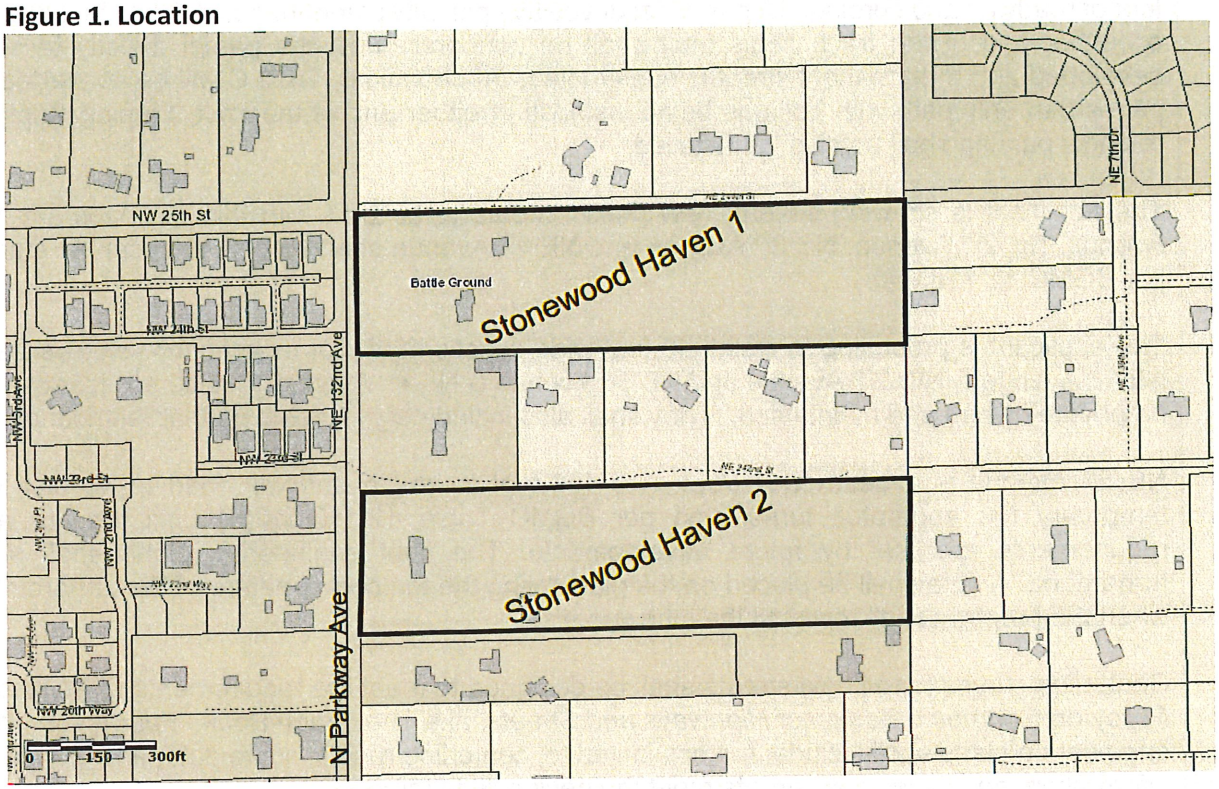
A. General Site Information

Size of Site:	9.9 acres
Existing Vegetation:	Mature trees, grasses, and shrubs
Existing Structures:	Houses and outbuildings – the applicant notes, all structures will be removed prior to grading.
Adjacent Land Uses:	Predominately surrounded by large residential land uses
Adjacent Zoning:	R5 to north, south and west. R1-10 (County jurisdiction) to the east and north
Topography:	The site is relatively flat
Wetlands:	No mapping indicators
Flood Plain:	No mapping indicators
Access Roads:	North Parkway

B. Land Use Processing

Date Application Submitted:	December 27, 2017
Application Technically Complete:	January 26, 2018
Notice of Application:	February 7, 2018
Site Posted:	February 7, 2018
Reflector Publication:	February 7, 2018
Staff Report Issuance:	April 4, 2018
Public Hearing	April 11, 2018

Figure 1. Location



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 street identified on the preliminary plat as NE Parkway Avenue shall be known as NE 132nd Avenue and the street shown as NE 22nd Street shall be named NE 21st Way. 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: Half-street improvements are required for NE 132nd Avenue consistent with "Minor Arterial" standards. Improvements include, but are not limited to, sidewalk, curb and gutter, asphalt, landscaping, and streetlights. NE 5th Avenue shall be built to the requirements of "Neighborhood Collector" standards that include a minimum half-width right-of-way dimension of 34-feet: 25-feet of roadway, 4-foot landscape strip and 5-foot sidewalk. NE 21st Way shall be built to the requirements of "Local A" standards that include a minimum half-width right-of-way dimension of 34-feet: 25-feet of roadway, 4-foot landscape strip and 5-foot sidewalk. The applicant is showing a tract, Tract "C", that is be used as ingress/egress as well as a location	

for utilities. The tract shall be built to be 30-feet in width consisting of a 5-foot sidewalk and 25-feet of roadway and curbing. Commercial driveways per City standard details shall be constructed on either end of the tract. This tract shall be temporary until the parcel directly to south is developed and a permanent street is constructed. At such time, Tract C will be converted into a pedestrian only path with bollards being installed at either end of the tract. Signing/striping that restricts parking shall be also be installed.

The applicant is showing several new public streets to be built with this development: NE 1st Avenue, NE 2nd Avenue, NE 3rd Avenue and NE 4th Avenue shall be built to Local "A" standards per BGMC 12.116.040.

The applicant is proposing to install 20-foot wide access roads for emergency vehicles between NE 1st Avenue & NW 2nd Avenue and NE 3rd Avenue & NE 4th Avenue. These access roads shall be private owned and maintained. They shall also include signing/striping that restricts parking.

NE 5th Avenue is a dead-end street over 150-feet in length and will need to be built with a temporary fire apparatus turnaround per BGMC Table 12.116.040(E) until the fire access requirements are met by future developments. The final engineering plans shall show a turnaround. A note shall be placed on the plat stating the temporary nature of the turnaround and when the property shall revert to the lot owners.

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 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 submit as part of the engineering plans, per BGMC 12.116.050(G) a driveway location plan that specifies proposed driveway curb cuts. 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. A photometric plan shall be done for all access points, intersections, 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 NE 132nd Avenue and LED acorn type units for other streets.

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

The applicant will need to provide 5-feet of additional right-of-way, per BGMC 12.116.160, for NE 132nd Avenue to allow for 35-feet of right-of-way from the centerline of the street. This dedication can be completed on plat at time of recording.

The applicant's traffic engineer has indicated that 29 new a.m. peak trips and 39 new p.m. peak trips will be generated by the proposed development. Per BGMC 12.116.175(c) a new traffic study is required when there is an increase of 10 new p.m. peak trips. A traffic study has been submitted. Four of the five failing intersections within the City are receiving new trips; see below under the *Concurrency Management* section for more information.

One intersection, NE 132nd Avenue & NW Onsdorff Boulevard, has a Level of Service (LOS) issue generated by the proposed development. During the a.m. peak hour the intersection has a LOS E grade in the 2019 background plus site condition analysis. However, per BGMC 12.120.060(A)(2), unsignalized intersections are required to achieve a LOS E or better as long as signal warrants are not met. A signal analysis for this intersection was included in the submitted traffic study. The analysis shows that signal warrants are not met. Therefore, the intersection does not require any mitigation.

BGMC 12.116.130(A)(3) requires 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.

Per BGMC 12.116.130(A)(7), the applicant shall provide certification that private streets were built in accordance with 12.116.140.

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.

Per BGMC 12.116.180(B), the applicant is required to perform pavement deflection testing, to determine the adequacy of the existing pavement on NE 132nd Avenue 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.

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-feet. The preliminary plat is approximately 1,300-feet deep and approximately 330-feet wide. Based on the dimensions the preliminary plat would have to provide, at a minimum, three north-south cross-circulation streets and one east-west cross-circulation streets. The preliminary plat shows three north-south streets and two east-west streets. 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.

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 (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 29 new a.m. and 39 new p.m. peak trips, which is 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. 8 p.m. trips are going through SW Eaton Boulevard & SR 503, 0 trips through SW Eaton Boulevard & SW 20th Avenue, 11 a.m. trips through the NW Onsdorff Boulevard & SR 503 intersection, 4 p.m. trips through East Main Street & Grace Avenue and 2 p.m. trips through SE Rasmussen Boulevard & SE Grace Avenue. Thus, the mitigation fees are as follows: $12,266.64 for SW Eaton Boulevard & SR 503, $0.00 for SW Eaton Boulevard & SW 20th Avenue, $50,338.53 for NW Onsdorff Boulevard & SR 503 and $6,887.31 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 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.

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.

Currently, an 8-inch City of Battle Ground water line in NE 132nd Avenue terminates approximately 80-feet south of the northern property line. The applicant shall make a connection at this location and extend an 8-inch line to & through the development. The water line shall extend to the extreme property lines.

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-01. Currently, there is a manhole at the intersection of NE 132nd Avenue & NW 23rd Street. The applicant is showing to bring a sanitary sewer line from the proposed development to this manhole. The applicant can connect to this manhole as long as there is sufficient downstream capacity.

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.

Sanitary sewer lines throughout the proposed subdivision shall be a minimum of 8-inches and extend to extreme property lines.

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 Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC), Washington State Energy Code (WSEC) and International Fire Code (IFC). All building permit applications will be reviewed based on those codes.

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.

15.105.090 Fire Apparatus Roads	**Compliance:** Conditionally

Finding: Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with International Fire Code Table D103.4.

All designated fire apparatus access roads are to be designed and maintained to provide access for fire apparatus.

No parking is allowed on access roads less than 28 feet in width.

Parking is allowed on one side of roads between 28 feet and 32 feet in width.

All fire lanes shall be kept clear at all times and shall be marked with signs, striping, or painted curbs stating "No Parking- Fire Lane."

As noted under the transportation standards findings, NE 5th Avenue is a dead-end street over 150-feet in length and will need to be built with a temporary fire apparatus turnaround per BGMC Table 12.116.040(E) until the fire access requirements are met by future developments. The final engineering plans shall show a turnaround. A note shall be placed on the plat stating the temporary nature of the turnaround and when the property shall revert to the lot owners.

15.105.100 Fire Hydrant Requirements	**Compliance:** Conditionally
Finding: Fire hydrants serving one- or two-family dwellings shall have a maximum lateral spacing of seven hundred feet (measured along fire apparatus access roads) with no lot or parcel in excess of five hundred feet from a fire hydrant. The existing hydrants on the west side of Parkway Avenue Fire hydrants shall not be considered in the fire hydrant placement requirements, as they are located on the opposite side of the roadway, which is defined as an arterial by the city of Battle Ground transportation plan. 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. Per IFC 501.4, hydrants shall be installed and operational prior to construction. The hydrants shall meet the flow requirements of appendix B of the International Fire Code for the type of construction (VB) and occupancy (R-3) of the structure (1,500 Gallons Per Minute). Prior to occupancy the applicants shall provide a letter that states the purveyor can supply the required amount of fire flow required. A **condition** will require the location of all proposed hydrants in accordance with the above requirements.	

4.	**Title 16 Subdivisions**
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: No 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:** Yes
Finding: All lots have frontage on either a public or private street and satisfy the minimum 20 foot standard for frontage.	
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 absolute minimum lot area is 4,600 square feet, and minimum average lot area in the R5 district is 6,300 square feet. The applicant is using the density transfer provisions in BGMC 17.106.035, by voluntarily setting aside park space. 120% of the standard density is authorized. In addition, density transfer allows for smaller lot sizes, in this case an average of 4,600 square feet. Density for Stonewood Haven 2 is calculated as follows: Standard Density Calculation 9.93 acres x 5 units per acre = 49.65 units Authorized with Density Transfer = 59.58 units (120% x 49.65 = 59.58 units) Proposed are 40 residential lots, with lot sizes ranging from 5,333 to 6,384 square feet, which comply with the density and dimensional standards in this section.	
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: No flag lots are proposed.	
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: 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. The main lines running throughout the site shall connect to the existing water line in NE 132nd 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 main lines running throughout the site shall connect to the existing sewer line in NE 132nd Avenue.

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 plan 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.

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 5 units per gross acre.

As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 4,600 square feet, and minimum average lot area in the R5 district is 6,300 square feet.

As in previous findings, the applicant is using the density transfer provisions in BGMC 17.106.035, by voluntarily setting aside park space. 120% of the standard density is authorized. In addition, density transfer allows for smaller lot sizes, in this case an average of 4,600 square feet.

Density for Stonewood Haven 2 is calculated as follows:

Standard Density Calculation 9.93 acres x 5 units per acre = 49.65 units
Authorized with Density Transfer = 59.58 units (120% x 49.65 = 59.58 units)

Proposed are 40 residential lots, with lot sizes ranging from 5,333 to 6,384 square feet, which comply with the density and dimensional standards in this section.

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 R5 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 require 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 #5, which calls for a 3-5-acre neighborhood park. Based on the size of this project, no on site recreational requirements are triggered. However, park impact fees will be collected at the time of residential building permit issuance.

The applicant is voluntarily setting aside 0.5 acres of park space. Since this park does not meet the standard size for a 3-5 acre neighborhood park, the City will not accept this park for long term dedication and maintenance. At the time of Final Plat, the applicant will be required to document ownership and long term maintenance of the park.

6.	**Title 18 Environmental Protection**

18.100-185 SEPA Categorical Exemptions and Threshold Determinations	**Compliance:** Conditionally

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. 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.

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 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. 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 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 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.

LID BMPs shall be used as applicable per BGMC 18.250.130, 18.250.170 and 18.250.200. Depending on which requirement is chosen by the applicant, LID Performance Standard or List #2, *BMP T5.13 Post Construction Soil Quality and Depth* may be required for this 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).

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.

Per BGMC 18.25.350(A), stormwater ponds dedicated to the City shall be fenced. The final

engineering plans shall meet this requirement.

The preliminary plat complies with all other criteria listed in BGMC 18.250. The final engineering plans and final plat shall comply with these criteria at the time of approval or recording.

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:** N/A

Findings: No wetlands or other critical areas have been identified on site.

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. February 12, 2018 letter from the **Battle Ground Public Schools**. This letter outlines the various ways this development would impact the school district. 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. February 21, 2018 letter from **Washington State Department of Ecology.** Comments focused on water quality measures and protections.
3. February 13, 2018, **Thomas & Sharon Whittingham**, submitted a letter stating the City Council erred when they changed the zoning to R5 at their June 5, 2017 Council Meeting. Mr. Whittingham contends that R5 zoning was not an option on the table, since the request was from R3 to R7. **Staff Response:** The Council acted within their discretion to apply R5 zoning. The Comprehensive Plan authorizes a range of zoning densities from R3, R5, to R7 in the Urban Low Designation. While the Notification process and documentation focused on the applicant's request for R7, the Council did not error by choosing R5, since it is consistent with the Comprehensive Plan. The appeal opportunity to appeal the Council's (quasi-judicial) decision to Washington Superior Court has also passed per RCW 36.70C.
4. February 20, 2018, letter from **Norma Kennedy**, 23919 NE 132nd Ave., Battle Ground, WA 98604, neighboring property owner submitted a letter in support of this application.
5. February 20, 2018, **Robert & Cori Harms**, 24119 NE 132nd Ave Battle Ground, WA 98604, asked whether the subdivision would be fenced? **Staff Response**: A fence is not part of their proposed application, and it is not a municipal code requirement, as such, staff is not recommending a condition of approval. This request may be made directly to the developer or builder, but is not required by code.
6. February 21, 2018, **Darrell K. Mona** submitted email correspondence inquiring about how to submit a letter, but staff did not receive a follow up letter from Mr. Mona.
7. November 7, 2017, **Brad Hazen**, neighboring property owner, submitted email correspondence informing the City of his adverse possession lawsuit against Steve Burnett (developer), and questioned whether the City could proceed to process the preliminary plat application. It is the City Attorney's opinion the plat application could proceed with reviewing and approving the preliminary plat application if all of the application contents are satisfied, but that the final plat cannot be approved until the adverse possession claim is resolved. Staff recommends a **condition** to this effect. See **Exhibit 15** for email correspondence and court documents.

III. RECOMMENDATION

Staff recommends Preliminary Subdivision and Final SEPA Review approval. 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 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.

2. Submit final engineering plans:
   a. Showing street names as listed in the body of the final order.

   b. Showing adequate half-street improvements, based on pavement testing, for NE 132nd Avenue, a Minor Arterial, including sidewalk, planter strip, curb/gutter and asphalt.

   c. Showing adequate half-street improvements, for NE 5th Avenue, a Neighborhood Collector, including sidewalk, planter strip, curb/gutter and asphalt.

   d. Showing adequate half-street improvements, for NE 21st Way, a Local A, including sidewalk, planter strip, curb/gutter and asphalt.

   e. Showing adequate improvements, for Tract C, a temporary access street, including sidewalk, curb/gutter and asphalt.

   f. Showing full width improvements to NE 1st Avenue, NE 2nd Avenue, NE 3rd Avenue and NE 4th Avenue to Local "A" standards, including sidewalk, planter strip, curb & gutter and asphalt.

   g. Showing additional 5-feet of ROW dedicated to the City for NE 132nd Avenue.

   h. Showing temporary fire apparatus turnaround on NE 5th Avenue.

   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 having LED decorative cobra type units for NE 132nd Avenue and LED acorn units for the other streets.

   m. Showing traffic calming devices on all public streets.

   n. Showing driveways that meet the requirements of BGMC 12.116.243

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

   p. Showing traffic mitigation at SE Rasmussen Boulevard & SE Grace Avenue.

   q. Showing an 8-inch water from current terminus in NE 132nd Avenue to

development and extended to extreme property lines.

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

s. Showing an 8-inch gravity sewer line throughout the subdivision and extending to extreme property lines.

t. Showing each residential lot having its own individual sanitary lateral.

u. Showing fire hydrants meeting spacing requirements throughout the subdivision.

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.

3. 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.

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

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

6. Submit a construction cost estimate for required public and applicable private 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 that is two (2) percent of the estimated costs of construction minus the $500.00 due at engineering plan submittal.

B. <u>Prior To Construction Of The Site:</u>

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

2. Receive 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 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.

C. 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.

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 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 to the City of Battle Ground a recorded Stormwater Facility Maintenance Agreement meeting requirements of BGMC 18.250.310(A)(1) for review and/or approval.

5. 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 Final Plat Approval:

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

2. Construct the mitigation measures for the failing intersection of SW Eaton Boulevard SR 503 or pay the mitigation fee of $12,266.64.

3. Construct the mitigation measures for the failing intersection of NW Onsdorff Boulevard & SR 503 or pay the mitigation fees of $50,338.53.

4. Construct the mitigation measures for the failing intersection of East Main Street & Grace Avenue or pay the mitigation fees of $6,887.31.

5. Construct the mitigation measures for the failing intersection of SE Rasmussen Boulevard & SE Grace Avenue.

6. Submit a final plat:
   a. That shows easements for public utilities not located in the right-of-way.

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

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

   d. With 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."

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

   f. That shows the temporary fire apparatus turnaround easements and states "The fire apparatus turnaround is temporary and will revert to the lot owners when the fire access requirements are met by future developments."

   g. With a note specifying the party/s responsible for long-term maintenance of stormwater facilities.

   h. With a note specifying the party/s responsible for the long-term maintenance of the park.

   i. With a note stating: "All new structures shall conform to the setbacks and building heights of the R5 zoning district."

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

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

   l. That shows the dedication of any public roads.

7. Provide certification that private streets were built per BGMC 12.116.140.

8. Submit a private maintenance agreement for private streets.

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

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

11. Provide evidence that the adverse possession claim has been resolved confirming the applicant has sole ownership in the property.

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.

Stonewood Haven 2	
EXHIBIT #	**DESCRIPTION**
A	Staff Report and Recommendation dated April 4, 2018
1	Subdivision, and SEPA Review Development Application
2	Applicant's Narrative
3	Deed History
4	Reduced Development Plans
5	SEPA Checklist
6	Notice of Application and Likely SEPA DNS dated February 7, 2018
7	Traffic Impact Study dated December 22, 2017
8	Preliminary Hydrology Report (TIR) dated November 2017
9	Letter from Battle Ground Public Schools dated February 12, 2018
10	Letter from Department of Ecology dated Feb. 21, 2018
11	Letter from Thomas & Sharon Whittingham dated Feb. 13, 2018
12	Letter from Norma Kennedy dated Feb. 20, 2018
13	Email correspondence from Robert & Cori Harms dated February 20, 2018
14	Email correspondence from Darrell K. Mona dated February 21, 2018
15	Email correspondence from Brad Hazen dated November 7, 2017, and Court documentation of the Adverse Possession Claim.

V. APPEAL

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