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 Hearings Examiner

Project Name: Wapiti Hills Subdivision (PR 48-2019)

Report Date: February 25, 2020

Hearing Date: March 4, 2020 @ 1:30 p.m. City Hall Council Chambers

Proposal: The applicant is proposing 125 single-family homes on approximately 37.38 acres within the residential five units per acre district. The project includes open space for critical areas, a pedestrian trail, and stormwater detention ponds. The development will gain access from the extension of NW 8th Avenue and NW 6th Avenue and the creation of a new intersection at NE NW 8th Avenue and NE 254th Street.

Location: Parcel #'s: 226983-000, 226928-000, 986029-160, 226984-000, 227013-000

Applicant:
Wapiti Ventures
Contact: Dan Wisner
10013 NE Hazel Dell Ave., PMB 504
Vancouver, WA 98685

Consultant:
AKS Engineering & Forestry, LLC
Contact: John Meier
9600 NE 126th Ave., Suite 2520
Vancouver, WA 98682

Owners:
Kay L. Wagner, Successor Trustee
2192 W Floating Feather Rd.
Eagle, ID 83616

Guy W. Wagner
12309 NE 254th St.
Battle Ground, WA 98604

Christine & Larry Scheel
12217 NE 254th St.
Battle Ground, WA 98604

Staff:
Emily Lutz, Planning Supervisor
Ryan Jeynes, PE, City Engineer
Chris Drone, Fire Marshal and Building Official

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

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

Emily Lutz — February 25, 2020

Emily Lutz
Planning Supervisor

Date

TABLE OF CONTENTS

I. BACKGROUND
- A. General Site Information
- B. Land Use Processing

II. APPLICABLE REGULATIONS/ANALYSIS
- A. Battle Ground Municipal Code
  1. Title 12 Streets and Sidewalks
  2. Title 13 Water and Sewers
  3. Title 15 Building and Construction/Fire
  4. Title 16 Land Divisions
  5. Title 17 Zoning
  6. Title 18 Environmental Protection
- B. Service Development Charges, Impact Fees, Credits
- C. Agency / Public Comments

III. RECOMMENDATION

IV. EXHIBITS

V. APPEAL

VI. PRELIMINARY PLAT

I. BACKGROUND

A. General Site Information

Size of Site:	Approximately 37.38 acres – after boundary line adjustment
Existing Vegetation:	Mature trees, wetlands, riparian stream, grass, and shrubs
Existing Structures:	Parcel 226983000 has an existing mobile home and shed
Adjacent Land Uses:	Large lot residential in City and County jurisdictions
Adjacent Zoning:	R-5 to the south, east, and west; Clark County R-5 to the north
Slope:	Severe Erosion Hazard (227013000)
Geological Hazards:	Areas of Potential Instability, per Clark County GIS Slopes > 15% (226983000)
Wetlands:	Presence
Flood Plain:	Outside Flood Area
Archaeology:	Moderate, Mod-High, & High Probability
Priority Habitat:	No Mapping Indicators
Soils:	Non-Hydric / OeD

B. Land Use Processing

Date Application Submitted:	August 30, 2019
Application Technically Complete:	September 28, 2019
Notice of Application:	October 10, 2019
Site Posted:	October 9, 2019
Reflector Publication:	October 9, 2019
On Hold:	November 19, 2019
Off Hold:	January 17, 2020
Staff Report Issuance:	February 25, 2020
Public Hearing:	March 4, 2020
Decision:	Within two weeks of public hearing

Figure 1. Location

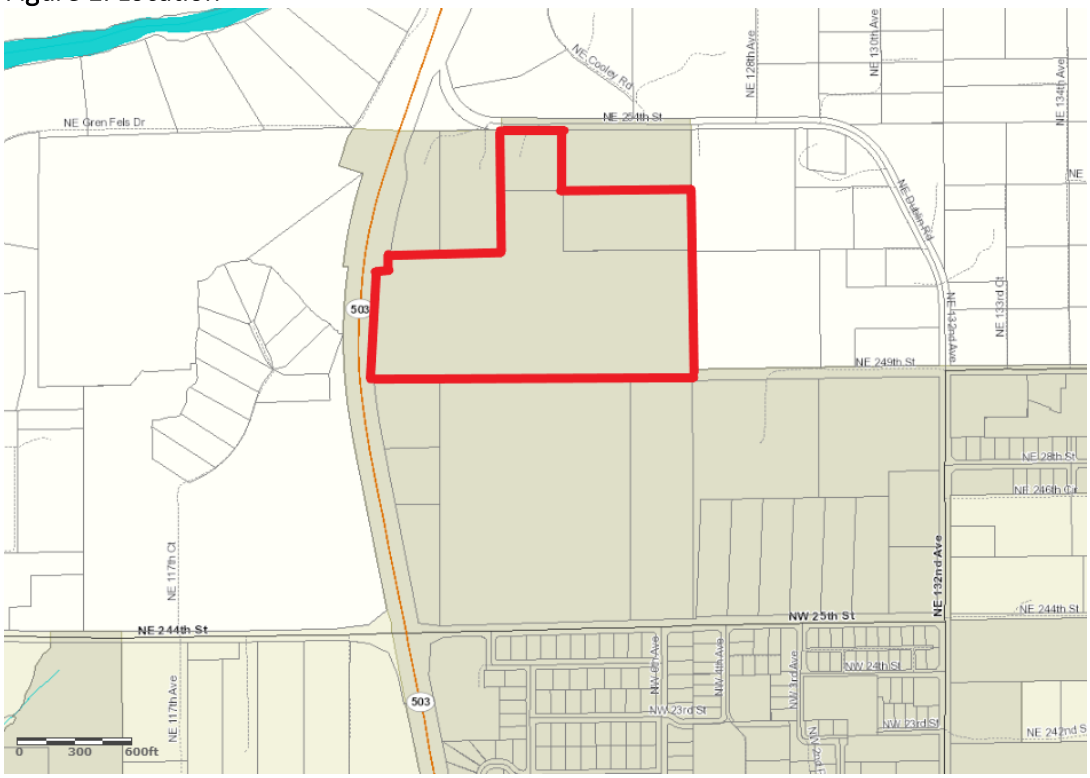


Figure 2. Site – 2018 Imagery



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: Street names will be designated during engineering review. **The applicant is required to update street names per staff's review prior to engineering approval.**	
12.116 Transportation Standards	**Compliance:** Conditionally

Finding: The proposed 125-lot subdivision is located on a parcel east of SR 503, north of NW 25th Street, and south of NE 254th Street. Additionally, it is located directly north of the previously preliminary approved River Bend subdivision. Access to the development will be from the extensions of NW 6th and NW 8th Avenues and creation of a new intersection at NW 254th Street and NW 8th Avenue.

Half-street improvements are required for NE 254th Street consistent with "Neighborhood Collector" standards. Improvements include, but are not limited to, sidewalk, curb and gutter, asphalt, landscaping, and streetlights.

NW 30th Street is being shown with 21' of paved width, which is acceptable to the City. Documentation from a wetland consultant will be required that states construction of NW 30th Street is not feasible If the wetland consultant provides documentation acceptable to the City Engineer to avoid constructing NW 30th Street, then the right-of-way shall be dedicated and no wetland enhancement plantings are to occur in the proposed right-of-way for NW 30th Street.

The applicant is showing several new public streets to be built with this development: NW 8th Avenue and NW 6th Avenue shall be built to "Neighborhood Collector" standards. All other streets shall be built to "Local A" standards.

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 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 acorn type

units.

Per BGMC 12.116.080, traffic-calming devices are required for all residential streets. Traffic calming devices for this subdivision shall be selected from BGMC Figure 12.116.080(A).

The applicant's traffic engineer has indicated that 1,199 daily trips, 94 new a.m. peak trips, and 126 new p.m. peak trips will be generated by the proposed development. Per BGMC 12.116.175(C), a traffic study is required when there is an increase of 10 new a.m. and p.m. peak trips. A traffic study has been submitted. All four failing intersections within the City are receiving new trips; see below under the Concurrency Management section for more information. The applicant's study did not address the intersection of NW 132nd Avenue and NE 249th Street. A traffic study addendum will need to be provided that addresses any LOS and safety issues at the intersection and the applicant will need to make any improvements recommended by the study. The Traffic Study also shows that the project relies on the streets in River Bend subdivision, so the applicant shall either wait to plat until those streets are constructed or construct them with this project.

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 254th Street 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.

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 shows the parcel being approximately 990-feet (north/south) by 1,690-feet (east/west). Based on these dimensions the preliminary plat would have to provide, at a minimum, three north/south cross-circulation streets and two east/west cross-circulation streets. The preliminary plat shows two north/south streets, which meets the requirements due to wetland constraints and three east/west streets.

Public and private streets shall comply with sight distances per BGMC 12.116.220 and BGMC 17.135.088 unless modified through the road modification process as outlined in BGMC 12.116.290. Final engineering plans shall show sight distance and vision clearance triangles.

BGMC 12.116.240 states that a developer may be required to construct off-site transportation improvements necessary to accommodate the development. NE 254th Street/NE Dublin Road/NE 132nd Avenue appears to not be of adequate width and not have adequate sight distance, in a few places, to accommodate the development. The City's code does not have a standard so we recommend that the County's Code 40.350.030.B.6.b.1 be followed for the width, especially since this portion of road is in the County. Additionally, vegetation shall be cleared where it effects sight distance.

Driveway locations and sizes shall be per the requirements of per BGMC 12.116.243.

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 94 new a.m. and 126 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 four 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) and East Main Street & Grace Avenue (during p.m. peak).

Mitigation measures are as follows:

- SW Eaton Boulevard & SR 503 include addition of a 100-foot eastbound right 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.

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:

- The applicant can construct the aforementioned mitigation measures for the failing intersections to meet concurrency requirements.
- 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 mitigation fees are as follows:

Intersection	Failure	AM Site Trips	PM Site Trips	Proportionate Mitigation Share per Trip	Mitigation Cost per Intersection
SR 503 & NW Onsdorff Boulevard	AM	43	n/a	$4,576.23	$196,777.89
Grace Avenue & E Main Street	PM	n/a	6	$1,721.77	$10,330.62
SR 503 & SW Eaton Boulevard	PM	n/a	32	$1,533.33	$49,066.56
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	1	$2,291.40	$2,291.40

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

Regarding the secondary failure at SR 503 & SW Eaton Boulevard, the additional mitigation measure is not included in the City of Battle Ground's Transportation System Plan (TSP) or in the Six-Year Transportation Improvement Program (TIP). Therefore the following options are available to the Applicant:

1. City Council has the authority to add projects to the TSP as well as the Six-Year TIP. The first option is for the Applicant to approach City Council and ask them to add this additional mitigation measure to the existing SR 503 & SW Eaton Boulevard project. If the applicant is successful, then this project could be considered planned and thus subject to proportionate share costs of which the applicant would be responsible for contributing. The proportionate share amount and six-year trip counts will need to be submitted to the City for review and approval.
2. A second option would be for the Applicant to construct the second southbound turn lane and related receiving lane.
3. A third option is for the Applicant to provide additional information that shows that the mitigation measure is not necessary or that another measure would suffice. If information is provided that shows that measure is not necessary, and the City concurs with this, then nothing more is necessary. If another mitigation measure will suffice then the Applicant can follow Options #1 or #2 above for the updated mitigation measure.

The applicant will need to meet one of the three options for SR 503 & SW Eaton Boulevard prior to engineering approval in order to construct the proposed project.

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. Currently, Clark Public Utilities is the water purveyor for this project; however, they have been working with the City of Battle Ground to transfer this area to the City. The remainder of this section is written assuming that this transfer will occur.

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.

Water main lines shall connect to the water lines that are proposed in the River Bend Subdivision at the termini of future NW 8th Avenue and NW 6th Avenue. 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 proposed development will share water infrastructure with the River Bend subdivision, which is located on the adjacent parcel to the south. Depending upon the construction schedule of the two developments, Wapiti Hills may have to construct the necessary water improvements as required for River Bend. If Wapiti Hills constructs first then the following would be required:

- Currently, there is an existing 8" main lines stubbed to the intersection of NW 9th Avenue/NW 25th Street and NW 6th Avenue/NW 25th Avenue. Main line extensions into the site from the 8" lines shall be an 8" minimum and run throughout the property and be looped where possible. This connection is subject to review and approval through the Engineering Department and should be included in the engineering plan set. The applicant is proposing to connect to and extend the 8-inch water lines from the intersection of NW 9th Avenue & NW 25th Street and NW 6th Avenue & NW 25th Street to the furthest extent of the property. The final engineering drawings shall represent this requirement.

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

The applicant has not shown the size of the water meters on the preliminary utility plan. All water meters including their sizes shall be shown on the final engineering plans.

It should be noted that final engineering plans pertaining to water service for the proposed project shall be submitted for staff review and approval prior to building permit issuance. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington. If the transfer of property doesn't occur then Clark Public Utilities water standards will need to be met and approved by them prior to City approval.

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 City limits.

Although capacity for sewer is available at this time, the City does not guarantee or set aside 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.

Sewer main lines shall connect to the sewer lines that are proposed in the River Bend Subdivision at the termini of future NW 8th Avenue and NW 6th Avenue. Sanitary sewer lines throughout the proposed subdivision shall be a minimum of 8-inches and extend to extreme property lines.

The proposed development will share a pump station (PS-B) and a force main (FM-B) with the River Bend subdivision, which is located on the adjacent parcel to the south. Depending upon the construction schedule of the two developments Wapiti Hills may have to construct the pump station and force main. If Wapiti Hills constructs first then the following would be required:

- The applicant's engineer proposed a sewer collection design proposal, which relocated the proposed pump station PS-B from the northwest corner of the basin to the southwest corner of the basin, while serving the entire basin although minimizing infrastructure and maintenance costs. This pump station relocation was accepted by the City Engineer in a letter dated June 7, 2018. The proposed construction of the force main FM B to the existing sanitary sewer near the intersection of NW 9th Avenue and NW 24th Street is acceptable as shown.

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 the City Engineer.

Easements shall be provided for City maintained sanitary sewer lines constructed outside 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

General	**Compliance:** Conditionally

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). All building permit applications will be reviewed based on those codes.

The following separate permits may be required:

- Residential building permits (City of Battle Ground)
- Electrical permits (Washington State Department of Labor and Industries)
- Irrigation permits (City of Battle Ground)
- Demolition permit (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.

15.105.090 Fire Apparatus Access Roads	Compliance: Conditionally

Finding: All designated fire apparatus access roads are to be designed and maintained to provide access for fire apparatus. Required fire lanes shall be kept clear at all times and shall be marked with signs, striping, or painted curbs stating "No Parking- Fire Lane".

Provide location of required "No Parking – Fire Lane" signs in the following locations:

1. Both sides of the driveway between lots 3 and 5
2. Both sides of NW 30th Street.

15.105.180 Minimum Required Fire Flow	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.

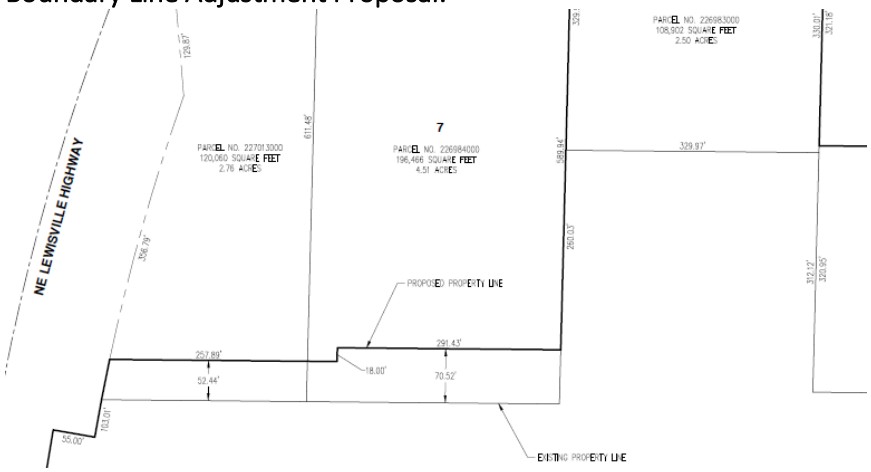
The new hydrants shall meet the flow requirements of appendix B of the International Fire Code for the type of construction (VB) and occupancy (R-3) of the structure (1,500 Gallons Per Minute). Prior to occupancy the applicants shall provide a letter that states the purveyor can supply the required amount of fire flow required.

4. TITLE 16 LAND DIVISIONS

16.112 Boundary Line Adjustments	Compliance: Conditionally

The applicant submitted a boundary line adjustment (BLA) application with their preliminary subdivision application as illustrated Below. A BLA application is required to be filed with the City for review and approval.

Boundary Line Adjustment Proposal:



Any boundary line adjustment must comply with BGMC 16.112, specifically:

1. No additional parcel(s) shall be created by the boundary adjustment;
2. The lot and location of any structure(s) on the lots shall comply with the minimum density, dimensional and area requirements of the zoning district, unless a variance is sought in conjunction with the request per the requirements of Chapter 17.149 BGMC, except that one lot may exceed the maximum lot area of the district; and
3. Legal access shall be provided to each of the lots.

Finding: This proposal will not create any additional parcels. Parcels 226984000 and 227013000 meet the dimensional and area requirements. See sections 16 and 17 for parcel 226928000. The resulting

parcels will have access through NE 254th Street. See titles 12 and 16 for access regarding parcel 226928000. A copy of the recorded boundary line adjustment shall be submitted to the City of Battle Ground Community Development Department within 30 calendar days of the recording date.	
16.115.040 Preliminary Plats	Compliance: Yes
Finding: The applicant is proposing 125 lots; therefore, this application shall be processed as a Type III land use action.	
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 improvements are required for this plat. See Title 18 for more information.	
16.125.030. Continuation of existing streets	Compliance: Yes
Finding: Streets are designed per City transportation standards, or conditioned as such.	
16.125.040. Street jogs	Compliance: Yes
Finding: Streets are designed per City transportation standards, or conditioned as such.	
16.125.050. General street design requirements	Compliance: Yes
Finding: Streets are conditioned to meet all applicable public and private street standards specified in Chapter 12.116 BGMC.	
16.125.060. Blocks	Compliance: Yes
Finding: See 12.116 Transportation Standards	
16.125.070. Lot Access Requirements and Restrictions	Compliance: Yes
Finding: The R5 zoning district requires a minimum lot frontage of 25 feet. All lots have adequate 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 4,000 square feet and the minimum average lot area is 6,300 within the R5 district. Lots range from 5,356 square feet to 11,120 square feet, which satisfies the minimum lot area requirement. The proposed plat has an average lot size of 6,580 square feet, which is above the minimum average lot area of 6,300. Maximum density is 5 units per gross acre and there is no minimum density requirement within this zone. The parcel on which the property is being developed is approximately 37.38 acres. The maximum allowed density is approximately 187 units. At 125 proposed units, the project does not exceed the maximum density and satisfies this requirement. As mentioned before, lots have adequate frontage on a public or private street.	
16.125.110 Flag lots	Compliance: Yes
Finding: The applicant has proposed one flag lot: lot 4. The flag lot does not have a proposed access of more than two hundred meet and no more than two flag lots abut each other. This standard is met.	

16.125.120. Easements	**Compliance:** Conditionally
Finding: All necessary easements shall 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:

- The water main lines shall connect to the proposed water lines at the termini of future NW 8th Avenue and NW 6th Avenue.
- 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 sewer main lines shall connect to the proposed sewer lines at the termini of future NW 8th Avenue and NW 6th Avenue.
- All sewer lines throughout the subdivision shall be a minimum of 8-inches in diameter, unless modified by the City, and extend to the extreme property lines of the subdivision.
- Providing documentation that the sewer and water requirements of River Bend subdivision have been approved or are under construction.

The applicant did provide a preliminary street lighting plan. However, per BGMC 16.130.035, lighting 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. The final plat shall show permanent control monuments.

The preliminary plat provided shows roads dedicated to the city, which satisfies requirement BGMC 12.116.060. The applicant is required to submit a final plat that shows the dedication of any public roads or alleys for final plat approval. 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
Residential Lot Development Standards		***R-5***
Minimum average lot area (square feet)		6,300
Minimum average lot area for density transfer (square feet)		4,600
Minimum lot area (square feet)		4,000
Maximum density (units per gross acre)		5
Minimum density (units per net acre)[1]		N/A
Minimum lot frontage (feet)		25[2]
Minimum setbacks (feet)	Residence front yard[3]	Minimum 10'
	Garage (minimum)[4]	20
	Side yard[5]	5
	Street side yard	10
	Rear yard[4]	20
Maximum lot coverage (%)		45
Maximum height (feet)		35

Refer to Table 17.131-1 for landscaping requirements

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 Structures such as patio covers, decks, and bay windows are permitted to be set back ten feet. A rear yard setback abutting a park, open space, wetland, or other critical area may be reduced to ten feet.

Finding: Dimensional requirements within residential districts shall be in accordance with Table 17.106-2 above.

As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 4,000 square feet and the minimum average lot area is 6,300 within the R5 district. Lots range from 5,356 square feet to 11,120 square feet, which satisfies the minimum lot area requirement. The proposed plat has an average lot size of 6,580 square feet, which is above the minimum average lot area of 6,300.

Maximum density is 5 units per gross acre and there is no minimum density requirement within this zone. The parcel on which the property is being developed is approximately 37.38 acres. The maximum

allowed density is approximately 187 units. At 125 proposed units, the project does not exceed the maximum density and satisfies this requirement.

As mentioned before, lots have adequate frontage on a public or private street.

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 all new structures to comply with the setbacks, lot coverage, and building height of the R5 zoning district prior to building permit issuance.

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 future homes to comply with the requirements of BGMC 17.106.040 at building permit issuance.

17.128.010 Park and Open Space Purpose and Applicability	Compliance: Yes

Finding: Based on the size of this project (over 10 acres) this project would trigger the need to set aside park space per 17.128.030.

17.128.040 Park location and design standards	Compliance: Conditionally

Finding: The applicant is proposing to set aside 7 acres of open space, much of which will be wetlands and habitat areas to be protected, with the perimeter pedestrian trail. The applicant satisfies the standards of BGMC 17.128.040.b, by preserving natural areas and creating a passive recreation environment with the trail network.

Per BGMC 17.128.040.2, a condition will require all trails to be within a public access easement of at least 12 feet in width. All trials shall be built to the City standard specified in 12.116.070. The applicant shall establish a mechanism to assure perpetual care and maintenance of the trail.

See environmental section below for trails in buffer requirements.

17.128.050 Impact fee credits	Compliance: Yes

Finding: The City's park plan calls for a 3-acre neighborhood park in this area. This project is not contributing to this park need, and is therefore not eligible for park impact fee credits.

17.133 Parking and Loading Requirements	Compliance: Conditionally

Finding: Single-family residential developments are required to provide a minimum of 2 off street parking spaces per dwelling unit. All future homes shall comply with this section at building permit issuance.

6. TITLE 18 ENVIRONMENTAL PROTECTION

18.100-185 SEPA Review	Compliance: Conditionally

Finding: 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:

13. HISTORIC AND CULTURAL PRESERVATION
An archeological assessment and report were completed in November of 2018. No historical, archeological, or cultural resources were found to exist on site.

If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation (OAHP) in Olympia and the City of Battle Ground Planning Department must be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.

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

DECISION:
As part of this land use decision, a Final Determination of Mitigated Non-significance (MDNS) is issued pursuant to WAC 197-11-350. 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: Based upon the amount of new impervious surface being generated, the proposed project meets the threshold limits of Minimum Requirements #1-9.

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 City of Battle Ground's 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 will be required for this project.

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

The applicant is, per BGMC 18.250.310(A), required to insure satisfactory operation of new stormwater facilities and 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 buffers, if applicable, which shall be flagged prior to construction.

Per BGMC 18.255.060.B the site is limited to one construction access. This access shall be limited to the south and not connect to NE 254th Street.

The final grading and erosion control plans shall be in 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 General Provisions

Findings: A category III wetland, a seasonal non-fish bearing stream, and an Oregon White Oak have been identified on site. The applicant is required to meet this section of the code.

18.260.090 Allowed Activities	**Compliance:** Conditionally

2. Public and Private Pedestrian Trails. Public and private pedestrian trails, subject to the following:
    a. The trail surface shall meet all other requirements including water quality standards set forth in the city of Battle Ground Municipal Code;
    b. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas;

Finding: The pedestrian trail is outside of the stream buffer, except for a small portion south of lots 94 and 93. The plan demonstrates an increased buffer by avoiding development to the south of the stream. **The applicant will need to meet trail surface requirements listed above prior to engineering approval.**

18.260.115 General Approval Criteria	**Compliance:** Yes

Finding: The applicant submitted a Critical Areas Assessment (August 2019) and Geotechnical Report (July 2019). The applicant later made modifications to their plat and was required to submit updated figures for their Critical Areas Assessment (received January 2020). Both documents demonstrates avoidance in addition to other applicable criteria referenced in this section. See sections below for specific requirements for each critical area.

18.260.130 Mitigation Plan Requirements	**Compliance:** Conditionally

Prior to engineering approval, the applicant shall work with City staff, the Army Corps of Engineers, and the State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan. This plan should include:

- Trail standards meeting criteria listed in 18.260.090a.
- List and demonstrate what minimization measures are being utilized that satisfies the criteria listed in table 18.270.090-8 (buffer reduction).
- Per BGMC 18.260.180 all wetlands and buffer areas over 5,000 square feet shall be included in critical area tracts.
- Per BGMC 18.260 and 18.280.100.A1, provide a detailed buffer enhancement plan for the seasonal stream.

18.260.180 Critical Area Tracts	Compliance: Conditionally

Finding: Critical areas and buffers that are greater than 5,000 square feet should be placed in a critical area tract. Critical area tracts shall be recorded on all documents of title of record for all affected lots. The individual tracts shall be shown on the engineering plans and is required to be on the recorded plat.

18.270.040 Wetland Delineation	Compliance: Yes

Findings: AKS Engineering & Forestry (AKS) delineated one wetland on site, which will be referred to as Wetland A. AKS states, Wetland A is identified as a category III wetland and has a habitat score of 4.

18.270.050 Standard Requirements	Compliance: Conditionally

A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing made only of wood, or other prominent physical marking approved by the director. In addition, signs measuring no more than six square feet in area and no shorter than four feet nor higher than six feet shall be posted at an interval of one per lot or every one hundred feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer as approved by the director, and worded substantially as follows:

"—Wetland Buffer—

Please retain in a natural state

BGMC 18.270.050"

Finding: Include fence placement and sign details in engineering plans. The signage and fencing shall be installed prior to engineering acceptance.

The critical areas tracts shall be maintained and owned by either the developer or HOA.

18.270.070 Standards—Buffer Activities	Compliance: Yes

Finding: The applicant has shown a stormwater facility within Wetland A's buffer and is required to meet 18.270.070A. The Critical Areas Assessment states the stormwater facility meets the criteria listed in this section. These standards will also be reviewed during final engineering review and should be included as part of the applicant's engineering plan set.

18.270.090 Buffer Requirements	Compliance: Conditionally

AKS' Critical Areas Assessment states Wetland A has a habitat score of 4. Per Table 18.270.090-3, a low habitat score and high land use intensity for a Category III wetland requires an 80-foot buffer. The applicant updated their Critical Areas Assessment showing a request for a buffer reduction. The

applicant is proposing to reduce Wetland A's buffer to a moderate land use. **The applicant will be required to submit a mitigation plan meeting minimization measures in table 18.270.090-8.**

18.270.115-120 Wetland Compensatory Mitigation	**Compliance:** Conditionally

Findings: Prior to engineering approval, the applicant shall work with City staff, the Army Corps of Engineers, and the State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan. This plan should include:

- **Trail meets standards of 18.260.090a.**
- **List and demonstrate what minimization measures are being utilized that satisfies the criteria listed in table 18.270.090-8 (buffer reduction).**
- **Per BGMC 18.260.180 all wetlands and buffer areas over 5,000 square feet shall be included in critical area tracts.**
- **Per BGMC 18.260 and 18.280.100.A1, provide a detailed buffer enhancement plan for the seasonal stream.**
- **Per BGMC 18.260.120, provide a mitigation plan for direct and indirect impacts to the seasonal stream.**

Applicant is required to provide a mitigation plan prior to engineering approval. The applicant is required to adhere to all recommendations of the final mitigation plan.

18.280 Fish and Wildlife Habitat Conservation Areas
A seasonal non-fishbearing stream and an Oregon White Oak have been identified. Therefore, applicant is required to meet this section of the code.

18.280.040-050 Fish and Wildlife Habitat Designations	**Compliance:** Conditionally

Findings: AKS' Critical Areas Assessment identified a non-fishbearing seasonal stream on the southern portion of the property. Per table 18.280.050, the stream is classified as "other riparian corridors for waterways" which requires a 50-foot buffer. The preliminary plat shows lots outside of the 50'foot riparian habitat. The proposal shows NW 8th Avenue going through this critical area in order to gain access to the site. The Critical Areas Assessment mentions providing a culver to convey flow under the road.

The site also contains a single Oregon White Oak, which requires a mitigation measure of planting two trees at a minimum of two inches DBH. The applicant's Critical Areas Assessment shows that the applicant is proposing to plant two trees on site. **The trees shall be planted prior to engineering acceptance.**

18.280.070 Standard Requirements	**Compliance:** Conditionally

A. Marking Buffer During Construction. The location of the outer extent of the habitat buffer or, if no buffer is required, the habitat area shall be marked in the field and such markings shall be maintained throughout the duration of the permit.

B. Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the habitat buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, wood or woodlike fencing, or other prominent physical marking approved by the director. In addition, signs measuring no more than six square feet in area and no shorter than four feet nor higher than six feet shall be posted at an interval of one per lot or every one hundred feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the habitat buffer approved by the director worded substantially as follows:

"—Habitat Buffer—

Please retain in a natural state

18.280.070"

Finding: Include fence placement and sign details in engineering plans. The signage and fencing shall be installed prior to engineering acceptance.

The critical areas tracts shall be maintained and owned by either the developer or HOA.

18.280.100 Enhancement and Mitigation	Compliance: Conditionally

Finding: The applicant is proposing to mitigate the road's impact to the stream by on-site buffer enhancement per 18.280.100.A1.

1. Enhancement, restoration or replacement of vegetation or other habitat features and functions. In riparian areas, this may include buffer averaging as specified in the Chapter 18.260 BGMC, General Provisions;

The applicant is required to provide a detailed buffer enhancement plan for the seasonal stream, per BGMC 18.260 and 18.280.100.A1. Per BGMC 18.260.120, provide a mitigation plan for direct and indirect impacts to the seasonal stream.

18.300.030 Geological Hazards Designation & Mapping	Compliance: Yes

Clark County GIS noted potential areas of instability and steep slopes. Staff requested the applicant provide an additional study to map potential geological hazard areas. The applicant submitted a Geotechnical Site Investigation Report (July 2019) prepared by Columbia West Engineering, Inc. The report concluded on-site slopes did not exceed 40%, did not meet landslide hazard standards, and does not meet the seismic hazard standards. This site is exempt from further review in this chapter and satisfies this requirement.

B. Service Development Charges, Impact Fees, and Credits

PS "B" in the 503 North Subarea is a Sanitary Sewer System Development Charge creditable project. The General Sewer Plan states that the pump station, PS B, is estimated to cost $200,000.00 and 50% is creditable. If this project constructs 100% of the pump station project then, $100,000.00 is the maximum available as SDC credits. The applicant will need to provide all receipts and all other information prior to receiving any credits.

C. Public/Agency Comments

1	Cheryl Hall -- e-mail received 10.19.19

We are long time residents and live at the beginning of Dublin RD. The road is narrow with line of site issues and we cannot imagine the problems with additional traffic and speeding. Originally, Dublin Rd was not supposed to be used when the proposed R5 change was made for a medical or school building. It is also not in city limits. 125 homes at 3.5 homes per acre is not acceptable. Most homes in this area are on 1.25 acres or larger. Reducing the density may not be profitable for the developer but it will allow for a better quality of homes and ease congestion.

Please record our objections to this development as proposed and the particularly the use of Dublin Rd. We do not need more traffic and noise.	
Staff Response: The site is zoned Residential 5-units per acre and the applicant is allowed to put in a maximum of 185 homes. Conditions have been placed in the staff report that address the width and site distance concerns on NE 254th Street.	
2	Stephen Lopez – e-mail received 10.20.19
This email concerns the Wapiti Hills Subdivision as proposed by Wapiti Ventures at Parcels 226983-000, 226928-000, 986029-160, 226984-000, and 227013-000. I object to the proposal to grant access to the subdivision via NE 254th St., which is a dead-end road that provides access to very few homes, including those on NE 128th, NE 130th, NE 254th, and NE Cooley Rd. I live at 25615 NE 128th Ave, one of merely five homes on this street. NE 254th is a quiet street frequented by its residents for walking and biking, especially by young children. There are multiple bus stops along NE 254th for elementary, middle, and high school students. I myself have children at Chief Umtuch and Captain Strong. The bus turns around at the end of NE 254th, where it picks up and drops off many children. Providing 125 new single-family residents with access via NE 254th will create a hazard for the residents along this road. NE 254th is barely wide enough as it is for two cars to pass each other and isn't even divided by a yellow line. It lacks sidewalks and bicycle lanes. In a circuitous way, it leads to the other proposed intersection for the development, located at NE Dublin Rd and NE 249th, thus providing a redundant and unnecessary thoroughfare. I also have objections to the proposed development as a whole, as I feel development in Battle Ground has gone unchecked and contravenes the city's vision. Over the summer and into the fall of 2018, more than 2,000 community members from Battle Ground took a survey presented by the "Battle Ground Road Map Navigators" regarding our vision for the future of Battle Ground. Overwhelmingly, we voted for Battle Ground to have a "Town and Country" feel. The survey also demonstrated a strong community concern for too much growth in Battle Ground. The continued, rapid development in this area is in direct conflict with the findings from this survey. The Wapiti Hills project is another example of growth negatively impacting established country residents. Unlike other developments in our community, the Wapiti Hill's project is attempting to shoehorn the 125 houses in between existing, established country properties with roads that are inadequate for mass use by these new proposed residents. In conclusion, I object to this development and in particular to its proposed use of NE 254th.	
Staff Response: Conditions have been placed in the staff report that address the width and site distance concerns on NE 254th Street. The site is zoned Residential 5-units per acre and the applicant is allowed to put in a maximum of 185 homes. Changing density requirements is a policy decision and is outside the scope of this proposal.	
3	Sue Coates – e-mail received October 20, 2019
EXCELLENT letter, Stephan. Thank you very much. Keep speaking up, everyone.	
Staff Response: NA	
4	Rachel Lopez – e-mail received October 20, 2019
I am writing to express my concerns regarding the Wapiti Hills Subdivision as proposed by Wapiti Ventures at Parcels 226983-000, 226928-000, 986029-160, 226984-000, and 227013-000.	

I have significant concerns about the approval of a development of this magnitude in this particular area. I have attended city council meetings in which the possibility of creating this development was discussed and each time, residents were assured that the ingress and egress from the neighborhood would occur off of 25th. That is NOT what is occurring and it is absolutely unacceptable to send this level of traffic down the two roads earmarked for travel into and out of this development.

Environmental Concerns:
There are multiple environmental concerns regarding this development. There will be a significant increase in traffic along 254th. 254th runs adjacent to, and is directly up the hill from, the East Fork of the Lewis River at Lewisville Park. The level of traffic that will be present on this road will create a massive increase in the amount of gas, oil, and other pollutants on this roadway. The road runoff and snowmelt will flow down into the ditches on 254th, which lacks sewers and storm drains. The pollutants will flow directly downhill into the Lewis River. Additionally, these pollutants have the potential to negatively impact the drinking water for the residents in the area - all of whom currently rely on well water for their homes.

In addition to the significant impacts to the Lewis River and residents' well water, the development will also negatively impact the environment directly within the development area. According to the environmental impact study conducted by Cascadia Ecological Services when the property was rezoned from "employment campus" to "low-density residential" in 2018, a Category III seasonal waterway runs through the location where the 249th access to the neighborhood is located. According to the study, this waterway requires the developer to leave 50 feet on each side of the waterway untouched. Based on my assessment (see attached photo), the 249th/30th entrance into the development will directly impact this waterway, which is completely unacceptable.

Traffic and Road Problems:
I live on a one-lane private road that connects to 254th Avenue. My children catch the bus on the corner of 128th Ave. and 254th and the amount of traffic that would be sent down 254th from this new neighborhood would make this intersection incredibly unsafe. 254th is a narrow, dead-end road that is so small that it has no center line or shoulder.

254th is a small, blacktopped road and is not designed to handle the amount of traffic that this development will provide. It does not meet city/county standards for a road that will receive this level of activity. It is neither wide enough nor does it have the shoulders, etc. required for the traffic that is anticipated in this location.

Additionally, 254th is not designed to handle the weight of construction and concrete vehicles which certainly would be accessing the development through this route. 249th is a one-lane, gravel road and is located within the city limits. In order for this roadway to be considered up-to-code access for the development, the city would have to gain access to a significant amount of land from the landowners on either side of 249th. If this road isn't widened and paved, it will be a useless ingress/egress
further increasing the traffic out 254th, which also isn't designed to handle this level of traffic, thus compounding the aforementioned safety and environmental problems.

Consistency with Neighborhood and Battle Ground Expectations:
The existing neighborhood in this area consists exclusively of housing set on 2.5 - 5 acres apiece. The inclusion of this development, being surrounded by rural housing, is inconsistent with the design, intent, and feel of this area and is entirely unreasonable and unfair to the current residents in the area who purchased housing in this area specifically because of its rural feel, lack of traffic, and safety.

Finally, the development of yet another densely-packed neighborhood goes against all of the finings of the Battle Ground Road Map Navigators survey conducted in 2018. The findings of that survey clearly indicated that the residents of Battle Ground are against further development and are interested in Battle Ground maintaining a small-town feel. Since this survey was conducted, I have witnessed multiple new developments being built in our area. This flies directly in the face of the expectations that residents set out for the future of Battle Ground through this survey.

Given the multitude of aforementioned problems that this new subdivision is sure to create, I strongly object to the construction of this development and urge you to disallow the construction of this development.

Staff Response: The site is zoned Residential 5-units per acre and the applicant is allowed to put in a maximum of 185 homes. Changing density requirements is a policy decision and is outside the scope of this proposal.

The applicant has avoided the seasonal stream to the extent feasible. Battle Ground Municipal Code allows indirect impacts to occur, as long as the applicant appropriately mitigates for it. See the environmental section above.

Conditions have been placed in the staff report that address the width concerns on NE 254th Street.

Construction traffic will be limited to the south entrances to the subdivision. There is no proposal to connect to NE 249th Street. NW 30th Street, which aligns with NE 249th Street, will be extended to the property line for future extension, but there will be a barricade at the end of it at this time.

5	Jason Hiivala – e-mail received October 21, 2019

I support the pushback on this project, there is no infrastructure in place to handle the extra traffic . Would hate to see the negative impacts to our quiet neighborhood

Staff Response: Conditions have been placed in the staff report that address the width concerns on NE 254th Street.

6	Greg & Kei Majerle – e-mail received October 21, 2019

I am writing to you in regards to the proposed "Wapiti Hills subdivision" public record # 48-2019 Parcels 226983-000, 226928-000, 986029-160, 226984-000, and 227013-000 located on or near NE 249th St & NE 254th St in Battle Ground, WA.

For nearly 20 years my wife and I have lived in our home on 130th ave in Battle Ground Wa. We specifically chose this neighborhood due to its low density housing, light vehicle traffic, quiet surroundings, and rural feel. The proposed high density Wapiti Hills development would negatively alter the character of our neighborhood thus negatively effecting our lifestyle, reduce the neighborhoods desirability, and reduce future resale values.

This proposed development of 125 homes on 37 acres (approximately 3.5 homes per acre) is not in keeping with the homes and acreage currently in this neighborhood. Most of the homes in the immediate vicinity of the proposed development are built on 1.25 acres to 5 acre lots (low density). While the proposed development would "shoehorn" 3.5 homes onto an acre of land(high density). This high density development would put additional environmental pressure on the Lewis River which is already struggling to improve fish habitat in the area.

	In addition, a development of of 125 homes would bring additional unwanted traffic and noise to our tranquil neighborhood. At the very least, each home will have 2 cars (some more). This would equate to at least 250 cars. Since most households have two working adults, we can assume that there will be at least 250 additional vehicles driving through the neighborhood in the morning and returning in the evening. The addition 250 additional vehicles does not take into account additional traffic from visitors, extended family, additional school buses or deliveries(UPS, FedEx, etc.) to the neighborhood. On further review, I see that the traffic from the development will be routed through either NE 249th St or NE 254th St. I have walked down NE 254th St on many occasions and I can tell you that it's not wide enough to accommodate 2way traffic. The road would have to be widened and a shoulder and/or a side walk would have to be constructed to accommodate the additional traffic and water run off. There is also blind curve prior to the intersection of NE 254th St and 130th ave which is risky enough without the additional traffic the development would impose. The widening of NE 254th St and the increased traffic would negatively effect the current homes directly adjacent to the road with unwanted noise and congestion This road is currently so lightly traveled that many children and adults use it for walking. Whether the additional traffic uses NE 249th St or NE 254th St, they both converge at the bend in 132nd Avenue next to Sacred Heart cemetery. This intersection is already a notoriously bad intersection. Especially if you are north bound on 132nd ave and have to go straight onto NE Dublin road or turn left onto NE 249th St. The additional traffic from the proposed development will increase the risk and congestion to an already notoriously risky intersection. Which in my option is unacceptable. My wife and I are not opposed to the development of the area in question, in fact it is inevitable. However, before my wife and I can support any development, it must meet at least the following criteria: 1. The lot sizes must be low density. A mixed lot size of 1.5 to 5 acres would be in keeping with character of the current neighborhood. 2. NE Dublin RD and NE 254th ST must be widened and improved to handle the higher traffic volume (side walks, turn lanes, and water drainage). 3. Improvement to the intersection of 132nd ave, NE Dublin Rd, and NE 249th st to include turn lanes. 4. Put in control measures to address environmental concerns for water run off into Lewis River. In conclusion, I urge the planning commission to deny or delay the development permit until the above concerns have been addressed and rectified.
	Staff Response: The site is zoned Residential 5-units per acre and the applicant is allowed to put in a maximum of 185 homes. R5 zoning is considered low-density housing within the City of Battle Ground. Changing density requirements is a policy decision and is outside the scope of this proposal. Conditions have been placed in the staff report that address the width concerns on NE 254th Street. Conditions have been placed in the staff report to address safety and LOS concerns at the NE 132nd Ave/NE 249th Street intersection, as applicable. Water runoff will meet the City's stormwater requirements in its Municipal Code.
7	SWCAA – e-mail received October 21, 2019

The Southwest Clean Air Agency (SWCAA) commented stating this project may be regulated by SWCAA. See exhibit 24.	
Staff Response: The applicant is required to receive any necessary approvals and/or permits from SWCAA. The applicant may contact SWCAA at (360)574-3058 for more information regarding the agency's requirements. Notification forms, permit applications, regulation, and other information are available on the internet at http://www.swcleanair.org. See exhibit 18 for the entire letter.	
8	Mike and Suzanne Baker – e-mail received October 21, 2019
This email concerns the Wapiti Hills Subdivision as proposed by Wapiti Ventures at Parcels 226983-000, 226928-000, 986029-160, 226984-000, and 227013-000. As neighbors at 25700 NE 128th Ave we are very concerned with the use of 254th as an access to this new subdivision. It is a narrow road with no shoulder, most of it does not even have a dividing line, and is inadequate to handle over 250 additional cars every day. When a previous development was considered, the Hearing Examiner deemed that 254th lacked sufficient width to safely accommodate the increased traffic. Nothing has changed since that time. Additionally, this road is right above a water spring and the east fork of the Lewis River. Runoff and pollution from this new subdivision as well as the large volume of vehicles on 254th poses a great risk to the health of the river and the fish and other life dependent on these water sources. The families on 130th, 128th, Cooley Rd, and 254th rely on well water. With no storm drains on 254th St, the fuel and oil runoff from all the increased traffic will negatively affect our drinking water as well. This housing development also does not keep with the rest of the neighborhood, which are country homes on acreage. These homes are proposed to be 3.5 homes/acre. Adding this many homes to Battle Ground will change the feeling of the city, which the majority of the citizens want to remain as a small town/country feel. We recommend that you deny the permit for this subdivision or at least reduce the density by two-thirds to put less stress on the roadways and the environment and in keeping more with the feel of Battle Ground and the surrounding neighborhoods. While we object to this housing development in its entirety, the same people who want to build Wapiti Hills Subdivision have also applied to build the River Bend Subdivision on the property between Wapiti Hills Subdivision and NW 25th Street. If this subdivision were built prior to the Wapiti Subdivision, the developers can build their access and bring their utilities through the River Bend Subdivision. This would shift the traffic from NE 254th Street to NW 25th Street which is designed to handle heavy traffic. In conclusion, unlike other developments in our community, the Wapiti Hill's project is attempting to shoehorn the 125 houses in between existing, established country properties with roads that are inadequate for mass use by these new proposed residents. We strongly object to this development and in particular to its proposed use of NE 254th.	
Staff Response: The site is zoned Residential 5-units per acre and the applicant is allowed to put in a maximum of 185 homes. Changing density requirements is a policy decision and is outside the scope of this proposal. All runoff from the site will be capture and treated per the City's Municipal Code. Access will be provided through the River Bend subdivision.	
9	Rachel Lopez on behalf of Weston Lopez – e-mail received October 22, 2019

My parents told me that there could be a bunch of houses going in near us. That would be really, extremely dangerous where I and my little sister and lots of friends get the bus. That would be more than 15 kids who are risking their lives to go to school. All of the cars on that road would also mean less bike riding time because of the danger. Please don't let the builders use this road to drive to all of those houses.	
Staff Response: Conditions have been placed in the staff report that address the width and site distance concerns on NE 254th Street.	
10	Charles Ross – e-mail received October 21, 2019
Attached you will find a PDF copy of my letter to the City of Battle Ground related to the proposed Wapiti Hills Subdivision and a copy of the Clark County Ordinance Report as Reported by Community Planning Department Dated December 13, 2011. The Clark County Ordinance Report shows restrictions that have been placed on the parcels that the proposed Wapiti Hills Subdivision is to be built on . Mr. Ross' e-mail and attachment can be found as exhibit 27.	
Staff Response: All runoff from the site will be capture and treated per the City's Municipal Code. There is no proposal to connect to NE 249th Street. NW 30th Street, which aligns with NE 249th Street, will be extended to the property line for future extension, but there will be a barricade at the end of it at this time. The comment that NE 254th Street is the only ingress/egress point is inaccurate. Access will also be provided through the River Bend subdivision. Conditions have been placed in the staff report that address the width and site distance concerns on NE 254th Street. Conditions have been placed in the staff report that address site distance concerns on NE 254th Street. Conditions have been placed in the staff report to address safety and LOS concerns at the NE 132nd Ave/NE 249th Street intersection, as applicable. The asphalt condition of NE 254th Street is not a land use decision and therefore not governed by this process. Construction traffic will be limited to the southern access points. See exhibit 43 for the City's memo regarding the covenant.	
11	Gary Medvigy – e-mail received
Weston and Rachel, Thank you for the letter and bringing your concerns about this development to our attention. Your concerns are very important and I am especially impressed that Weston took the time and effort to write his council! I have asked the county manager to have his staff brief the council chair and I on what is being proposed, the density, and supporting infrastructure the city of Battleground and the county have in place.	
Staff Response: NA	
12	Sue Coates on behalf of neighbor – e-mail received October 22, 2019
I am writing concerning the proposed Wapiti Hills subdivision. My husband and I moved to Battle Ground last year to an existing house on NE 130th Avenue. We are currently out of the country but have received	

details on the proposed subdivision from our distressed neighbors. Having also read some of the letters you have already received, we wish to second their well-thought-out objections.

When I read about the proposal, the words "higgledy-piggeldy" and "short-sighted" immediately came to mind. Just because there is physically enough space to cram 125 new homes into does not mean it's a good idea. In this case it clearly isn't. I thought of the times I've seen a sign saying "Capacity 100" in a modest-sized room and tried to imagine 100 people standing shoulder to shoulder. It would be disingenuous to think the project could somehow be stopped. But considering the significant negative impact such a proposition would have on existing homes and properties, I urge you to work toward a compromise that would be more consistent with the concept of responsible growth which most Battle Ground residents support.

Staff Response: The site is zoned Residential 5-units per acre and the applicant is allowed to put in a maximum of 185 homes. Changing density requirements is a policy decision and is outside the scope of this proposal.

13	Donald Tavares – e-mail received October 21, 2019

I object to the proposal to grant access to the subdivision via ne 254th st. I just want to reiterate what my neighbors have already made clear. The road cannot handle the additional volume of traffic and there are too many blindspots which makes it very unsafe. We live on 130th ave and we have grandchildren that take the bus to school and with the additional traffic will make getting to there bus stop challenging to say the least. Environmental issues are also a big concern with no plan that addresses storm runoff as far as the drainage system is concerned. With the additional cars estimated at 1.5 per household and the ending of emissions testing January 2020 the air quality will be an issue, especially with people with asthma or some other lung ailment. I strongly urge you to end this project until the leaders of City of Battle Ground come up with a plan that addresses all of my neighbors and also my family's quality of life concerns that attracted us to this community in the first place..

Staff Response: Conditions have been placed in the staff report that address the width and site distance concerns on NE 254th Street. See section 18.250 for runoff concerns.

14	Dennis Coates – letter received October 22, 2019

Mr. Coates' e-mail outlines concerns about access, traffic safety, and the conditions of 254th. See exhibit 31 for his letter.

Staff Response: The first concern about the connection of NE 254th Street to 503 is incorrect. The plat shows the ROW extending to 503, but the actual improvements are along the project's property lines abutting NE 254th.

The second concern about a previously reviewed subdivision did not occur under City requirements. The City can only review this submittal under its code and standards. So any requirements to improve NE 254th Street will be as required by City code. Conditions have been placed in the staff report that address the width and site distance concerns on NE 254th Street.

In regards to the third concern there is a condition in the staff report that will require River Bend's street improvements to be in place so NW 8th Avenue will not be a dead end. There is no proposal to connect to NE 249th Street. NW 30th Street, which aligns with NE 249th Street, will be extended to the property line for future extension, but there will be a barricade at the end of it at this time.

In regards to the fourth concern there is a condition in the staff report to analyze LOS and safety concerns at the intersection of NE 132nd Avenue and NE 249th Street and for the Applicant to make any improvements recommended by that analysis.

15	Clark County – e-mail received October 22, 2019

Per my voicemail regarding the Wapiti Hills Subdivision project, please see page 22, condition 2b of the attached document. This information was shared with neighbors in the area of this project who visited the county yesterday. See exhibit 32 for attachment and e-mail.

Staff Response: See exhibit 43 for the City's memo regarding the covenant.

16	Charles Ross' Second Comment – e-mail received October

Wapiti Ventures has submitted a proposal to the City of Battle Ground to build a 125 house subdivision on parcels 226983-000, 226928-000, 986029-160, 226984-000 and 227013-000. As part of this proposal the developer has proposed using NE 254th Street and NE 249th Street for access to and from the subdivision. My comments below are related to the access points requested.

NE 249th Street is a private street. It is gravel, less that 10 feet wide, and totally unsuitable for ingress or egress from the proposed new subdivision.

The other road that the developers of the proposed Wapiti Hills Subdivision plan for access is known as NE 254th Street. This street/road is identified as NE 254th Street, NE Dublin Road and NE 132nd Ave, depending on the location on the road.

This road:

- Has no sidewalks;
- Is dark, there are no street lights;
- Has inadequate shoulders on the north side in some areas west of NE 130th Ave, especially in the area between NE 130th Ave and NE 128th Ave;
- Is narrow, having many areas of pavement width of less than 20 feet, with the narrowest part, per my measurement, having a pavement width of a little over 16 feet in the area just west of the junction of NE Cooley Road and NE 254th Street;
- Has a rise in the road near the junction of NE Cooley Road and NE 254th Street. The rise in the road makes it difficult to see low lying objects, such as children or pets, west of the rise when traveling west on NE 254th Street.
- Has areas of the road that have subsided, with some of these areas being marked with white paint, possibly indicating that repairs are planned; and
- Has significant areas where the asphalt has started breaking up giving the road an "alligator hide" appearance.

The intersection of NE 132nd Ave and NE 249th Street is a very busy intersection with frequent wrecks due to people driving too fast to make the turn to the south when traveling westbound on NE 249th Street. There is a lot of traffic traveling west on NE 249th Street in the area between NE 142nd Ave and NE 132nd Ave, especially in the morning when people are typically commuting to work and/or school. Adding the additional vehicles from the Wapiti Subdivision traveling on NE 132nd Ave to the congestion at this intersection will only make the situation worse and likely more dangerous.

There are at least three locations on NE 254th Street where students wait for their bus in the morning. These are at the intersections where NE Cooley road, NE 128th Ave and NE 130th Ave meet NE 254th Street. Given the narrow width of this road, the lack of adequate shoulders on the north side of the road, and the rise that makes it difficult to see ahead when traveling west bound on NE 254th Street in the area of the intersection of NE Cooley Road, adding the vehicles from a 125 house subdivision to the NE 254th Street will likely create a dangerous condition for the young people.

As stated above the existing road has areas needing repair, and areas that are beginning to "alligator". Given that the road is beginning to show significant deterioration with only the local traffic, I believe that the road will not stand up to the construction vehicles, including concrete trucks, and the vehicles from the additional 125 houses that will be added to the traffic load.

Based on my review I believe that NE 254th Street and NE Dublin do not meet the county standards for Off Site Roads providing access to parcels being developed, per Clark County road standard 40.350.030 (B)(6)(b)(1).

In December 2011, as part of changing the zoning of parcels 22701300, 226984000, 226983000, 226937000,
986029161, 986029160 and 226928000 from R-5 to Employment Campus the property owners entered into the following agreement with Clark County, creating a Covenant running with the land:

i. The use of the property shall be consistent with Comprehensive Plan policy in Chapter 13 which limits expansions of Urban Growth Boundaries not based on a new planning horizon to 100 acres or less for employment. Therefore the use of the property shall be limited to those uses in the Employment Campus zone listed as permitted or conditional in Table 17.120-1 of the City of Battle ground's Municipal Code as attached in exhibit "B".
ii. No access to or from any future development on the property will be to the north of the property.
iii. Section 8 of this Covenant reads as follows:

8 Annexation, Incorporation, Successors, and Assigns. *Subject to the terms hereof, the provisions of this Covenant shall extend to, bind and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns. This Covenant shall be recorded with the real property records of Clark County. This Covenant is binding on the parties hereto, their successors and assigns, including the city, town or municipality that assumes jurisdiction through incorporation or annexation of the area covering the property by this Covenant. The terms of this Covenant shall be binding on all successors, assigns or future parties in interest, including, but not limited to and through future annexation or incorporation of area in which the development exists.*

The details related to the agreement discussed above are include in the other document titled Clark County Ordinance Report, As Reported by Community Planning Department, On December 13, 2011. A copy of this document is attached to this email.

Given

- NE 249th Street is a private road and not suitable for ingress or egress for the Wapiti Subdivision, and it is almost certainly not suitable for installation of the sewer, water and other utilities required for the subdivision;
- The applicant and owners have given up rights for access to or from the property to the north;
- Battle Ground City water and sewer infrastructure are located on NW 25th Street and to bring these utilities to the subdivision via NE 132nd Ave, NE Dublin Rd and NE 254th Street, part of which is not with in the city boundaries, does not seem to be a reasonable alternative; and
- The same people proposing to build Wapiti Hills Subdivision are also proposing to build River Bend Subdivision on the property south of Wapiti Hills and this property will abut NW 25th Street.

It seems that the logical thing for the developers to do is to build the River Bend Subdivision first or to build the roads and infrastructure for the River Bend Subdivision from NW 25th Street, and then use these to

provide access and utilities northward for the Wapiti Hills Subdivision, and not provide access to or from the Wapiti Hills Subdivision from the north (i.e., NE 254th Street).

Based on all of the above I am requesting that Clark County work with the City of Battle Ground to ensure that if the Wapiti Hills Subdivision is built, that access to and from the subdivision is restricted to the access points that will be provided by the River Bend Subdivision and that no vehicle access, either during the construction phase, or after the development is complete, is allowed on NE 254th Street.

It has been brought to my attention that in the past there have been access and/or road restrictions placed on subdivisions that were to be developed and after the development approval was completed the builder ignored the access and/or road restrictions. I am also asking that Battle Ground and Clark County work together to ensure that this does not happen with the Wapiti Hills Subdivision.

See exhibit 33 for e-mail and attachments.

Staff Response: In regards to NE 249th Street the Applicant is not proposing to connect to this street. NW 30th Street, which aligns with NE 249th Street, will be extended to the property line for future extension, but there will be a barricade at the end of it at this time.

Conditions have been placed in the staff report that address the width and site distance concerns on NE 254th Street.

The asphalt condition of NE 254th Street is not a land use decision and therefore not governed by this process. Construction traffic will be limited to the southern access points.

In regards to the comment about not meeting Clark County road standard 40.350.030 (B)(6)(b)(1), since this project is in the City of Battle Ground, the City has no authority to enforce the County's code. Additionally, the City has no similar requirement.

See exhibit 43 for the City's memo regarding the covenant.

The commenter requests that the River Bend Subdivision or its infrastructure be built first. The traffic study indicates that 50% of the project traffic will use the roads in River Bend. Based on that it is reasonable to require that River Bend's infrastructure be in place before the plat can be recorded for Wapiti since the Applicants for Wapiti didn't provide any evidence indicating that 100% of the traffic could use NE 254th Street.

The commenter requests that access be restricted from NE 254th Street. No evidence has been provided that would justify this request. Construction traffic can be limited to the south only. The City's Erosion Control code allows only one construction entrance through which all construction traffic must travel. This can be conditioned to be from the south.

17	Charles Ross' Third Comment – e-mail received October 22, 2019

As part of reviewing the Wapiti Hills Subdivision application I found that the application references 5 parcels to be included in the area for development. These are parcels 226983-000, 226928-000, 986029-160, 226984-000 and 227013-000. However the development map accompanying the public notice only shows development on three of the parcels. There is no development shown on parcels 227013-000 and 22698-4000. Why would parcels 227013-000 and 22698-4000 be included in the application but not be shown as developed?

Staff Response:

From: Emily Lutz
Sent: Wednesday, October 23, 2019 8:45 AM
To: Charlie
Subject: RE: [External] - Wapiti Hills Subdivision

Charles,

They have included those parcels because part of their application consists of adjusting boundary lines. So you are right that the two parcels will mostly not be developed, but the property lines will be changing to reflect the applicant's preliminary plans we reviewed at the counter. Sorry it has taken so long to get back to you I have been in and out of meetings yesterday.

18	Department of Ecology

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Wapiti Hills Subdivision Project (PR 48-2019) as proposed by Wapiti Ventures. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

WATER RESOURCES/DAM SAFETY OFFICE:
Joe Witczak, Dam Safety Office Manager (360) 407-6603 / jwit461@ecy.wa.gov

The Wapiti Hills subdivision includes the construction of a stormwater pond. If the pond(s) could store 10 or more acre-feet of water or other substances that can exist in a liquid or slurry state, above ground level, as described under RCW 90.03.350, you must submit a construction permit with plans to the Dam Safety Office for approval. Please submit the permit and plans to:

Joe Witczak
WA Department of Ecology
Dam Safety Office
P.O. Box 47600
Olympia, WA 98504-7600

For more information, contact Joe Witczak using the contact information provided above.

WATER RESOURCES: Opal Smitherman (360) 407-6859
Ecology mapping tools show two existing shared wells and an individual well located on this site. The proponent is responsible for inspecting the site to determine the location of all existing wells. Any unused wells must be properly decommissioned and decommission reports submitted to Ecology as described in WAC 173-160-381. This includes resource protection wells and any dewatering wells installed during the construction phase of the project.

WATER QUALITY/WATERSHED RESOURCES UNIT:
Chris Montague-Breakwell (360) 407-6364
Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.
Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.
Construction Stormwater General Permit:

The proposed construction activities of this Wapiti Hills Subdivision Proposal may require coverage under the Construction Stormwater General Permit (CSGP). The following construction activities require CSGP coverage:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State.
    a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
    a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
    b) Reasonably expects to cause a violation of any water quality standard.

You may apply online or obtain an application from Ecology's website at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287
All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Staff Response: **The project is conditioned to coordinate with Ecology on any necessary review, permits, and approvals.**

19	Charles Ross' Fourth Comment – e-mail received

I apologize if you are receiving two copies of this email. Yesterday I wrote the email in Word before transferring it to email. I then sent it to myself so that I could fix any of the indentation issues that come from transferring a Word document to AOL email. After fixing the issues I did not put a subject in the subject line before sending the email to you and I am concerned that the email may have gone to your junk mail.

Staff Response: It was a duplicate. Kept this e-mail for records.

20	Daniel and Janis Highley – letter received October 23, 2019

Mr. & Mrs. Highley's letter outlines concerns about access, traffic safety, and the conditions of 254th. See exhibit 31 for his letter.

Staff Response: Conditions have been placed in the staff report that address the width and site distance concerns on NE 254th Street.

There is a condition in the staff report to analyze LOS and safety concerns at the intersection of NE 132nd Avenue and NE 249th Street and for the Applicant to make any improvements recommended by that analysis.

21	Joe Uskoski – e-mail received October 23, 2019

I am writing to express my concerns/objections for the proposed Wapiti Hills Subdivision in Battle Ground.
Parcel #s: 226983-000 226928-000 986029-000 226984-000 227013-000

I live on NE 254th St. I am surprised, that the city would actually consider, approving a development of this size in this neighborhood, and accessing it from Dublin Road and 254th street.

The Dublin Road/ 132nd Ave intersection is already a mess at busy times of the day. Adding 125 houses to that intersection will be an utter catastrophe.

As you go towards 254th St., the road doesn't improve any. It gets narrower, has no center line, no fog line, no shoulder and it's very narrow.

Two full size vehicles such as semi-trucks and buses cannot meet and pass on it.

The structure of the road itself will not handle construction traffic, to say nothing of the added vehicle traffic.

Also NE 249th street is a PRIVATE gravel road, with zero potential of access.

Aside from the ingress/ egress impossibilities, why would the city allow or want that many houses in that area? It is Clearly visible from SR 503; so anyone unfamiliar with the area gets left with that image.

The number of houses for that area should be about a quarter of what is proposed.

From what I can see and hear, that looks and sounds like, what I would consider a very active wetland.
There is standing water, frogs, deer, salamanders, snakes, tadpoles…. Things that I associate with wetlands.

I can only hope, that Battle Ground, has some environmental concerns there.

A much better idea would be to develop north from 25th st. and access at 25th st, also all utilities are right on 25th st.

On a more general note:
Why is the City of Battle Ground, so focused on high density subdivisions? Maybe they should follow the example of some neighboring cities and towns that are more selective on development.

High density is entry level housing. Which often brings lower income residents, more school children, residents more likely to vote against school bonds or levies, and more likely to have domestic or drug related issues.

The City needs to begin focusing on quality, not quantity.

A successful community needs a balance of everything. Battle Ground has way too many high density crowded subdivisions, already.

Staff Response: There is a condition in the staff report to analyze LOS and safety concerns at the intersection of NE 132nd Avenue and NE 249th Street and for the Applicant to make any improvements recommended by that analysis.

Conditions have been placed in the staff report that address the width and site distance concerns on NE 254th Street.

Construction traffic will be limited to the southern access points.

There is no proposal to connect to NE 249th Street. NW 30th Street, which aligns with NE 249th Street, will be extended to the property line for future extension, but there will be a barricade at the end of it at this time.

The site is zoned Residential 5-units per acre and the applicant is allowed to put in a maximum of 185 homes. Changing density requirements is a policy decision and is outside the scope of this proposal. The City of Battle Ground does not discriminate against people based on income levels.

The applicant submitted a Critical Areas Report, which addressed the existing wetland and stream on site. Staff has reviewed the applicant's report and conditioned the project to meet Battle Ground's municipal code. See title 18 for more information.

22	Brant D Rude – e-mail received October 23, 2019

I write to you expressing concerns about the proposed access points for Wapiti Hills Subdivision.

Although the proposed subdivision is within the official city limits of Battle Ground, this development is occurring in a decidedly rural area adjacent to five acre parcels zoned Rural-5 and capped to the north by a nature conservancy held by the Columbia Land Trust, the East Fork of the Lewis River, and Lewisville Park. While the SEPA environmental checklist submitted by the applicant notes only songbirds, deer, and rabbits in response to Section B, Item 5, the list of "any birds and other animals which have been observed on or near the site or are known to be on or near the site," the property and immediate vicinity is home to a far greater population of animals than indicated. In addition to the songbirds, deer, and rabbits noted, we have witnessed falcons, red-tailed hawks, bald eagles, vultures, woodpeckers, bats, possums, raccoons, seen evidence of bobcats and coyotes, and the previous resident encountered a black bear. Access from NE 254th Street is not beneficial to the development in that all traffic flow will necessarily be south and west to access places of employment and commerce, so opening NE 254th Street to this more densely developed neighborhood is not sensible or effective planning.

Although I've not seen the actual SEPA Environmental Checklist prepared August 29, 2019 and submitted by the applicant, references in Section B, Item 14(f) a Traffic Analysis Report completed by Charbonneau Engineering states:

Per a Traffic Analysis Report completed by Charbonneau Engineering, the planned project will generate a net increase of 1,199 weekday trips, with 94 AM and 126 PM peak hour trips

Although I've not seen the actual Traffic Analysis Report, it seems that the notation in Section B, Item 14(h) may reference a different project as the proposed subdivision is approximately 3.5 miles from the SW 10th Avenue and Eaton Blvd intersection:

The Traffic Analysis Report concludes that, "based on the traffic analysis results the only additional

improvements beyond those documented in the City TSP Update is the recommendation to construct a second southbound left turn lane at Southwest 10th Avenue (SR503) at Eaton Blvd. With the improvements the intersection will operate at acceptable LOS conditions through the year 2023 total traffic scenario."

While this reference may be appropriate and intentional, it makes me question whether the traffic impact analysis is actually sufficiently relevant and comprehensive enough for the proposed project. Because this development is at the edge of expanded city limits and not really within the urban area, the street names transition somewhat confusingly. For example, NE 254th Street is a continuation of Dublin Road, which is an offshoot of NE 132nd Avenue, which itself is the rural identifier for the road that is called Parkway Avenue in Battle Ground proper. NW 25th Avenue is the city name for the road that, to the West of Highway 503, is NE 244th Street.

NE 254th Street is a narrow, dead end road - the portion that intersects with the proposed access way for Wapiti Hills Subdivision currently serves a total of seven homes; adding an additional 125 homes is equivalent to a 1600% increase in the number of property owners served by that portion of the road. NE 249th Street, to the west of NE 132nd Avenue, is a gravel, single lane road.

I invite you to attempt to drive east toward the new subdivision from NE 244th Street across Highway 503, a natural traffic pattern for residents of the future subdivision who work in Vancouver or are returning from the I-5 corridor, at around 5pm on any weekday and count the number of times you sit through the red light because there is no left turn lane onto Highway 503 from that direction.

Once you cross that hurdle, you'll encounter the "T" intersection of the east/west bound NE 244th/NW 25th Street with the north/south bound Parkway Avenue/NE 132nd Avenue and face limited visibility of northbound traffic as you attempt to turn left and get to the proposed NE 249th and NE 254th accesses to the neighborhood. If you want to avoid that, or are coming from Captain Strong or Chief Umtuch, the schools serving this development (or CAM), you'll instead drive past CAM along NW Onsdorff and encounter its "T" intersection with Parkway Avenue, which does have somewhat more visibility, but is not a section of road (Onsdorff between Highway 503 and Parkway) designed for heavy traffic. If this development were served with access only from the south, through the developer's adjacent proposed subdivision, the necessity for residents to encounter either of these "T" intersections would be eliminated.

If not, residents will need to proceed north on 132nd Avenue beyond either "T" intersection to a four-way intersection that is not really a four-way intersection, but a branching off of the two rural roads - NE 249th and Dublin Road/NE 254th Street, at a blind curve where NE 132nd Avenue continues to the west, (right turn permitted without stopping) and turns into NE 249th Street.

Battle Ground is currently making efforts to recover from some past planning and traffic errors based on development that were approved without long-range vision or sufficient respect for either the rural character of the area or the significant growth within the town. This situation presents an opportunity for those in governance to make a better decision and appropriately balance the needs of current and future property owners with the economic demands of development.

In conclusion, I encourage you to ensure that access to and from the subdivision is restricted to the access points that will be provided by the River Bend Subdivision and that no vehicle access, either during the construction phase, or after the development is complete, is allowed on NE 254th Street.

Staff Response: Conditions have been placed in the staff report that address the width and site distance concerns on NE 254th Street.

There is no proposal to connect to NE 249th Street. NW 30th Street, which aligns with NE 249th Street, will be extended to the property line for future extension, but there will be a barricade at the end of it at this time.

The intersection of SR 503/NW 25th Street will operate at a LOS C (AM/PM) with build out of the project, which meets the City's concurrency standards.

The intersection of N Parkway Avenue/NW 25th Street will operate at a LOS D (AM)/C (PM) with build out of the project, which meets the City's concurrency standards.

There is a condition in the staff report to analyze LOS and safety concerns at the intersection of NE 132nd Avenue and NE 249th Street and for the Applicant to make any improvements recommended by that analysis.

Construction traffic will be limited to the southern access points.

The applicant's SEPA Checklist did not identify any endangered animals. The Department of Fish and Wildlife also had the chance to review the SEPA checklist and did not note any concerns for this project site.

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 adequate half-street improvements, based on pavement testing, for NE 254th Street, "Neighborhood Collector", including sidewalk, planter strip, curb/gutter and asphalt.
    b. Showing adequate half-street improvements, for NW 30th Street, a Local A, including sidewalk, planter strip, curb and gutter, and asphalt and necessary right-of-way dedications or provide documentation from a wetland consultant, acceptable to the City Engineer, that it is infeasible to construct NW 30th Street.
    c. Showing full width improvements to NW 8th Avenue and NW 6th Avenue to "Neighborhood Collector" standards, including sidewalk, planter strip, curb & gutter, and asphalt.
    d. Showing full width improvements to all other streets to "Local A" standards, including sidewalk, planter strip, curb & gutter, and asphalt.
    e. Containing a combined landscaping and driveway plan.
    f. Showing sight distance and vision clearance triangles.
    g. Containing a signing and striping plan.

h. Containing a street lighting plan having LED acorn units.
i. Showing traffic calming devices on all public streets.
j. Showing any recommend improvements to the intersection of NE 132nd Avenue and NE 249th Street.
k. Construct NW 6th Avenue and NW 8th Avenue to NW 25th Street, as shown on the approved River Bend subdivision plans, unless they have already been completed.
l. Showing any necessary improvements to NE 254th Street/NE Dublin Road/NE 132nd Avenue per County Code 40.350.030.B.6.b.1 and where vegetation needs to be removed within the ROW to have adequate sight distance. These plans will need to be approved by Clark County as it is in their ROW.
m. Showing driveways that meet the requirements of BGMC 12.116.243.
n. Showing traffic mitigation at SR 503 & NW Onsdorff Boulevard, Grace Avenue & East Main Street, SR 503 & SW Eaton Boulevard, and SW 20th Avenue & SW Eaton Boulevard or indicating that mitigation fees will be paid in lieu of the improvements.
o. Showing that the secondary traffic mitigation at SR 503 & SW Eaton Boulevard or meeting one of the other options in lieu of the improvements.
p. Showing water lines extending to extreme property lines.
q. Showing each residential lot having its own individual water service.
r. Show water plans approved by CPU if this area is not moved into the City of Battle Ground's service area.
s. Showing sewer lines extending to extreme property lines.
t. Showing each lot having its own individual sanitary lateral.
u. Showing pump station PS-B and force main FM-B, as shown on the approved River Bend subdivision plans, unless they have already been completed.
v. Showing fire hydrants meeting spacing requirements throughout the subdivision.
w. Containing a photometric plan for all access points, intersections, streets, frontage roads out to centerline, and any existing lights to ensure that proposed lights meet IES RP-8-00 standards.
x. Showing a stormwater facility that meets the requirements of BGMC 18.250.
y. Showing grading and erosion control in conformance with applicable city standards and standard construction details.
z. Showing one construction entrance, which doesn't connect to NE 254th Street.
aa. Showing the pedestrian trail meets the surface requirements listed in 18.260.090a.
bb. Showing trail to be within a public access easement of at least 12 feet in width, per BGMC 17.128.040.2.
cc. Showing trial meets the standards specified in 12.116.070.
dd. Update street names, if applicable.
ee. Critical area tracts shall be on the engineering plans and also recorded with the plat.
ff. Include fence placement and sign details meeting the wetland buffer demarcation of 18.270.050.
gg. Include fence placement and sign details meeting the habitat buffer demarcation of 18.280.070.
hh. Showing the stormwater facility meets the standards listed in 18.270.070.

3. Provide a Traffic Study Addendum addressing LOS and safety at the intersection of NE 132nd Avenue and NE 249th Street.
4. Submit a hydrology report that addresses all requirements found in BGMC 18.250.

5. Submit a SWPPP that meets Department of Ecology requirements.
6. Submit a mitigation plan with the following:
    a. Demonstrate what minimization measures are being utilized that satisfies the criteria listed in table 18.270.090-8 (buffer reduction).
    b. Per BGMC 18.260.180 all wetlands and buffer areas over 5,000 square feet shall be included in critical area tracts.
    c. Per BGMC 18.260 and 18.280.100.A1, provide a detailed buffer enhancement plan for the seasonal stream.
    d. Per BGMC 18.260.120, provide a mitigation plan for direct and indirect impacts to the seasonal stream.
7. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department
8. 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.

B. Prior to Construction of the Site:

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.

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 required public improvements mentioned above in the findings, if applicable, and go on a walkthrough with City of Battle Ground Engineering Staff and correct any deficiencies as determined by City staff.
2. Oregon White Oak trees shall be planted and inspected by City staff.
3. Wetland and habitat buffer signage shall be installed and inspected by City staff.
4. Submit a letter from the applicant showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.
5. Submit to the City of Battle Ground a two-year/20-percent maintenance bond for all completed and accepted public improvements.
6. Submit to the City of Battle Ground a Stormwater Facility Maintenance Agreement meeting requirements of BGMC 18.250.310(A)(1) for review and approval prior to recording.
7. 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, 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 SR 503 & NW Onsdorff Boulevard or pay the mitigation fees of $196,777.89.
3. Construct the mitigation measures for the failing intersection of Grace Avenue & East Main Street or pay the mitigation fees of $10,330.62.
4. Construct the mitigation measures for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $49,066.56.
5. Construct the mitigation measures for the failing intersection of SW 20th Avenue & SW Eaton Boulevard or pay the mitigation fee of $2,291.40.
6. Meet one of the options for the secondary mitigation measure at the intersection of SR 503 & SW Eaton Boulevard.
7. Submit a final plat:
   a. That shows easements for public utilities not located in the right-of-way.
   b. That shows all critical areas over 5,000 square feet in a separate tract.
   c. That shows the pedestrian trail in a 12-foot wide public easement.
   d. With the following note: “No fences are allowed in the sight distance triangle.”
   e. With the following note: “All utilities are to be located outside of the sidewalk section and to be underground where possible.”
   f. With the following note: “All new structures shall conform to the setback and building heights of the R5 zoning district.”
   g. With the following note: “Building permits and impact fees will be calculated and paid at the time of permit issuance.”
   h. With the following note: “Wetland buffer demarcation shall comply with BGMC 18.270.050.”
   i. With the following note: “Habitat buffer demarcation shall comply with BGMC 18.280.070.”
   j. With the following note: “Critical area tracts are to be privately owned and maintained.”
   k. With the following note: “Trail shall be privately owned and maintained.”
   l. That shows where any control monuments have been placed.
   m. That shows the dedication of any public roads or alleys.
8. Submit a two-year stormwater maintenance contract for review and/or approval.
9. Submit a maintenance plan, or other acceptable a mechanism, to assure perpetual care and maintenance of the trail.
10. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.
11. Submit a signed Bill of Sale for sewer, stormwater, and water systems.

F. Prior to Building Construction:

1. Acquire the required building permits as outlined in Title 15 above.
2. Provide documentation that the required fire hydrants have been installed, tested, and approved in accordance with City of Battle Ground engineering standards.

3. All new structures shall conform to setbacks, design, parking, and building height requirements of the R5 zoning district and BGMC's residential chapter.

G. Prior to Certificate of Occupancy:

1. Complete all building permit requirements of the City of Battle Ground Building Division.

H. Other

1. 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.
2. Submit a copy of the boundary line adjustment to the Community Development Department within 30 calendar days of recording.
3. Adhere to all recommendations in the final *Critical Areas Assessment and Mitigation Plan* agreed upon with Department of Ecology and Army Corps of Engineers.
4. Coordinate with Ecology on any necessary review, permits, and approvals in reference to Ecology's e-mail dated October 23, 2019.
5. Coordinate any air quality recommendations and receive applicable permits in reference to SWCAA's e-mail received October 21, 2019.

IV. EXHIBITS

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

EXHIBIT #	DESCRIPTION	
A	Staff report and recommendation for Wapiti Hills Subdivision dated February 25, 2020	
1	Cover Sheet, TOC, Dividers	These exhibits are contained in the applicant's submittal packet
2	Land Use App & Checklist	
3	Pre-App Report – April 19, 2019	
4	Narrative	
5	Wapiti Proposed Development Plans	
6	Geotechnical Report – July 16, 2019	
7	Stormwater TIR – August 2019	
8	Traffic Analysis Report – July 2019	
9	SEPA – August 29, 2019	
10	Archaeological Predetermination Cover Sheet – November 8, 2018	
11	Public Utility Review and Correspondence – July 9, 2019	
12	Deed History	
13	Critical Areas Report – August 2019	
14	Traffic Analysis Addendum – January 8, 2020	Requested information during review
15	Revised Preliminary Plat	
16	Updated Critical Areas Figures	
17	BLA Exhibit	

18	Cheryl Hall – e-mail received October 19, 2019
19	Stephan Lopez – e-mail received October 20, 2019
20	Sue Coates – e-mail received October 20, 2019
21	Rachel Lopez – e-mail received October 20, 2019
22	Jason Hiivala – e-mail received October 21, 2019
23	Greg & Kei Majerle – e-mail received October 21, 2019
24	SWCAA – e-mail received October 21, 2019
25	Mike and Suzanne Baker – e-mail received October 21, 2019
26	Rachel Lopez on behalf of Weston Lopez – e-mail received October 22, 2019
27	Charles Ross – e-mail received October 21, 2019
28	Gary Medvigy – e-mail received
29	Sue Coates on behalf of neighbor – e-mail received October 22, 2019
30	Donald Tavares – e-mail received October 21, 2019
31	Dennis Coates – letter received October 22, 2019
32	Clark County – e-mail received October 22, 2019
33	Charles Ross' Second Comment – e-mail received October 22, 2019
34	Charles Ross' Third Comment – e-mail received October 22, 2019
35	Department of Ecology – e-mail received October 23, 2019
36	Charles Ross' Fourth Comment – e-mail received October 23, 2019
37	Daniel and Janis Highley – letter received October 23, 2019
38	Joe Uskoski – e-mail received October 23, 2019
39	Brant D Rude – e-mail received October 23, 2019
Comments received after comment period	
40	BGPS
41	Charles Ross' Fifth Comment – e-mail received November 21, 2019
42	Neighborhood Attorney letter – received January 9, 2019
43	Legal Analysis Memorandum
44	Staff memo to hearing examiner regarding covenant – received February 24, 2020
45	Applicant response to comments received during NOA – February 24, 2020
46	Updated plat phasing – received February 24, 2020

V. APPEAL

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

VI. PRELIMINARY PLAT

