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: Creekview Pointe II Subdivision, Road Mod., SEPA, and CAR Review (**PR 15-2020**)

Report Date: July 16, 2020

Hearing Date: July 29, 2020 @ 4:00 p.m. via Zoom Meetings

Proposal: This project proposes to subdivide the parcel into 19 new lots per the R7 residential zone dimensional requirements. Additional site work associated with the project includes public road and pedestrian access improvements, a stormwater facility, and extension of sanitary sewer and water mains.

Location: Parcel #: 91102152. Parcel 91102192 included for environmental review purposes.

The subject property is comprised of two tax lots totaling 5.03 acres located in the 1300 block of S Parkway Avenue, east of S Parkway Ave and south of SE 13th Street in Battle Ground, Washington.

Consultant: Jolma Design, LLC.
Byron Jolma
PO Box 1281
Battle Ground, WA 98604

Applicant/Owner: Elwood Holdings LLC.
PO Box 99,
Yacolt, WA 98675

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

July 16, 2020

Emily Lutz **Date**
Planning Supervisor

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 5.25 acres per Clark County GIS
Existing Vegetation:	Field with mature trees, wetland, grass, shrubs, and Woodin Creek
Existing Structures:	None
Adjacent Land Uses:	Residential and convenient store to the south
Adjacent Zoning:	R-7 to the north, east, and west, and neighborhood center to the south
Slope:	Relatively flat
Geological Hazards:	Areas of Potential Instability, per Clark County GIS
Wetlands:	Presence
Flood Plain:	Outside Flood Area for parcel 91102152; 500-year flood area, floodway, and floodway fringe for parcel 91102192
Archaeology:	Mod-High & High Probability
Priority Habitat:	Fish habitat stream for both parcels; floodway fringe for parcel 91102192
Soils:	Non-Hydric/DoB, Non-Hydric/HtA, and Non-Hydric/HlE

B. Land Use Processing

Date Application Submitted:	March 25, 2020
Application Counter Complete:	April 29, 2020
Application Technically Complete:	May 22, 2020
Application On Hold	May 22, 2020
Application Off Hold	May 29, 2020
Notice of Application:	June 10, 2020
Site Posted:	June 10, 2020
Reflector Publication:	June 10, 2020
Public Hearing:	July 29, 2020

Figure 1. Location

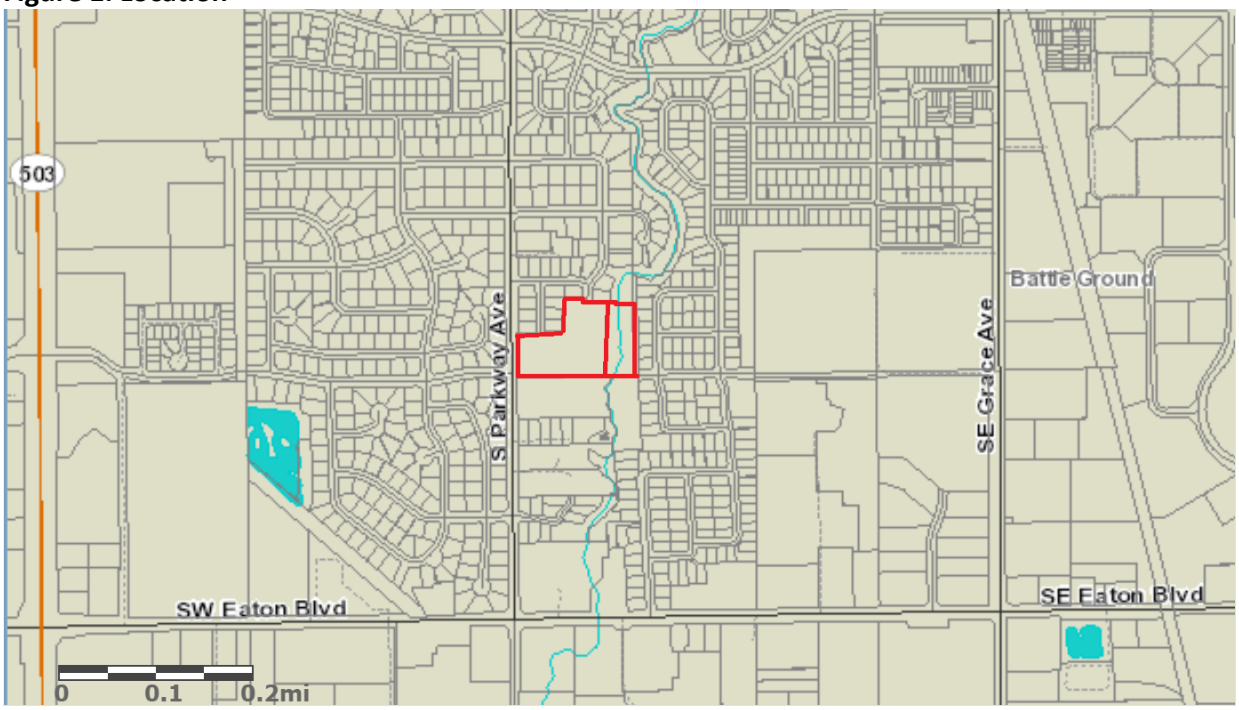
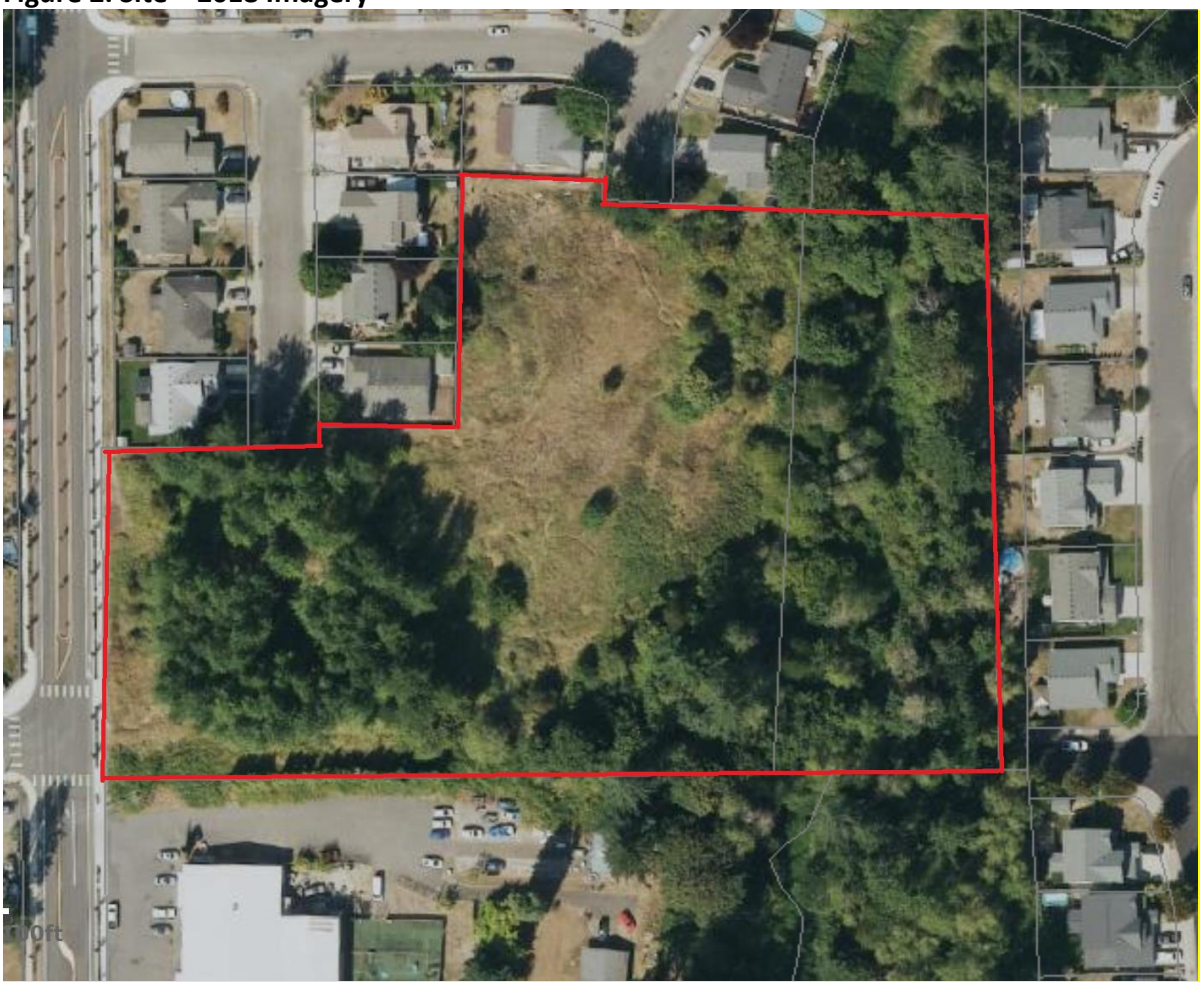


Figure 2. Site – 2018 Imagery



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: SE 1st Avenue, SE 2nd Avenue, and SE Scotton Way are all labelled correctly.	
12.116 Transportation Standards	**Compliance:** Conditionally

Finding: The proposed 19-lot subdivision is located on a parcel east of South Parkway Avenue, south of SE 1st & SE 2nd Avenues, and west of Woodin Creek.

SE Scotton Way shall be built to the requirements of "Neighborhood Collector" standards that include a minimum half-width right-of-way dimension of 34-feet: 25-feet of roadway, 4-foot landscape strip and 5-foot sidewalk. It shall also extend to the eastern most property line of the parcel/s being developed. The centerline of SE Scotton Way shall line up with the centerline of SW Scotton Way. Additional ROW may be necessary to meet this requirement.

Extensions of SE 1st Avenue and SE 2nd Avenue shall be built to "Neighborhood Collector" standards. Improvements include, but are not limited to, sidewalk, curb and gutter, asphalt, landscaping, and streetlights.

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 179 daily, 14 new a.m. peak trips, and 19 new p.m. peak trips will be generated by the proposed development. Per BGMC 12.116.175(C) a new traffic study is required when there is an increase of 10 new a.m. and p.m. peak trips. A traffic study has been submitted. The traffic study did not include City of Battle Ground crash data. A revised traffic study shall be submitted to the City for review, prior to engineering plan approval

that includes City crash data. Three of the four failing intersections within the City are receiving new trips; see below under the *Concurrency Management* section for more information.

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.

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

One road modification request was submitted:

1. To reduce the width of roadway of proposed streets.

   Table 12.116.040(B)(2) sets forth requirements to street cross sections. For "Neighborhood Collectors" the cross section consists of the following dimensions: 50-feet of right-of-way that contains 32-feet of roadway along with 4-foot landscape strips & 5-foot sidewalks on both sides of the street. The applicant's engineer states the reason for reducing the roadway width from 32 to 28-feet is for the construction of LID stormwater facilities in the City's ROW. Roadway reduction will be via expanding the landscape strip from 4 to 5-feet. It is stated in the submitted road medication request that due to a riparian buffer along the eastern portion of the parcel any use of traditional stormwater BMPs would affect the developable area of the parcel. As the average size of the lots, 5,620 square feet, is larger than the minimum average lot size allowed for R7 zoning, 4,500 square feet, the reduction of 50-100 square feet per lot will not have a detrimental affect the developable area, that a traditional stormwater BMP of an aboveground detention pond is not be utilized, and that LID stormwater facilities can fit within the City's standard right-of-way width; staff disagrees with the justification and denies the road modification request for reducing the roadway width.

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 14 new a.m. and 19 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:

1. The applicant can construct the aforementioned mitigation measures for the failing intersections to meet concurrency requirements.
2. The applicant can pay a proportionate share of the costs to construct the aforementioned mitigation measures. Proportionate share, on a per trip basis, would be based upon the cost to do the mitigation measure divided by the number of trips created over the next six-year time frame. The number of trips generated by the proposed development going to the intersections during the failing peak period would be multiplied by the per trip cost to generate the proportionate share of construction cost. The 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	1	n/a	$4,576.23	$4,576.23
Grace Avenue & E Main Street	PM	n/a	0	$1,721.77	$0.00
SR 503 & SW Eaton Boulevard	PM	n/a	5	$1,533.33	$7,666.65
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	2	$2,291.40	$4,582.80

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

2.	Title 13 Water and Sewer

13.110/112 Water Service and Water Use Regulations | **Compliance:** Conditionally

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

As a result of anticipated near term water capacity issues, the City of Battle Ground does not guarantee, or set aside, water service capacity for any new development, redevelopment, or expansion, which increase water usage within the City of Battle Ground Service Area until such time as additional water capacity becomes available as outlined in the Battle Ground Water Master Plan.

Currently, there is an 8-inch City of Battle Ground water line in SE 1st Avenue, SE 2nd Avenue, and South Parkway Avenue. The applicant is showing connections at these locations, which is acceptable to the City. All proposed water lines shall extend to the extreme property lines.

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

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

It should be noted that final engineering plans pertaining to water service for the proposed project shall be submitted for staff review and approval prior to building permit issuance. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington. 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 of service capacity with this preliminary approval, as it is the city's policy that service commitment occurs when it is paid for at the time building permits are issued.

The applicant is showing a connection to an existing 8-inch sewer in SE 1st Avenue for lots 11, 12, 18, and 19, which is acceptable to the City. Lots 1-10 and 13-17 are shown as connecting to sewer in South Parkway Avenue; this is not acceptable to the City as there is not an existing sewer line in this portion of South Parkway Avenue. Therefore, connection shall can be made either to the line in SE 1st Avenue or to an existing 8-inch sewer line at the intersection of SE 13th Street and SE 2nd Avenue.

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

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

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 Residential Code (IRC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC), Washington State Energy Code (WSEC) and International Fire Code (IFC). All building permit applications will be reviewed based on those codes. The applicant is proposing the creation of 17 residential lots.

The following separate permits will be required:

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

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

- No parking is allowed on access roads less than 26 feet in width.
- Parking is allowed on one side of roads between 26 feet and 32 feet in width.

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". **Indicate the location of this signing/striping along the Scotton Way Half-Width Improvement and at the proposed hammerhead turnaround.**

The proposed hammerhead turnaround at the south end of SE 1st Ave does not meet the 20 feet width or 120 feet length requirement per Appendix D of the IFC. Prior to engineering approval, update the hammerhead turnaround to meet this section of code.

15.105.180 Fire Hydrant Requirements | **Compliance:** Conditionally

Finding: Fire hydrants serving one- or two-family dwellings shall have a maximum lateral spacing of seven hundred feet (measured along fire apparatus access roads) with no lot or parcel in excess of five hundred feet from a fire hydrant.

Hydrants and the water mains serving them shall be installed in accordance with City of Battle Ground requirements and the city's standard construction details. Per IFC 501.4, hydrants shall be installed and operational prior to construction.

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

Clearly indicate the location of all existing and new fire hydrants. As shown, not all lots are within 500 feet of a hydrant (as measured along a fire apparatus access roadway). Identify the required hydrant serving lots fronting the new hammerhead turnaround at the south end of SE 1st Ave.

4.	**Title 16 Land Divisions**
16.115.040 Preliminary Plats	**Compliance:** Yes
Finding: The applicant is proposing 19 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: Clark County GIS shows some areas of instability. See Chapter 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: All lots have frontage on a public or private street. The R7 zoning district requires a minimum lot frontage of 20 feet. All lots exceed this requirement.	
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 3,000 square feet, the minimum average lot area is 4,500 square feet, and the minimum average lot area after a density transfer is 3,300 square feet within the R7 district. Lots range from 3,326 square feet to 7,593 square feet, which satisfies the minimum lot area. The average lot area is 5,620 square feet, which exceeds both minimum average lots sizes with and without a density transfer. Maximum density is 7 units per gross acre and there is no minimum density requirement within this zone. The site is approximately 3.7 acres and the maximum allowed density is 26 units. At 19 proposed units, the project does not exceed the maximum density.	
16.125.100. Double and reverse frontage lots	**Compliance:** Conditionally
Finding: The proposed plat has seven double-frontage lots: lot 11, lot 12, lot 14, lot 15, lot 16, lot 18, and lot 19. When double- or reverse-frontage lots are developed, fencing along street yards shall be set back behind a landscaped parkway of at least twenty feet in width which is located between the street and property line. Parkways shall be placed in a tract that is to be owned by the HOA or the abutting property owners. Landscape plantings shall include a combination of trees and evergreen shrubs which, upon maturity, adequately screen the fencing.	

Prior to final engineering approval, show a landscape strip meeting the above requirements. Prior to final plat approval, show the landscape strip in a dedicated tract and state ownership and maintenance responsibilities to the HOA or developer.	
16.125.110 Flag lots	
Finding: There are no flag lots proposed.	
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:

- All water lines throughout the subdivision shall be a minimum of 8-inches in diameter and extend to the extreme property lines of the subdivision. The main lines running throughout the site shall connect to the existing water line in SE 1st Avenue, SE 2nd Avenue, and South Parkway Avenue.
- All sewer lines throughout the subdivision shall be a minimum of 8-inches in diameter and extend to the extreme property lines of the subdivision. The main lines running throughout the site shall connect to the existing sewer line in SE 1st Avenue or at the intersection of SE 13th Street and SE 2nd Avenue.

The applicant did not provide a preliminary street lighting plan. 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 applicant has provided on the preliminary plat the roads, which will be dedicated to the city. BGMC 12.116.060 requires this dedication, which will be satisfied with the dedication of the final plat. On-site roads shall be consistent with standards found in BGMC 12.116.040.

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

It should be noted that final engineering plans pertaining to transportation, sewer, water, and street lighting for the proposed project shall be submitted for staff review and approval prior to

final plat approval. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.

5.	**Title 17 Zoning**	
17.106-2 Dimensional and Density Standards		**Compliance:** Conditionally
Residential Lot Development Standards		***R-7***
Minimum average lot area (square feet)		4,500
Minimum average lot area for density transfer (square feet)		3,300
Minimum lot area (square feet)		3,000
Maximum density (units per gross acre)		7
Minimum density (units per net acre)[1]		N/A
Minimum lot frontage (feet)		20 [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]	10
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. The R7 zoning district requires a minimum lot frontage of 20 feet. All lots exceed this requirement.

As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 3,000 square feet, the minimum average lot area is 4,500 square feet, and the minimum average lot area after a density transfer is 3,300 square feet within the R7 district. Lots range from 3,326 square feet to 7,593 square feet, which satisfies the minimum lot area. The average lot area is 5,620 square feet, which exceeds both minimum average lots sizes with and without a density transfer.

Maximum density is 7 units per gross acre and there is no minimum density requirement within this zone. The site for development is approximately 3.7 acres and the maximum allowed density is 26 units. At 19 proposed units, the project does not exceed the maximum density.

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 and building height of the R5 zoning district prior to building construction.

17.106.035 Density Transfer Provisions	
Finding: The applicant has not proposed utilizing the City's density transfer previsions due to the critical areas on site.	
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	
Finding: The proposed development is less than ten acres, has less than 50 housing units, and is not on a parent parcel with any dimension of one-quarter mile; therefore, this project is not subject to this chapter.	
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 October 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.

Biofiltration facilities, infiltration facilities, or other LID BMPs located within the City's ROW, shall be privately owned and maintained.

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).

Per BGMC 18.250.310(B)(2), a maintenance covenant is required for facilities that will be maintained by private parties. The covenant shall include an agreement to transfer maintenance responsibilities to future occupants/owners. Prior to engineering acceptance, the covenant shall be recorded.

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.

Staff received the following comments relating to stormwater:

1. Department of Ecology: comment regarding runoff going toward Woodin Creek.

Responses to citizen comments:

1. The applicant will be required to meet all City and State requirements pertaining to discharge of stormwater. This includes discharging of runoff into wetland buffers. Runoff shall be treated and released at pre-developed rates prior to its discharge to the wetland buffer as well as Woodin Creek.

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.

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, potential areas of instability, and fish and wildlife habitat areas (Woodin Creek) have been identified on site. The applicant is required to meet this section of the code.	
18.260.115 General Approval Criteria	**Compliance:** Yes
Finding: The applicant submitted a Critical Areas Report dated July 17, 2017 that demonstrates avoidance to Woodin Creek in addition to other applicable criteria referenced in this section.	
18.260.130 Mitigation Plan Requirements	**Compliance:** Conditionally
The applicant shall submit a mitigation plan to city staff to review. This report should meet the requirements listed in 18.260.130. The applicant shall gain any applicable approvals from the Army Corps of Engineers and the State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan. A final mitigation plan is required prior to engineering approval. If the applicant proposes to purchase credits for mitigation, they will need to provide proof of purchase prior to engineering approval.	
18.260.180 Critical area tracts	**Compliance:** Conditionally
Critical area tracts shall be used in development proposals for subdivisions to delineate and protect those contiguous critical areas and buffers listed below that total five thousand or more square feet: 1. All wetlands and buffers; 2. All habitat conservation areas; and 3. All other lands to be protected from alterations as conditioned by project approval. **Woodin Creek and its buffer is required to be in a separate tract for final plat approval.**	
18.270.040 Wetland Delineation	**Compliance:** Conditionally
Findings: Ecological Land Services delineated one category III wetland on site, which will be referred to as Wetland A. Wetland A is 0.35, has a habitat score of 4, and is identified as a category III depressional wetland.	
18.270.070-080 Standards—Buffer Activities	**Compliance:** Conditionally
The applicant has shown road and utility crossings within wetland A and its buffers. Therefore, the applicant must provide appropriate mitigation. See buffer requirements and mitigation section below.	
18.270.090 Buffer Requirements	
Wetland A has a habitat score of 4 for both wetlands on site. 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.	
18.270.115-120 Wetland Compensatory Mitigation	**Compliance:** Conditionally
The preliminary plat shows filling Wetland A in order to extend SE 1st Avenue and SE Scotton Way. Battle Ground's municipal code allows utility and road crossings through wetlands and their buffers as long as they are properly mitigated for. Prior to engineering approval, provide a wetland mitigation plan stating the direct and indirect impacts. Submit evidence of credits prior to engineering approval.	

Prior to engineering approval, the applicant shall work with the Army Corps of Engineers and the Washington State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan.
18.280 Fish and Wildlife Habitat Conservation Areas
Parcel 91102192 contains Woodin Creek; therefore, applicant is required to meet this section of the code.
18.280.040-050 Fish and Wildlife Habitat Designations **Compliance:** Conditionally
Findings: Woodin Creek is designated as a riparian habitat. Per table 18.280.050, Woodin Creek is required to have 100' buffer. As stated before in 18.260.180, the final plat should show this critical area and its buffer in a separate tract.
18.280.070 Standard requirements **Compliance:** Conditionally
The habitat area is required to be marked with appropriate fencing during construction. **Prior to engineering approval, provide sign details meeting the below requirements.** On the engineering plans, show a permanent physical demarcation along the upland boundary of the habitat buffer area. 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"
18.280.080 Reduction of habitat buffer widths
The applicant did not apply for a buffer reduction; however, if the applicant chooses to utilize this reduction then they will need to update the critical areas report meeting the requirements listed in this section prior to engineering approval.
18.280.100 Enhancement and mitigation **Compliance:** Conditionally
Any impacts to Woodin Creek and its buffer will need to be mitigated for. Provide staff a mitigation plan meeting the criteria listed in this section if applicable.
18.300 Geological Hazards Designation & Mapping **Compliance:** Conditionally
Clark County GIS says there are potential areas of instability. Staff concurs that the homes proximity to Woodin Creek could be a hazard. Prior to engineering approval, submit a geotechnical report showing if there are any geological hazards. Any hazards found should be mapped with their appropriate buffer prior to final plat approval.
18.310 Frequently Flooded Areas **Compliance:** Conditionally
Parcel 91102192 is located within a special flood hazard. The current proposal does not show any development within the parcel and the requirement to put this area in a critical areas tract will not result in further development. This chapter is not applicable.

B.	**Service Development Charges, Impact Fees, Credits**
This project does not address any creditable capital infrastructure therefore; no credits are available for this project.	

C.	**Public/Agency Comments**
1	**Kevin Jolma – Battle Ground Public Schools** – letter received June 22, 2020

This letter outlines the various ways this development would impact the school district in respect to the additional students that would reside in the development. Impact fees will be applied at building permit issuance. The letter states potential school district boundary line changes. See exhibit 10 for more information.	
6	**Department of Ecology (ECY) –** e-mail received June 26, 2020
Ecology's letter states concerns about avoiding wetland A and minimization to critical areas. The applicant is required to put Woodin Creek and its buffers in a separate tract, which will leave a significant portion of the site undisturbed. BGMC requires continuation of existing streets and the applicant is extending SE Scotton Way since it is in the City's transportation plan. They are also extending SE 1st Avenue for access to single family homes. BGMC 18.280.080 states that utility and road crossings are allowed as long as there is proper mitigation. This staff report is conditioned for the applicant to submit a mitigation plan prior to engineering approval. Additionally, ECY notes concerns of stormwater going into the creek. BGMC 18.270 and 18.280 allows for stormwater facilities to be located within buffers. See stormwater section for additional engineering comments in regard to this letter. Staff has addressed the rest of these concerns in Title 18 of this report. The attached letter also referenced waste management and water quality standards. **The project is conditioned to coordinate with Ecology on any applicable review and approvals.**	

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, for SE Scotton Way, a "Neighborhood Collector", including sidewalk, planter strip, curb and gutter, and asphalt.
    b. Showing full width improvements to SE 1st Avenue and SE 2nd Avenue to "Neighborhood Collector" standards, including sidewalk, planter strip, curb & gutter, and asphalt.
    c. Showing centerline of SE Scotton Way aligning with the centerline of SW Scotton Way.
    d. Showing SE Scotton Way extending to easternmost property line of parcel/s being developed.
    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 driveways that meet the requirements of BGMC 12.116.243.
k. 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.
l. Showing water lines extending to extreme property lines.
m. Showing each residential lot having its own individual water service.
n. Showing connection to existing sewer line in SE 1st Avenue or at the intersection of SE 13th Street & SE 2nd Avenue.
o. Showing sewer lines extending to extreme property lines.
p. Showing each lot having its own individual sanitary lateral.
q. Showing fire hydrants meeting spacing requirements throughout the subdivision.
r. 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.
s. Showing a stormwater facility that meets the requirements of BGMC 18.250.
t. Showing grading and erosion control in conformance with applicable city standards and standard construction details.
u. Clearly identify the location of required fire lane signage.
v. Clearly identify the location of all required new and existing fire hydrants.
w. Revise hammerhead turnaround dimensions to meet fire code requirements.
x. Show landscape strip for double frontage lots and provide a landscape plan for review (BGMC 16.125.100).
y. Showing lots outside of Woodin Creek and its buffer.
z. Provide a wetland mitigation plan for review and approval. If the applicant purchases credits, then evidence of payment is required prior to engineering approval.
aa. Showing appropriate buffer signage along Woodin Creek. Include signage details and placement meeting 18.280.070.
bb. Provide a fish and wild life mitigation plan for review and approval meeting 18.280.100, if applicable.
cc. Provide a geotechnical report showing geological hazards. Any hazards found should be mapped on plans including their buffers.

3. Provide a revised traffic study that incorporates City of Battle Ground crash data.
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 construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department
7. Following the City Engineer's acceptance and approval of the construction cost estimate, pay the required engineering plan review and construction inspection fee that is two (2) percent of the estimated costs of construction.

B. <u>Prior to Construction of the Site:</u>

1. Receive signed and approved engineering plans from the City of Battle Ground.
2. Receive an approved ROW permit from the City of Battle Ground.
3. Submit a surety bond meeting the requirements of BGMC 12.118.110.
4. Submit a Certificate of Liability Insurance meeting the requirements of BGMC 12.118.120.
5. Erect and conduct erosion control measures consistent with the approved Erosion Control Plan and City of Battle Ground erosion control standards.
6. Submit evidence that an individual on-site has successfully completed formal training in

erosion and sediment control by a recognized organization acceptable to the City.

7. Conduct a pre-construction conference with City engineering and planning staff.

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. Submit a letter from the applicant showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.
3. Submit to the City of Battle Ground a two-year/20-percent maintenance bond for all completed and accepted public improvements.
4. Submit to the City of Battle Ground a recorded Stormwater Facility Maintenance Covenant meeting requirements of BGMC 18.250.310(B)(2) for review and/or approval.
5. Submit complete sets of as-built drawings for all required public improvements for streets and roads, stormwater drainage and control, sanitary sewer and water services, as applicable prior to the issuance of the occupancy permit for review and approval by the Engineering Department. Upon acceptance by the Engineering Department, submit prior to the issuance of the occupancy permit, one (1) Mylar set, 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 $4,576.23.
3. Construct the mitigation measures for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $7,666.65.
4. Construct the mitigation measures for the failing intersection of SW 20th Avenue & SW Eaton Boulevard or pay the mitigation fee of $4,582.80.
5. Submit a final plat:
    b. That shows easements for public utilities not located in the right-of-way.
    c. With the following note: “No fences are allowed in the sight distance triangle.”
    d. With the following note: “All utilities are to be located outside of the sidewalk section and to be underground where possible.”
    e. With the following note: “All new structures shall comply with the setback and height requirements of the R7 zone.”
    f. With the following note: “All future homes must comply with design standards in BGMC 17.106.040.
    g. That shows where any control monuments have been placed.
    h. That shows the dedication of any public roads or alleys.
    i. Show landscape strip for double frontage lots and dedicate to either the HOA or developer for ownership and maintenance.
    j. Showing Woodin Creek and its buffer in a separate tract. Add a dedication note that either the HOA or developer will own and maintain this area.

6. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.
7. Submit a signed Bill of Sale for sewer 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 and section 15.105.100 of this Staff Report.
3. All new structures shall conform to setbacks, design, parking, and building height requirements of the R7 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. Adhere to all recommendations in the final *Critical Areas Assessment and Mitigation Plan*.
3. Coordinate any waste management and water quality recommendations in reference to Ecology's e-mail dated June 26, 2020.

IV. EXHIBITS

Because of the size of the exhibits, they are not included with this report, but listed below. For an electronic copy visit https://cityofbg.box.com/s/kbnrthb5bljwomhptnuur6qa0svspowx. Paper copies 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 Creekview Pointe II dated July 16, 2020	
1	Application	These Exhibits are contained in the Applicant's Submittal Packet
2	Applicant's Narrative	
3	SEPA Checklist	
4	Development Plans	
5	Deed History	
6	Preliminary Hydrology Report	
7	Critical Areas Report	
8	Traffic Study	
9	Road Modification Request	
16	Comment letter from Battle Ground Public Schools	
17	Comment letter from ECY	

V. APPEAL

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

VI. PRELIMINARY PLAT

