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:	Wingate Pointe Subdivision, SEPA & Critical Area Review (LUDIII20-0004)
Report Date:	March 9, 2021
Hearing Date:	March 16, 2021 @ 2:00 p.m. via Zoom
Proposal:	The applicant, Wyndham Enterprises LLC, proposes to create 24 residential lots for detached single family homes on 2.57 acres within the R12 zone district. The site is vacant and is generally flat with a slight slope towards the wetland in the northwest corner.
Location:	Southwest corner of NW 20th Avenue and NW Onsdorff Boulevard Parcel #: 228513-000
Owner:	Geoffrey A. Parker P.O. Box 1084 Camas, WA 98607
Applicant:	Wyndham Enterprises, LLC c/o Ed Greer 13023 NE Hwy 99, STE 7-126 Vancouver, WA 98686
Staff:	James A. Cramer, Assistant Planner Ryan Jeynes, PE, City Engineer Chris Drone, Fire Marshal and Building Official
SEPA:	Recommending a Final Determination of Non-significance (DNS)
Recommendation:	**Preliminary Approval** subject to conditions listed at the conclusion of this report.



March 9, 2021

James Cramer **Date**
Assistant Planner

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:	111,949 SF / approx. 2.57 acres
Existing Vegetation:	Grasses, and shrubs
Existing Structures:	None (vacant lot)
Adjacent Land Uses:	ROW (north, east, south & west) with residential beyond.
Adjacent Zoning:	R7 (north, east, south & west)
Slope:	Generally flat with a slight slope towards the wetland in the northwest corner
Landslide Hazards:	No mapping indicators
Geological Hazards:	None Identified
Slope Stability:	None Identified
Wetlands:	Presence
Watershed/Sub Watershed:	Salmon Creek/ Mill Creek
Flood Plain:	Outside Flood Area
Archaeology:	Moderate-High
Priority Habitat:	None Identified
Soils:	Non-Hydric / DoB

B. Land Use Processing

Date Application Submitted:	December 14, 2020
Application Technically Complete:	January 11, 2021
Notice of Application:	January 29, 2021
Site Posted:	January 29, 2021
Reflector Publication:	February 3, 2021
Staff Report Issuance:	March 9, 2021
Public Hearing:	March 16, 2021

Figure 1. Location

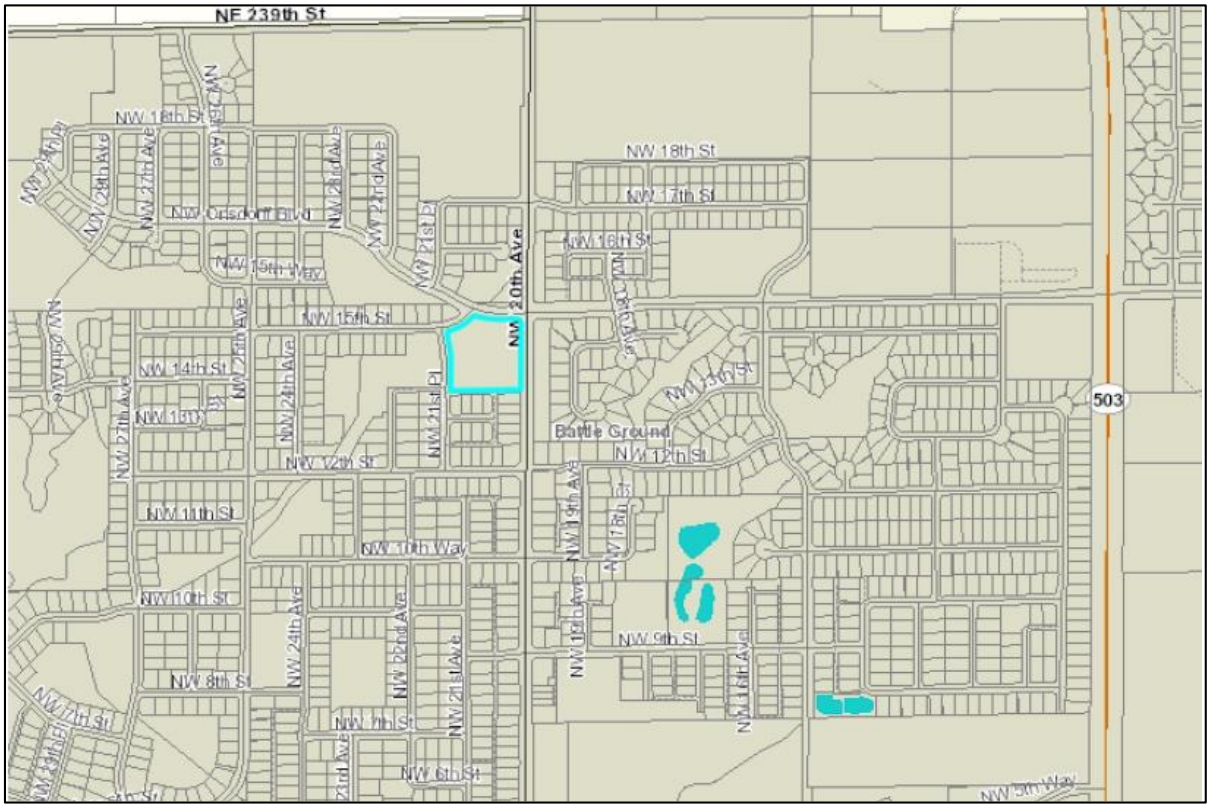


Figure 2. Site – 201* Imagery



II. APPLICABLE REGULATIONS/ANALYSIS

A. Battle Ground Municipal Code (BGMC)

1.	Title 12 Streets and Sidewalks
12.116 Transportation Standards	**Compliance:** Conditionally

Finding: The proposed 24-lot subdivision is located on a parcel southwest of the NW 20th Ave and NW Onsdorff Blvd intersection. The proposed site has frontage along NW 20th Avenue, NW 21st Place, NW 15th Street, and NW Onsdorff Boulevard. Both NW 20th Avenue and NW Onsdorff Boulevard are classified as Major Collectors. NW 21st Place and NW 15th Street are classified as Local "A" Streets. Classifications are per the City's Transportation System Plan.

NW 21st Place is not built to current "Local A" standards. As such, a 4-foot landscape strip and 5-foot sidewalk shall be built.

The applicant is showing several new public streets to be built with this development: NW 14th Way shall be built to "Local A" standards and the proposed alley built to two-way standards.

ADA ramps at the SE corner of NW 21st Place & NW 15th Street, the SE corner of NW 15th Street & NW Onsdorff Boulevard, and SW corner of NW Onsdorff Boulevard and NW 20th Avenue will need to be updated to current standards. They currently lack truncated domes. Ramps shall also be evaluated to ensure that they meet ADA slope requirements. If slopes are determined not to meet requirements, ramps shall then be replaced.

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. Trees to be installed should match existing type along NW 20th Avenue, NW 21st Place, and NW Onsdorff Boulevard. If existing trees are not on the City's current approved street tree list, trees for development shall then be selected from that list.

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 any existing lights to ensure that proposed lights meet the current IES standards. NW 21st Place has two existing streetlights; NW 15th St and NW Onsdorff Blvd lack streetlights. NW 20th Ave shall be LED with a decorative cobra type unit; other streets are to 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 226 daily, 18 new a.m. peak trips, and 24 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. Two 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.

Staff received comments from the following citizens regarding transportation:

1. Cindy Aplin: increased traffic and need to signalize the intersection of NW 20th Ave and NW Onsdorff Blvd.

Responses to citizen comments:

1. The applicant did submit a traffic study and it showed that the intersection would not meet the required warrants to change it from a 4-way stop to a signalized intersection.

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 18 new a.m. and 24 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 & SR 503 include addition of a second southbound left turn lane and receiving lane on SW Eaton Boulevard.
- 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

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	2	n/a	$4,576.23	$9,152.46
Grace Avenue & E Main Street	PM	n/a	0	$1,721.77	$0.00
SR 503 & SW Eaton Boulevard*	PM	n/a	2	$1,533.33	$3,066.66
SR 503 & SW Eaton Boulevard**	PM	n/a	2	$1,463.61	$2,927.22
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	0	$2,291.40	$0.00

*100-foot eastbound right turn lane and a second westbound left turn lane

** second southbound left turn lane

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

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

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

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

There is a 12-inch line in NW 20th Avenue and an 8-inch main line in NW 21st Place and NW Onsdorff Boulevard. The applicant is proposing to connect to the line in NW 21st Place and extend an 8-inch line through the development. Connection of the new water main to the existing water main in NW Onsdorff will be required. The existing service, constructed with Parkview Trails Phase 1, can be used for one of the new residential lots.

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

Easements shall be provided for 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.

Staff received comments from the following citizens regarding water:

1. Mr. Geary & Ms. Senter: lack of water available in the City; where will this development get water.

Responses to citizen comments:

2. As stated above the City does not guarantee water. However, the City has increased the ability to provide water via an expansion of the NE 219th Street Intertie facility. Additionally, more water will become available in the future from the Paradise Point Water project.

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 proposed development is located within sewer basin LEW-08. Currently, there is an 8-inch line in NW 21st Place. The applicant is proposing to connect to this line and extend an 8-inch line throughout the development. During the construction of Parkview Trails Phase 1, a 6-inch sanitary sewer lateral was stubbed onto the property. This existing 6-inch lateral can be used for one of the new residential lots. All mainline extensions would require 20-foot wide sewer easements. The final engineering drawings shall represent this requirement.

1. Both CD-1 and CD-2 have capacity issues. As such, the applicant will need to reconstruct both lines per the General Sewer Plan (GSP). SDC credits are available. See below for more information.

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.

	Title 16 Subdivisions
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 existing water main lines in NW 21st Place and NW Onsdorff Blvd.
- 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 lines shall connect to the existing sewer line in NW 21st Place.
- 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.
- Improvements to sewer lines CD-1 and CD-2.

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.

3.	**Title 15 BUILDING, CONSTRUCTION AND FIRE**
15.104 Building Code	**Compliance:** Conditional

General

The City of Battle Ground has adopted by reference the 2018 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. In accordance with IBC 107.3.4 and per RCW 18.08, an Architect shall act as the design professional in responsible charge and shall be responsible for reviewing and coordinating the submittal documents.

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

15.105.090 Fire Access Road Requirements	**Compliance:** Conditional

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 "No Parking-Fire Lane" signage on both sides of all alleys and fire apparatus turnarounds.**

15.105.180 Minimum Required Fire Flow	**Compliance:** Conditional

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 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 show the location of all new and existing fire hydrants in accordance with the above requirements.

4.	**Title 16 Land Divisions**
16.115.040 Preliminary Plats	**Compliance:** Yes
Finding: The applicant is proposing 24 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 protective easements.	
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:** Conditionally
Finding: Lots 1 – 12 have frontage and access on the proposed NW 14th Way public right-of-way. Lots 13 – 24 will have vehicular access off a proposed Two-Way Alley. Of Lots 13 – 24, Lots 13 – 14 will have frontage on NW Onsdorff Blvd., Lots 16 – 24 will have frontage on NW 20th Ave. and Lot 15 has frontage on both NW Onsdorff Blvd and NW 20th Avenue. Any lots using an alley for vehicular access **shall affix suitable numbers and letters to include the direction (NW, SW, etc.), street name (Main, 8th, etc.), and type of street (Avenue, Street, etc.), on the alley or double-frontage side of the home or building.** The R12 zoning district requires a minimum lot frontage of 16 feet. All proposed lots meet the minimum frontage 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 2,000 square feet. The proposed lot sizes range from 2,880 square feet to 7,550 square feet, which satisfies the minimum lot area. Maximum density is 12 units per gross acre and there is a minimum density of 6 units per net acre. The parcel on which the property is being developed is approximately 2.57 acres. The maximum allowed density is 30 units. The applicant did not include the net acreage of the property however it is reasonable to conclude the minimum density has been met. At 24 proposed units, the project does not exceed the maximum density and meets minimum density requirements.	
16.125.095. Narrow lot standards.	**Compliance:** Conditionally
Finding: All proposed lots, with the exception of Lot 14, are less than 50 feet in width, therefore the Narrow Lot Standards have been assessed during this review.	

The proposed Preliminary Plat indicates 22 parallel parking spaces on existing local streets and 4 parallel parking spaces along proposed NW 14th Way for a total of 26 spaces. Shared driveways are proposed for vehicular access to Lots 1 – 12. The applicant has illustrated this on lots 9 – 10 and **shall demonstrate compliance prior to the future building permit approval**. Lots 13 through 24 will have vehicular access to the proposed alley.

As required by the Narrow Lot Standards 16.125.095, this Preliminary Plat indicates the following information: width of sidewalks, planter strips and driveways, location of street trees, street lights, fire hydrants and mailbox along proposed NW 14th Way.

16.125.100. Double and reverse frontage lots	**Compliance:** NA
Finding: The applicant has not proposed double frontage or reverse frontage lots.	

16.125.110 Flag lots	**Compliance:** Yes
Finding: There is one flag lot proposed, Lot 13. The proposed lot meets the minimum frontage requirement of 16 feet, do not have a proposed access of more than two hundred meet, and no more than two flag lots abut each other. This requirement is satisfied.	
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 existing water main lines in NW 21st Place and NW Onsdorff Blvd.
- 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 lines shall connect to the existing sewer line in NW 21st Place.
- 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.
- Improvements to sewer lines CD-1 and CD-2.

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-12***
Minimum average lot area (square feet)		N/A
Minimum average lot area for density transfer (square feet)		N/A
Minimum lot area (square feet)		2,000
Maximum density (units per gross acre)		12
Minimum density (units per net acre)[1]		6
Minimum lot frontage (feet)		16[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 (%)		60
Maximum height (feet)		45
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: The subject property is zoned Residential 12 units/acre (R12). Dimensional requirements within residential districts shall be in accordance with Table 17.106-2 above.
Maximum density is 12 units per gross acre and the minimum is 6 units a net acre within this zone. The parcel on which the property is being developed is approximately 2.57 acres. The maximum allowed density is 30 units. At 24 proposed units, the project does not exceed the maximum density. The applicant

did not include the net acreage of the property however it is reasonable to conclude the minimum density has been met.
As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 2,000 square feet. The proposed lot sizes range from 2,880 square feet to 7,550 square feet, which satisfies the minimum lot area.

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 R12 zoning district prior to building construction and that a note of such shall be included on the plat to be recorded.

17.106.035 Density Transfer Provisions	**Compliance:** N/A
Finding: The applicant has not proposed double frontage or reverse frontage lots.	
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 and that a note of such shall be included on the plat to be recorded.	
17.128.010 Park and Open Space Purpose and Applicability	
Finding: The proposed project is located in Neighborhood Service Area (NSA) #1. The proposal does not meet any of the criterion identified within Subsection 17.128.010.B; therefore, no park facility will be required of the proposed development at this time. In addition, the BG Parks Plan identifies that the following regarding NSA #1, *"No school facilities are located in the NSA. The acquisition needs of this service area have been met."*	
17.128.030 Determination of Park and Open Space Needed	
Finding: The parcel is located in Special Study Area 1, which does not allocate a specific acreage for parks. Therefore this section is not applicable.	
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 demonstrate compliance prior to 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: 7. ENVIRONMENTAL HEALTH b) Noise impacts are anticipated from construction activities. **Applicant shall limit construction hours per BGMC, which states construction activity for commercial development may occur from 7 am to 9 pm Monday through Friday, 8 am to 9 pm on weekends.** 13. HISTORIC AND CULTURAL PRESERVATION No artifacts were found during the Archaeological Predetermination conducted by Applied Archaeological Research, Inc. on October 30, 2020. **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:
Based on the information provided, a Final Determination of Non-significance (DNS) 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.

During the design of Parkview Trails Phase 1, this site was accounted for in the stormwater calculations and the overall development's stormwater facility. The applicant's engineer has submitted a letter that shows the current design for the site does not exceed original design amounts for impervious and pervious areas. Engineering staff has reviewed the letter and find it acceptable. Therefore, this development is not required to construct a new stormwater facility. The proposed development can utilize the existing facility built with Parkview Trails Phase 1.

Depending on the current condition of the existing stormwater facility, the applicant shall repair any deficiencies; which may include but not limited to mowing, removal of trees, removal of trash, and removal of any other items that should not be present in a stormwater facility.

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).

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.

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

The contractor will be required to provide evidence that an individual on-site has successfully completed

formal training in erosion and sediment control by a recognized organization acceptable to the City per BGMC 18.255.100. This must be submitted prior to construction.

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

18.260 General Provisions

Findings: A Category IV depression wetland has been identified on subject property. The applicant is required to meet this section of the code.

18.260.115 General Approval Criteria	**Compliance:** Conditionally

Findings: The applicant submitted a Wetland Delineation and Assessment Report along with an associated memo prepared March 6, 2014 by Cascadia Ecological Services, Inc (CES). CES used the methodology of the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (2010).

The report was associated with a previous proposal that included neighborhood retail and apartments, parking and associated infrastructure on the subject property. The U.S. Fish and Wildlife Service National Wetland Inventory (NWI) (Sheet 4) does not indicate the presence of mapped wetlands within the study area. However, the northwest portion of the site is mapped as potentially containing wetlands by the Clark County GIS. The CES determined that the study area wetlands are shown as Wetland A on Sheet 5 and would be classified as depressional according to the Washington Department of Ecology Western Washington Wetland Rating System (Hruby, 2004; see Appendix B).

The documents provided, demonstrate avoidance in addition to other applicable criteria referenced in this section; however, the Department of Ecology submitted the following comment during the review process:

"The Wetland Delineation and Assessment is approximately six years old and it's unclear whether the wetland boundaries were ever verified by regulatory agencies. Ecology recommends that the applicant re-delineate the wetland boundaries and provide a supplemental report of findings with completed data forms and current rating forms and figures. A boundary verification by regulatory agencies may be necessary to ensure the accuracy of the data."

As such, the applicant shall be responsible for coordinating with the Department of Ecology to obtain their approval, provide the City with the final approval and update plans accordingly prior to Engineering Approval. The applicant shall be responsible for supplying the City with a copy of the final wetland delineation report and mitigation plan prior to Engineering Approval. 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 the Army Corps of Engineers and the State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan.

18.270.040 Wetland Delineation	**Compliance:** Conditionally

Findings: CES delineated one depressional wetland on site. Depressional wetlands occur in depressions where elevations within the wetland are lower than in the surrounding landscape.

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"

The signage and fencing shall be included in the final engineering plans and installed prior to any land alteration or construction.

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

18.270.070 Standards—Buffer Activities	**Compliance:** Conditionally

The City of Battle Ground Municipal Code (Chapter 18.270 Wetlands) requires a 25-foot buffer for Category IV wetlands. The submitted plans indicate the proposal will use "averaged wetland buffer" modify the required 25-foot buffer; however, analysis of this averaging was not provided within the submitted delineation nor justification of compliance with BGMC 18.270.100 Buffer Modifications was included with formal submittal. **Prior to Engineering Approval and/or any land disturbance activities, the applicant shall be responsible for providing staff with analysis of the proposed wetland buffer width averaging and compliance with BGMC 17.270.100.**

The wetland buffer includes a proposed storm line extending east-west. It is reasonable to conclude the storm line will not degrade the delineated wetland.

18.270.090 Buffer Requirements	**Compliance:** Conditionally

Per Table 18.270.090-1, a Category IV wetland requires a 25-foot buffer. The submitted plans show an "averaged wetland buffer"; however, analysis of this averaging was not provided within the submitted delineation nor justification of compliance with BGMC 18.270.100 Buffer Modifications was included with formal submittal. **Prior to Engineering Approval and/or any land disturbance activities, the applicant shall be responsible for providing staff with analysis of the proposed wetland buffer width averaging and compliance with BGMC 17.270.100.**

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

Both CD-1 and CD-2 are Sanitary Sewer System Development Charge creditable projects. The General Sewer Plan states that CD-1 is estimated to cost $56,000.00 and is 7% creditable and CD-2 is estimated at $274,000.00 and 44.69% creditable. If this project constructs 100% of both then, $126,360.00 is the maximum available SDC credits. The applicant will need to provide all receipts and all other information prior to receiving any credits.

C.	**Public/Agency Comments**
1	**Paul Geary & Patti Senter –** response received February 10, 2021

The submitted response speaks to concerns regarding changes to traffic patterns, street crossings, the increase strain on resources, wetland as well concerns regarding fire safety and vehicular incidents.

Findings: Staff will provide applicant with the findings associated with the proposal and encourage them to participate in the upcoming hearing.

2	**Duane Van Johnson – Southwest Clean Air Agency (SWCAA) –** letter received February 16, 2021

The letter provides a brief summary of the requirements for the general types of activity that may be affected by this project. **Finding: Staff has created a general condition of approval identifying the SWCAA letter and their identified potentially applicable requirements.**	
3	**SW Regional Office – Department of Ecology** – letter received February 17, 2021
This letter provides input on three various disciplines (Shorelines & Enviormental Assistance, Solid Waste Management, Water Quality/Watershed Resources) which indicate various measures and recommendations for the proposal to take. A key element specific to the proposal is that the Department of Ecology recommends that the applicant re-delineate the wetland boundaries and provide a supplemental report of findings. Findings: Staff has created a general condition of approval associated with the response letter and it's findings as well as a specific condition the applicant coordinate a re-delineate of the wetland boundaries and provide a supplemental report of findings to the Department of Ecology and provide the City with the results prior to the approval of the Engineering Approval.	
4	Cindy Aplin - response received February 12, 2021
The response provided identifies concerns of increased traffic and need to signalize the intersection of NW 20th Ave and NW Onsdorff Blvd. Findings: The applicant did submit a traffic study and it showed that the intersection would not meet the required warrants to change it from a 4-way stop to a signalized intersection.	

III. RECOMMENDATION

Staff recommends Preliminary Subdivision and Final SEPA Review approval with the condition **the applicant be responsible for coordinating with the Department of Ecology to obtain their wetland delineation approval, update plans accordingly and provide the City with the updated wetland delineation and mitigation plan for the record**. 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 full width improvements to NW 14th Way to "Local A" standards, including sidewalk, planter strip, curb & gutter, and asphalt.

    b. Showing full width improvements to north-south alley to two-way alley standards per BGMC Table 12.116.040(D).
    c. Containing a combined landscaping and driveway plan.
    d. Showing sight distance and vision clearance triangles.
    e. Containing a signing and striping plan.
    f. Containing a street lighting plan having LED decorative cobra type units for NW 20th Ave and ~~NW Onsdorff Blvd and~~ LED acorn units for the other streets.

g. Showing traffic calming devices on all public streets.
h. Showing driveways that meet the requirements of BGMC 12.116.243.
i. Showing traffic mitigation at SR 503 & NW Onsdorff Boulevard, 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.
j. Showing water lines extending to extreme property lines.
k. Showing connection of new water line to existing water line in NW Onsdorff Blvd.
l. Showing each residential lot having its own individual water service.
m. Showing sewer lines extending to extreme property lines.
n. Showing each lot having its own individual sanitary lateral.
o. Showing improvements to sewer lines CD-1 and CD-2 as shown in the General Sewer Plan.
p. Showing fire hydrants meeting spacing requirements throughout the subdivision.
q. 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.
r. Showing grading and erosion control in conformance with applicable city standards and standard construction details.
s. Clearly show the location of all new and existing fire hydrants in accordance with the above requirements.

3. Submit a hydrology report that addresses all requirements found in BGMC 18.250.
4. Submit a SWPPP that meets Department of Ecology requirements.
5. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department
6. 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.
7. The applicant shall be responsible for coordinating with the Department of Ecology to obtain their approval, provide the City with the final approval and update plans accordingly.
8. The applicant shall be responsible for supplying the City with a copy of the final wetland delineation report and mitigation plan prior to Engineering Approval.
9. Prior to Engineering Approval and/or any land disturbance activities, the applicant shall be responsible for providing staff with analysis of the proposed wetland buffer width averaging and compliance with BGMC 17.270.100.

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

1. Construct all required public improvements and gain engineering acceptance or provide appropriate bonding.
2. Construct the mitigation measures for the failing intersection of SR 503 & NW Onsdorff Boulevard or pay the mitigation fees of $9,152.46.
3. Construct the mitigation measures, 100-foot eastbound right turn lane and a second westbound left turn lane, for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $3,066.66.
4. Construct the mitigation measures, second southbound left turn lane and receiving lane on SW Eaton Boulevard, for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $2,927.22.
5. Submit a final plat:
    a. That shows easements for public utilities not located in the right-of-way.
    b. With the following note: "No fences are allowed in the sight distance triangle."

c. With the following note: “All utilities are to be located outside of the sidewalk section and to be underground where possible.”
d. That shows where any control monuments have been placed.
e. With the following note: “The City of Battle Ground has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property designed in this development.”
f. With a note describing the maintenance responsibilities of each lot owner for the private streets.
g. That shows the dedication of any public roads or alleys

6. Provide certification that private streets were built per BGMC 12.116.140.
7. Submit a private maintenance agreement for private streets.
8. Add a note indicating all new structures to comply with the setbacks and building height of the R12 zoning district to the final plat.
9. Add a note indicating all new development shall comply with the design standards of BGMC 17.106.040 to the final plat.

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

1. Provide “No Parking-Fire Lane” signage on both sides of all alleys and fire apparatus turnarounds.
2. 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.
3. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.
4. Submit a signed Bill of Sale for sewer, stormwater, and water systems, as applicable.
5. Submit a letter from the applicant showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.
6. Submit to the City of Battle Ground a two-year/20-percent maintenance bond for all completed and accepted public improvements.
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 Mylar set, one 11x17 paper set of As-Built record drawings and one compact disc version of the as-built drawings in AutoCAD, PDF, and TIF formats.

D. <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.

E. <u>Prior to Creation of Impervious Surface:</u>

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

F. Prior to Building 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 15.105.180 of this Staff Report.
3. All new development shall comply with the setbacks and building height of the R12 zoning district.
4. All new development shall comply with the design standards of BGMC 17.106.040.

G. Prior to Certificate of Occupancy:

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

H. Other

1. Prior to Engineering Approval and/or any land disturbance activities, the applicant shall be responsible for providing staff with analysis of the proposed wetland buffer width averaging and compliance with BGMC 17.270.100.
2. 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.
3. Coordinate any air quality recommendations and receive applicable permits in reference to SWCAA's e-mail received February 16, 2021.
4. Applicant shall limit construction hours per BGMC, which states construction activity for commercial development may occur from 7 am to 9 pm Monday through Friday, 8 am to 9 pm on weekends.
5. Any lots using an alley for vehicular access shall affix suitable numbers and letters to include the direction (NW, SW, etc.), street name (Main, 8th, etc.), and type of street (Avenue, Street, etc.), on the alley or double-frontage side of the home or building.

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	Application Form	These Exhibits are contained in the Applicant's Submittal Packet
B	Narrative	
C	Existing Conditions Plan	
D	Preliminary Plat & Utility Plan	
E	SEPA Checklist	
F	Wetland Delineation & Assessment Report	
G	Wetland Delineation Memo	
H	Archeological Report	
I	Traffic Study	
J	Stormwater Letter	
K	Mailing Labels 500'	
L	Paul Geary & Patti Senter – response received February 10, 2021	
M	Duane Van Johnson – Southwest Clean Air Agency (SWCAA) – letter received February 16, 2021	
N	SW Regional Office – Department of Ecology – letter received February 17, 2021	
O	Cindy Aplin – response received February 12, 2021	

V. APPEAL

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

VI. PRELIMINARY PLAT

