# 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:** 25th Street Townhomes Subdivision (PAC20-0025)

**Report Date:** August 9, 2021

**Hearing Date:** August 16 @ 3:00 p.m. via Zoom:
https://us02web.zoom.us/j/89733378093

**Proposal:** The applicant is proposing a 28-lot subdivision consisting of 26 single-family attached townhomes and 2 detached single-family lots on approximately 3.72 acres within the mixed-use residential district. The development will gain access from SE 25th Street that connects to SE Grace Avenue.

**Location:** Parcel 986029-809; vacant parcel along the west side of SE Grace Avenue, Battle Ground, WA; north of SE 28th Cir (Private Street).

**Owner:** Carol Walling, Trustee
P.O. Box 552
Merill, OR 97633

**Applicant:** Achen Development
20926 NE Allworth Rd.
Battle Ground, WA 98604

**Contact:** AKS Engineering & Forestry
9600 NE 126th AVE, Suite 2520
Vancouver, WA 98682

**Staff:** Sam Crummett, Community Development Director
Kelly Uhacz, PE, Associate Civil Engineer
Chris Drone, Fire Marshal and Building Official

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

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

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## I. BACKGROUND

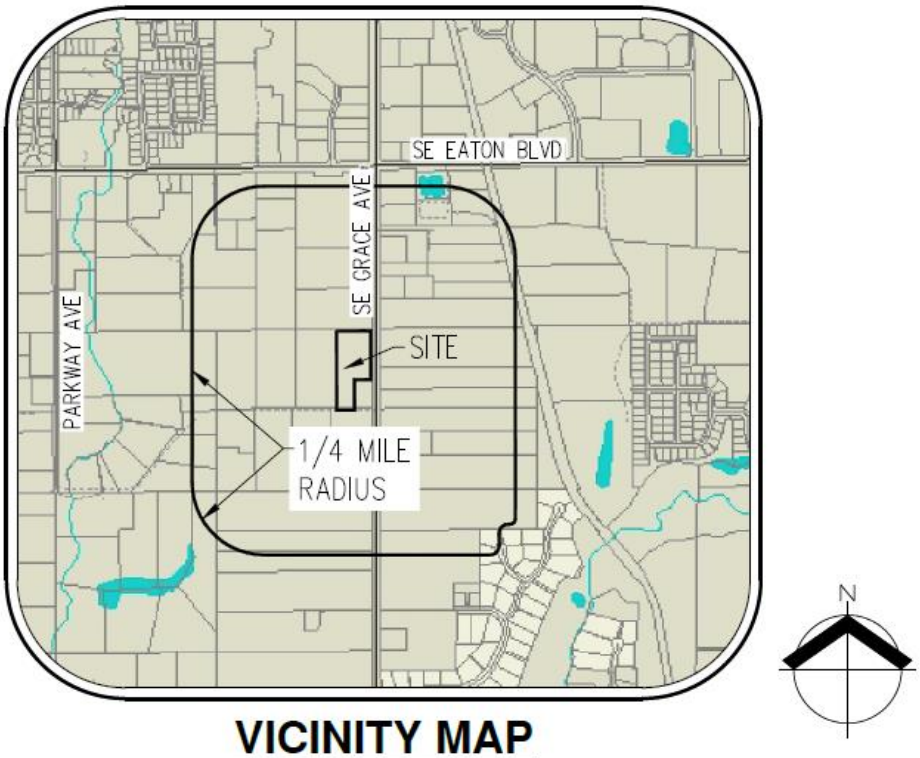
### A. General Site Information

| | |
|---|---|
| Size of Site: | 3.72 acres |
| Existing Vegetation: | Grass, and shrubs |
| Existing Structures: | None |
| Adjacent Land Uses: | Residential |
| **Adjacent Zoning:** | ML (N), R5 (E) & MU-R (W & S) |
| **Slope:** | Relatively Flat |
| **Landslide Hazards:** | No mapping indicators |
| **Geological Hazards:** | No mapping indicators |
| **Slope Stability:** | No mapping indicators |
| **Wetlands:** | Wetland Presence |
| **Flood Plain:** | Outside Flood Area |
| **Archaeology:** | Moderate-High |
| **Priority Habitat:** | No mapping indicators |
| **Soils:** | Non-Hydric/DoB, Non-Hydric/HlA & Hydric / HtA |

### B. Land Use Processing

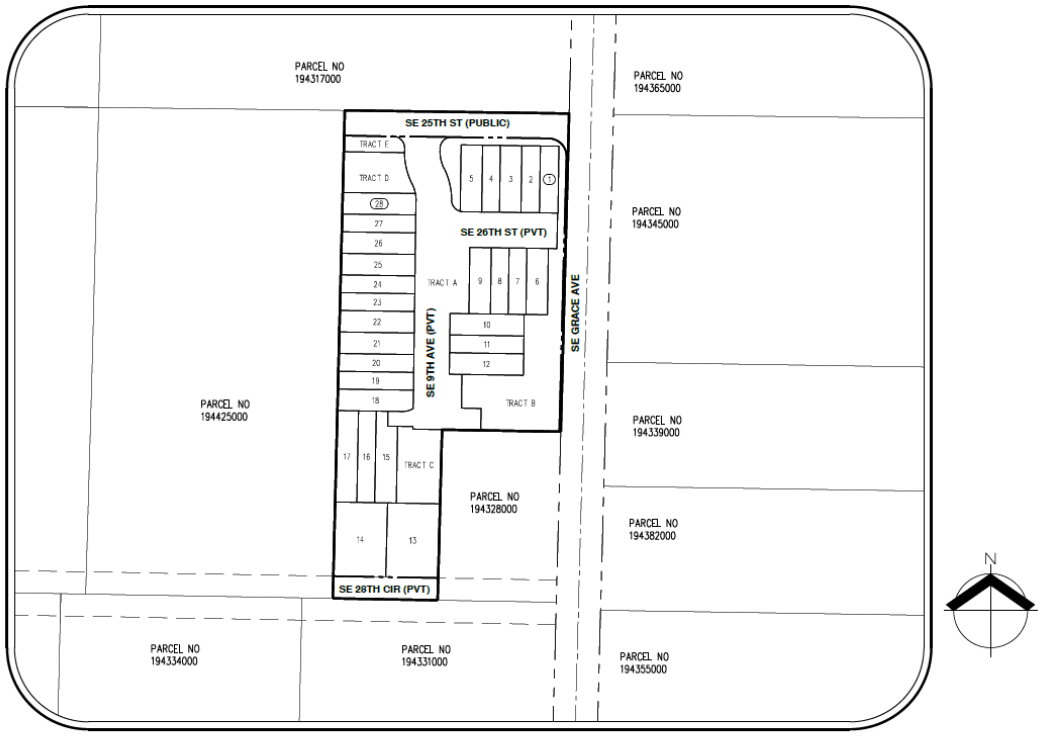
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|---|---|
| Date Application Submitted: | May 17, 2021 |
| Application Technically Complete: | June 8, 2021 |
| Notice of Application: | June 16, 2021 |
| Site Posted: | June 16, 2021 |
| Reflector Publication: | June 16, 2021 |
| Staff Report Issuance: | August 9, 2021 |
| Public Hearing: | August 16 , 2019 |
| Decision: | Within two weeks of public hearing |

Figure 1. Location & Site




**VICINITY MAP**

N.T.S.




**SITE MAP**

N.T.S.

II. APPLICABLE REGULATIONS/ANALYSIS

## A. Battle Ground Municipal Code (BGMC)

| 1. | Title 12 Streets and Sidewalks |
|---|---|

**Finding:** The proposed 28-lot subdivision (26 single-family attached townhomes and two single-family detached homes) is located on a parcel west of SE Grace Avenue. Access to the development will be from the creation of a new intersection at SE 25th Street and SE Grace Avenue.

Frontage improvements for SE Grace Avenue would entail half-width improvements to a Major Collector "Option 1" standard consisting of 32-feet half-width right-of-way, 23-feet of asphalt, a 4-foot planter strip and a 5-foot sidewalk. Two (2) feet will need to be dedicated in order to meet the half right-of-way width.

SE 25th Street shall be constructed to "Neighborhood Collector" half-width standards that include a 34-foot right-of-way: 25-feet of roadway, 4-foot landscape strip and 5-foot sidewalk. The applicant has submitted for a road modification to reduce the half-width roadway from 25-feet to 20-feet on SE 25th Street.

SE 9th Avenue shall be privately owned and maintained and built to private street standards serving 5 or more lots/units (Local "A" standards) per the requirements of BGMC 12.116.130, 12.116.140, and 12.116.150 including a 48-foot right-of-way, 30-foot roadway, 4-foot landscape strip and 5-foot sidewalk.

SE 26th Street shall be privately owned and maintained and built to private street standards serving 5 or more lots/units (Local "A" standards) per the requirements of BGMC 12.116.130, 12.116.140, and 12.116.150 including a 48-foot right-of-way, 30-foot roadway, 4-foot landscape strip and 5-foot sidewalk.

SE 28th Circle shall be privately owned and maintained and improved to meet half-width requirements for a private street serving 5 or more lots/units (Local "A" standards) per the requirements of BGMC 12.116.130, 12.116.140, and 12.116.150 including a 34-foot half-width right-of-way, 25-foot roadway, 4-foot landscape strip and 5-foot sidewalk.

Access to Lots 15-17 shall be privately owned and maintained and built to private street standards serving 3-4 lots, per the requirements of BGMC 12.116.130, 12.116.140, and 12.116.150 including a 32-foot easement and 30-foot roadway.

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

The intersection spacing on SE 25th Street between SE Grace Avenue and SE 9th Avenue shall be 250

per Table 12.116.040(B)2; the plan shows approximately 230 feet. The 250-foot spacing will be required.

Per Tables 12.116.040(A) SE Grace Avenue has controlled access. Therefore, no lots can have direct access to it.

The applicant is proposing a 20-foot wide emergency vehicle turnaround at the south end of SE 9th Avenue.

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 be limited to, centerline radius, curve data, and any pertinent information that shows new streets meet the design requirements.

Street names will be assigned during preliminary review based on the City's addressing grid.

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 and be designed by a licensed electrical engineer. Streetlights will be required for this project. Those along SE Grace Avenue shall be LED with a decorative cobra type unit; all other streets are to be LED acorn type units.

All lots with less than 40-feet of frontage, require a shared driveway per BGMC 12.116.243

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

The applicant will need to provide 2 feet of additional right-of-way, per BGMC 12.116.160, for SE Grace Avenue to allow for 32-feet of right-of-way from the centerline of the street. This dedication can be completed on plat at time of recording.

Per BGMC 16.125.100, double and reverse frontage lots require a landscaped parkway. Lots 1-5 are currently shown as double fronted. The landscape tract shall be privately owned and maintained.

BGMC 12.116.130(A)(3) requires the final plat have the following note: "The City of Battle Ground has no responsibility to improve or maintain the private streets, including streetlights and signs, contained within, or private streets providing access to, the property designed in this development."

BGMC 12.116.130(A)(5) requires a private road maintenance agreement.

12.116.130(A)(6) requires private street identification signs to be installed at the intersection with the public street.

The developer/contractor shall provide certification per BGMC 12.116.130(A)(7) that the private streets were constructed meeting the requirements of 12.116.140.

BGMC 12.116.150 requires a note on the plat stating the responsibilities of the lot owners abutting the private street to maintain the street.

The applicant is showing some cross-circulation streets on the preliminary plat. BGMC 12.116.200 contains the City's cross-circulation requirements, which require connections every 500-feet. The preliminary plat is approximately 292-feet deep and approximately 628-feet wide. Based on the dimensions the preliminary plat would have to provide, at a minimum, one north-south cross-circulation street and one east-west cross-circulation street. The preliminary plat shows one north-south street and two east-west streets. Therefore, engineering staff has determined that the applicant meets the requirements for cross-circulation.

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.

Per BGMC 12.116.243(A-C), driveways must be spaced a minimum of five feet from the property line; corner lots shall have their driveways be as far away from intersections as this code section allows; maximum width is twenty-five feet for a two-car garage and thirty-five feet for a three-car garage or fifty percent of lot frontage, whichever is less; and single-family residences are allowed one driveway.

The proposed development is designed using the *Narrow Lot Standards* of BGMC 16.125.095. As such, shared driveways shall be used and meet the following requirements: not be more than fifty percent of the lot frontage; be located a minimum of five feet from property lines and be as far away from intersections as BGMC 12.116.243 allows for corner lots.

One (1) road modification was submitted:

1. To reduce half-width roadway width on SE 25th Street from 25-feet to 20-feet.

Several reasons were given for why the roadway width should be reduced including the elevation difference between SE 25th Street and the neighboring property to the north, and for the protection of existing vegetation, trees and an off-site wetland.

The applicant requested a road modification on May 17, 2021 to reduce the paved half-width of SE 25th Street from 25 feet to 20 feet, due to grading constraints in relation to the abutting property. The applicant proposes to construct a 20-foot half-width, which provides site access into the proposed development.

According to BGMC 12.116.290(A) approving a road modification requires that all four of the following criteria are met: (1) There are topographical or physical conditions such as steep slopes, wetlands, water area, structures, streets, utilities, lot patterns, street patterns, or other conditions that justify departure from strict adherence to the standard to be modified; (2) That the modification is consistent

with sound engineering principles and it will be safe, practical, and efficient; (3) That the proposed modification is consistent with the intent and purpose of the standard being modified; and (4) That the proposed modification is consistent with the goals and policies of the comprehensive plan. The four criteria will be addressed below.

**Criteria #1 Finding:** The applicant has indicated that there will be an elevation difference of approximately 3 feet between SE 25th Street and the adjacent property to the north. A short retaining wall is proposed. The applicant also indicates that constructing the 25-foot roadway section will affect the neighboring property and off-site wetlands to the west.

**Criteria #1 Conclusion:** The elevation difference between SE 25th Street and the adjacent property to the north is found to be minor and impacts to off-site wetlands to the west are unlikely. Therefore, Criteria #1 is not met.

**Criteria #2 Finding:** The applicant indicates that the increased width to the roadway to the south will create the need for a taller and longer temporary wall with guardrail and the width is allowed by the 2015 International Fire Code with provisions.

**Criteria #2 Conclusion:** The proposed roadway width is 5-feet less than the required 25-foot minimum for half-width streets. Cost is not a factor in meeting the criteria. Therefore, Criteria #2 is not met.

**Criteria #3 Finding:** The applicant is requesting the proposed modification be allowed since it is consistent with the intent and purpose of the City of Battle Ground's municipal code since the reduced roadway width allows the project to have safe pedestrian, vehicular and emergency access, which is the intent of the standard being modified.

**Criteria #3 Conclusion:** The applicant has shown that that the proposed modification meets the intent and purpose of the Battle Ground Municipal Code. Therefore, Criteria #3 is met.

**Criteria #4 Finding:** The road modification is consistent with the comprehensive plan by providing safe, effective circulation and increasing the local street system connectivity.

**Criteria #4 Conclusion:** The proposed modification is consistent with the goals and policies of the comprehensive plan. Therefore, Criteria #4 is met.

**Road Modification Conclusion:** Two of the four roadway modification criteria were met and Criteria #1 and #2 were not met. Therefore, I recommend that the road modification be **DENIED.**

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.

The applicant's traffic engineer has indicated that 208 daily, 13 new a.m. peak trips and 17 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. Three of the four failing intersections within the City are receiving new trips; see below under the *Concurrency Management* section for more information.

It should be noted that final engineering plans pertaining to transportation for the proposed project shall be submitted for staff review and approval prior to final 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 |
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**Finding:** Per BGMC 12.120.050(B) the subject development is not exempt from Concurrency. At full build out, this development will generate 13 new a.m. and 17 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
- Grace Avenue & E Main Street 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 | 0 | n/a | $4,576.23 | $0.00 |
| Grace Avenue & E Main Street | PM | n/a | 1 | $1,721.77 | $1,721.77 |
| SR 503 & SW Eaton Boulevard* | PM | n/a | 9 | $1,533.33 | $13,799.97 |
| SR 503 & SW Eaton Boulevard** | PM | n/a | 9 | $1,463.61 | $13,172.49 |
| SW 20th Avenue & SW Eaton Boulevard | PM | n/a | 1 | $2,291.40 | $2,291.40 |

*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 building permit issuance.

| 2. | Title 13 Water and Sewer |
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**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. However, this development is within Clark Public Utilities (CPU) service boundary. Therefore, the development shall meet the requirements of CPU for water approval.

The applicant shall show CPU approval for water design prior to receiving engineering approval from the City of Battle Ground.

**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 and this project is located in sewer basin CED-05.

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.

Sewer connection will be:

Construct a portion of FE-28 (15-inch). Upgrades to PS #4 may be necessary depending on its current capacity and needed capacity to serve the proposed development.

| 3. | Title 15 Building and Construction/Fire |
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| 15.104 Building Code | **Compliance:** Conditionally |
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General

The City of Battle Ground has adopted by reference the 2018 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 following separate permits will be required:

- Residential building permit (City of Battle Ground)
- Fire sprinkler permit (City of Battle Ground)
- Building permit for retaining wall (City of Battle Ground)
- Demolition permit (City of Battle Ground)
- Electrical (Washington State Department of Labor and Industries)
- Irrigation (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

Fire rated construction for townhomes shall be in accordance with 2018 IRC R302.2.

| 15.105.090 Fire Apparatus Access Roads | **Compliance:** Conditionally |
|---|---|

Finding:

The drive lane through this development is required as a fire access lane and should be designed and maintained to provide access for fire apparatus. The fire lane shall be kept clear at all times, be a minimum 20 feet wide, and shall be marked with signs, striping, or painted curbs stating "No Parking-Fire Lane".

The proposed landscape island on SE 9th Ave does not allow for the 20 foot required fire lane width.

For private roads

**D103.6.1 Roads 20 to 26 feet in width.** Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a *fire lane*.

**D103.6.2 Roads more than 26 feet in width.** Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a *fire lane*.

Per IFC 503.1.1, fire apparatus access roads shall extend to within 150 feet of hose lay to all exterior walls of each building.

Provide the location of "No-Parking-Fire Lane" signs along at the following locations:

- Along the proposed hammerhead turnaround
- Both sides of SE 25th Street
- East side of Tract C
- (1) side of SE 9th Avenue
- (1) side of SE 26th St
- North side of Tract D
- Along SE 28th Circle

Clearly identify how the structure(s) proposed on lots 18-28 meet the 150 hose lay access requirement.

| 15.105.100 Hydrants | **Compliance:** Conditionally |
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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.

The location of the (2) proposed onsite hydrants meet these requirements.

| 15.105.120/130 Fire Protection Systems | **Compliance:** Yes |
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Finding: Per 2018 IRC R313.1, automatic residential fire sprinkler systems shall be installed in townhouse buildings containing 5 or more attached units. Clearly identify which structures are proposed to have fire sprinkler coverage.

| 4. | Title 16 Land Divisions | |
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| **16.115.040 Preliminary Plats** | | **Compliance:** Yes |
| **Finding:** The applicant is proposing a 28 lot subdivision, and 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. Improvements required for topographical hazards** | | **Compliance:** Yes |
| **Finding:** The parcel does not contain topographical hazard areas. | | |
| **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:** No street jogs are proposed. | | |
| **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:** All lots have frontage on a public or private street. The Mixed-Use Residential zoning district requires a minimum lot frontage of 16 feet for residential uses and 50 feet for commercial uses. (See findings below regarding the commercial lots). | | |
| **16.125.080. Lot Line Angles** | | **Compliance:** Yes |
| **Finding:** Lot line angles are satisfied. | | |
| **16.125.090. Lot Size and Width Requirements** | | **Compliance:** Conditionally |
| **Finding:** As referenced in 17.122.030-1 Dimensional Requirements, the absolute minimum lot area is 2,000 square feet for residential use and 3,000 square feet for commercial use. Residential lots range between 2,143 square feet to 7,082 square feet, which satisfies the minimum residential lot area requirement. Lots 1 & 2 are reserved for commercial use, for a combined size of 4,500 square feet, satisfying the minimum 3,000 square foot requirement as well as the 50-foot frontage requirement.<br><br>The applicant states in the narrative, *"Lots 1 and 2 are proposed as a placeholder for a commercial development. Should a commercial development occur, these lots will be combined to create a lot meeting the dimensional requirements of Table 17.122.030-1."*<br><br>Staff notes that the City intends to change the zoning of this property in the fall of 2021 to R7, which is why the applicant is proposing Lots 1 and 2 in anticipation that the zoning will change to residential prior to development of the site. Nevertheless, the application must be reviewed based on the zoning in place at the time of application. A **condition** is warranted to require Lots 1 and 2 shall be combined and reserved for commercial use to satisfy the lot size and commercial component of the MU-R district, unless the site is rezoned to Residential, in which case lots 1 & 2 may be retained and used for residential uses.<br><br>Lot have adequate frontage on a public or private street. | | |
| **16.125.095 Narrow Lot Standards** | | **Compliance:** Yes |

| | |
|---|---|
| 26 of the 28 lots fall within the definition of narrow lots. The applicant satisfies this section, including the required parking standards. | |
| 16.125.100. Double and reverse frontage lots | **Compliance:** Yes |
| **Finding:** The applicant is proposes a landscape strip per code to avoid having double frontage lots for Lots 1-5. | |
| 16.125.110 Flag lots | **Compliance:** NA |
| **Finding:** The applicant has not proposed flag lots. | |
| 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:

- Showing that the water design meets the requirements of Clark Public Utilities and gets approval from them for the water distribution system.
- Water lines shall be extended to the extreme property lines of the subdivision
- Fire hydrant requirements shall be per City of Battle Ground standards and criteria.
- All sewer lines throughout the subdivision shall be a minimum of 8-inches in diameter, unless modified by the City, and extend to the extreme property lines of the subdivision.
- Showing sanitary sewer infrastructure as conditioned previously in this staff report.

The applicant did 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 drawings 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 | | |
|---|---|---|---|
| 17.122.020 Permitted Uses | | | **Compliance:** Conditionally |
| **Finding:** This application proposes 26 single-family attached townhome lots and 2 detached single-family lots in the MU-R zone. Future commercial uses are required to comply with the uses stated in table 17.122.020-1 at the time of site plan review. All uses are authorized in the MU-R district. | | | |
| 17.122.030-1 Dimensional Requirements | | | **Compliance:** Conditionally |
| *Mixed-Use Residential* | | *Residential Use* | *Commercial Use* |
| Minimum lot area | | 2,000 | 3,000 |
| Maximum residential density[1] | | 22 | N/A |
| Minimum lot frontage | | 16 | 50 |
| Minimum residential density | | 10 | N/A |
| Setbacks | Front yard[2, 3] | 10’ Minimum \| 20’ Maximum | 0’ Minimum \| 10’ Maximum[3] |
| | Garage door | 20’ | |
| | Side yard | 5’ | 0’ |
| | Street side yard | 10’ | 0’ Minimum \| 10’ Maximum |
| | Rear yard | 10’ | 10’ |
| Maximum lot coverage | | 70% | Note 5 |
| Maximum height[4] | | 45’ | 45’ |

1. The number of units per gross acre is calculated by averaging the densities of all of the various types of housing provided within the development.
2. For commercial developments within the mixed use residential district, the front yard landscaping strip shall be zero feet in those instances where the building is built at the right-of-way line.
3. Commercial structure facades shall extend to the right-of-way along at least seventy-five percent of the lot line; or commercial structure facades shall extend to within ten feet of the lot line for seventy-five percent of the lot line and the space between the building and the lot line shall be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendors stands, or developed as “stopping places.”
4. Building front facade height, as measured from the street grade, shall be no less than eighteen feet in height.
5. Maximum lot coverage shall be determined by compliance with screening and buffering standards contained in Chapter 17.131 BGMC, the parking and loading standards contained in Chapter 17.133 BGMC, the stormwater control ordinance contained in Chapter 18.250BGMC and all other applicable standards.
6. Refer to Table 17.131-1 for landscaping requirements.

**Finding:** Maximum density is 22 units per (gross) acre and the minimum required density is 10 units per (net) acre within this zone. The parcel on which the property is being developed is approximately 3.72 acres and 2.15 net acres. The maximum allowed density is 81 units and the minimum required density is 22 units. The applicant has proposed 28 units thereby meeting the density range requirement.

Previous findings under 16.125.090 above demonstrate lot size and frontage requirements are satisfied.

All other dimensional standards including setbacks, lot coverage, and building height will be determined at the time of building permit issuance or site plan review. A **condition** will require all new

| | |
|---|---|
| structures to comply with residential and commercial dimensional requirements in the MU-R zoning district or the current zoning in place at the time of construction. | |
| 17.122.050 Mixed Use Development Requirements | **Compliance:** Yes |
| **Finding:** The applicant is utilizing option 1b, whereas the commercial portion does not exceed 25% of the project site. This standard is met. | |
| 17.122.060 Mixed-Use 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.<br><br>Commercial development shall comply with the design standards per BGMC 17.118.040 for site plan approval. | |
| 17.131 Aesthetics, Buffers, Compatibility, & Landscaping | **Compliance:** Conditionally |
| **Finding:** Future commercial development shall comply with the buffer standards outlined in this chapter for site plan approval. | |
| 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. All future commercial development shall comply with table 17.133-1 for site plan approval.** | |

| 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. For approval, 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:<br><br>13. HISTORIC AND CULTURAL PRESERVATION<br>An archeological assessment and report were completed on the site. No historical, archeological, or cultural resources were found to exist on site.<br><br>**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.**<br><br>DECISION:<br>A Final Determination of Mitigated Non-significance (MDNS) has been 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.<br><br>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.

Generally, stormwater facilities built for single-family residential subdivisions are publicly owned and maintained. The proposed stormwater system consists of several treatment structures, bioretention cells, a detention pipe, and aboveground detention facilities. The facilities will treat and detain a mix of private and public runoff. Per BGMC 18.250.300, the facilities will 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, both private and public, 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.

Per BGMC 18.250.320(C) a covenant for access and inspection of the facility shall be dedicated to the City.

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

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

| 18.255 Erosion Control | **Compliance:** Conditionally |
|---|---|

**Finding:** The applicant's engineer will need to provide erosion control plans meeting the requirements of BGMC 18.255. These plans will be required to incorporate all of the applicable elements required in BGMC 18.255.060 through BGMC 18.255.090. The plans will provide for erosion control around delineated wetland boundaries, if applicable, which shall be flagged prior to construction.

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

The contractor will be required to provide evidence that an individual on-site has successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the City per BGMC 18.255.100. This must be submitted prior to construction.

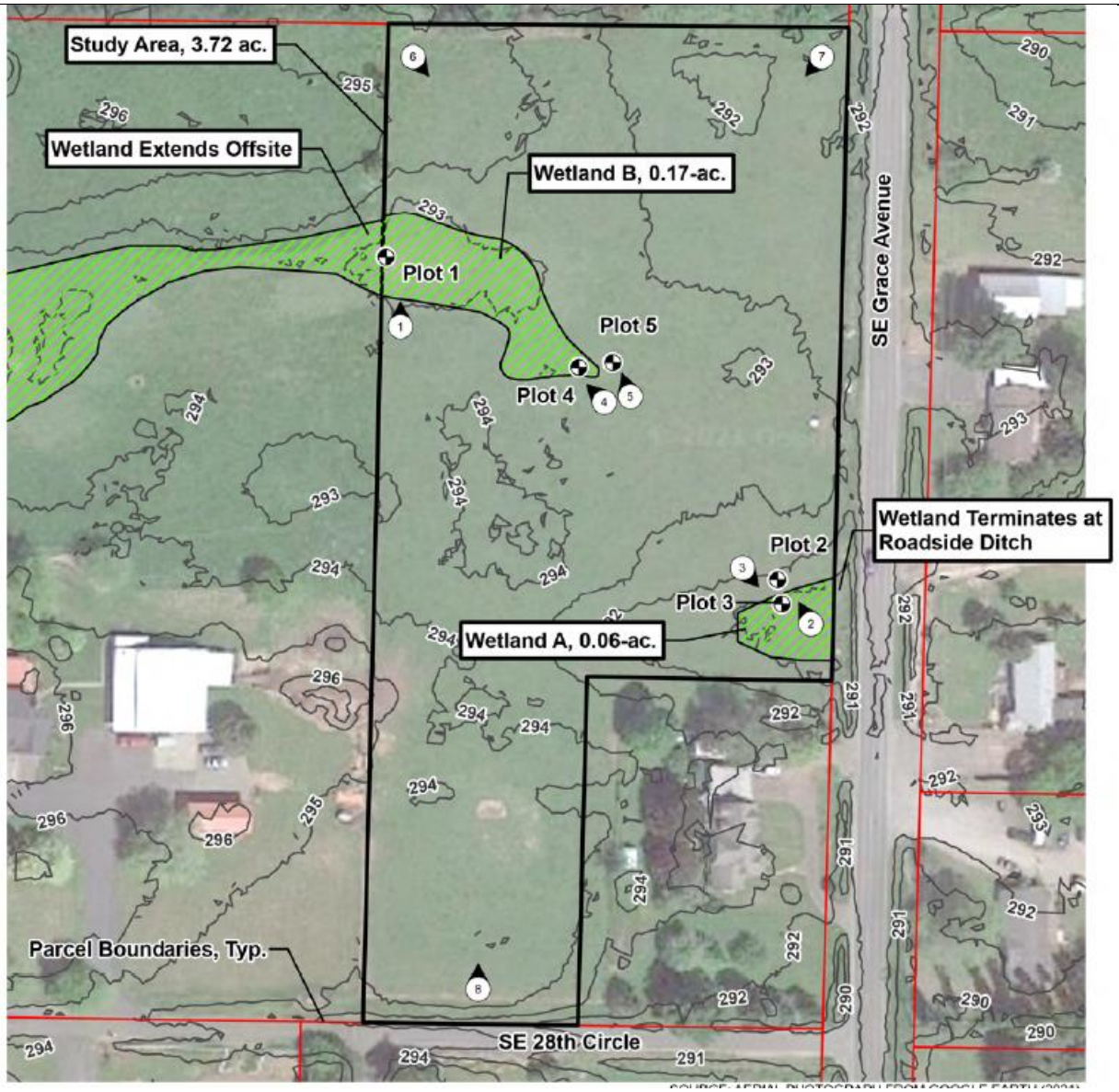
It should be noted that final engineering plans for grading and erosion control shall be submitted for staff review and approval prior to building permit issuance. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.

18.260 General Provisions

Findings: Two wetlands are identified on site, Wetlands A and B, as identified in Figure 2 below. Wetland A is located in the southeast corner of the site adjacent to SE Grace Avenue. Wetland A is a 0.06-acre Category IV depressional, palustrine, emergent wetland with habitat score of three and a 50-foot buffer. Wetland B is located on the northwest portion of the site and continues offsite to the west. The on-site portion of Wetland B is a 0.17-acre Category III depressional, palustrine, emergent wetland with a habitat score of 3 and an 80-foot buffer.

Wetland A is exempt from a critical areas analysis based on BGMC 18.270.020, Exempted wetlands. Wetland A is a Type IV wetland, isolated, less than 4,000 feet, with a habitat score less than 5.

Figure 2. Wetlands




| 18.260.115 General Approval Criteria | **Compliance:** Yes |
|---|---|
| **Finding:** All wetlands are proposed to be filled. The applicant provided separate memo (Exhibit 21) addressing the avoidance and minimization criteria in BGMC 18.260.115. Staff agrees that on balance the need to supply affordable "middle housing" outweighs the need to preserve the finger of the Type III wetland extending into the site. Off-site mitigation credits will be purchased to assure of no net loss to overall habitat. | |
| 18.260.130 Mitigation Plan Requirements | **Compliance:** Conditionally |
| The applicant indicates mitigation will occur by purchasing wetland bank credits which is an acceptable form of mitigation. | |
| 18.270.040 Wetland Delineation | **Compliance:** Yes |
| **Findings:** A delineation is submitted complying with this section. | |
| 18.270.115-120 Wetland Compensatory Mitigation | **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. | |

| B. | Service Development Charges, Impact Fees, Credits |
|---|---|
| FE-28 is a Sanitary Sewer System Development Charge (SDC) credit eligible project. The General Sewer Plan states the following: FE-28 is estimated to cost $1,518,000.00 and is 100.00% creditable. SDC credits for FE-28 will be based upon length of pipe installed. The applicant will need to provide all receipts and all other information prior to receiving any credits. | |

| C. | Public/Agency Comments |
|---|---|
| 1 | Kevin Jolma – Battle Ground Public Schools – letter received June 28, 2021 |
| 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. The letter discusses the school district's plans to serve the students and states that school impact fees will be collected to help off-set the cost associated with serving the additional students. | |
| 2 | Department of Ecology – letter dated July 7, 2021 |
| Ecology's letter references wetland crtiteria, solid waste, and water quality standards. The project is conditioned to coordinate with Ecology on any necessary review and approvals. | |
| 3 | Clark County Community Development– email received June 17, 2021 |
| The County stated that no impacts to nearby County projects would occur from this proposal. | |
| Comments Received after Deadline | |
| None. | |

## 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. Prior to Engineering Approval:

1. Submit final engineering plans, for review and approval by staff, pertaining to transportation, sewer, water, grading, erosion control, stormwater, driveways, street lighting, and landscaping prepared and stamped by a registered engineer in the state of Washington.

2. Submit final engineering plans:
    a. Showing adequate half-street improvements, based on pavement testing, for SE Grace Avenue, a "Major Collector – Option 1", including sidewalk, planter strip, curb and gutter and asphalt.

    b. Showing adequate half-street improvements, for SE 28th Circle meeting applicable private street requirements in BGMC 12.116.140 based on five or more lots/units.

c. Showing adequate half-street improvements, for SE 25th Street, a "Neighborhood Collector", including sidewalk, planter strip, curb and gutter and asphalt along the northern property line.

d. Showing SE 9th Avenue meeting applicable private street requirements in BGMC 12.116.140 based on five or more lots/units.

e. Showing SE 26th Street meeting applicable private street requirements in BGMC 12.116.140 based on 5 or more lots/units.

f. Showing access to lots 15-17 meeting applicable private street requirements in BGMC 12.116.140 based on 3-4 or more lots/units.

g. Showing intersection spacing on SE 25th Street meeting the requirements of BGMC12.116.040(B)2.

h. Showing additional 2 feet of ROW dedicated to the City for SE Grace Avenue.

i. Containing a combined landscaping and driveway plan.

j. Showing sight distance triangles.

k. Containing a signing and striping plan.

l. Containing a street lighting plan having LED decorative cobra type units for SE Grace Avenue and LED acorn units for the other streets.

m. Showing traffic calming devices on all public and private streets per BGMC 12.116.080(B).

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

o. Showing traffic mitigation at SW Eaton Boulevard & SR 503, SW 20th Avenue & SW Eaton Boulevard and Grace Avenue & E. Main Street or indicating that mitigation fees will be paid in lieu of the improvements.

p. Showing water lines throughout the subdivision and extending to extreme property lines.

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

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

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

t. Showing a 6-inch sewer service connection for each proposed commercial building.

u. Showing sampling manholes for commercial uses including applicable easement/s.

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

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

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

y. Adjust plans so the proposed landscape island on SE 9th Avenue allows for 20 feet of fire apparatus access width.

z. Provide the location of "No-Parking-Fire Lane" signs along at the following locations: along the proposed hammerhead turnaround; both sides of SE 25th Street; east side of Tract C; (1) side of SE 9th Avenue; (1) side of SE 26th St; and the North side of Tract D

aa. Clearly identify how the structure(s) proposed on lots 18-28 meet the 150 hose lay access requirement.

bb. Identify which structures are proposed to have fire sprinkler coverage

3. Submit a traffic study meeting the City's requirements per BGMC 12.116.175.

4. Provide a photometric plan for all access points, intersections, frontage roads out to centerline, and any existing lights to ensure that proposed lights meet IES RP-8-00 standards, prepared by an electrical engineer.

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

6. Submit proof of engineering plan approval by Clark Public Utilities for the water improvements.

7. Submit a SWPPP that meets the requirements of the Washington State Department of Ecology.

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

9. 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.

10. Submit a final wetland mitigation plan.

11. Coordinate with Ecology and the Corps of Engineers for any required permits or reviews.

## B. Prior To Construction Of The Site:

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

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

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

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

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

6. Submit evidence that an individual on-site has successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the City.

7. Conduct a pre-construction conference with City engineering and planning staff. Contact the Engineering Department at (360) 342-5069 to schedule an appointment.

## C. Prior To Creation Of Impervious Surface:

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

## D. Prior To Engineering Acceptance:

1. Construct all public improvements, if applicable, and go on a walkthrough with City of Battle Ground Engineering Staff and correct any deficiencies as determined by City staff.

2. A letter shall be provided by the applicant showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.

3. Submit recorded sewer easement after being reviewed by City Engineering Staff.

4. Provide certification that private streets have been completed per BGMC 12.116.140.

5. Submit a private road maintenance agreement for private streets.

6. Submit to the City of Battle Ground, a two-year/20-percent maintenance bond for all completed and accepted public improvements.

7. Submit to the City of Battle Ground, a recorded stormwater maintenance covenant meeting the requirements of BGMC 18.250.310(B)(2).

8. Submit a Bill of Sale for the sewer system.

9. Submit complete sets of as-built drawings for all required public improvements for streets and roads, stormwater drainage and control, sanitary sewer and water services, as applicable prior to the issuance of the occupancy permit for review and approval by the Engineering Department. Upon acceptance by the Engineering Department, submit prior to the issuance of the occupancy permit, one (1) Mylar set, one (1) full size paper set, two (2) 11x17 paper sets of As-Built record drawings and one (1) compact disc or USB flash drive version of the as-built drawings in AutoCAD, and separate/individual PDF, and TIF format files.

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

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

## 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 Grace Avenue & East Main Street or pay the mitigation fees of $1,721.77.

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 $13,799.97.

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 $13,172.49.

5. Construct the mitigation measures for the failing intersection of SW 20th Avenue & SW Eaton Boulevard or pay the mitigation fee of $2,291.40.

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

   b. With the following note: “Fences higher than 42-inches will not be allowed in the front yards.”

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

d. With a note specifying that SE Grace Avenue is access controlled and cannot have direct access from lots.

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

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

g. With a note specifying the party/s responsible for long-term maintenance of the tracts adjacent to double fronted lots 1-5.

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

i. That shows the dedication of any public roads.

j. Showing Lots 1 and 2 combined and reserved for commercial use, unless the site is rezoned to Residential, in which case lots 1 & 2 may be retained and used for residential uses.

F. Prior to Building Construction:

1. Acquire the required building permits as outlined in Title 15 above.

2. All new structures shall conform to setbacks, parking, and building height requirements of the MU-R zoning district or current zoning in place at the time.

3. Future commercial uses shall be in compliance with Table 17.122.020-1.

4. Residential buildings shall meet the design standards of BGMC 17.106.040 at building permit issuance.

5. Future commercial buildings on lots 1 and 2 shall submit for site plan review.

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 wetland mitigation plan.

3. Coordinate any water quality recommendations in reference to Ecology's letter.

## 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 | |
|---|---|---|
| 1 | Staff Report | |
| 2 | City Land Use Forms | Included in the Applicant's submittal binder |
| 3 | Application Fee | |
| 4 | Land Use Narrative | |
| 5 | State environmental Policy Act (SEPA) | |
| 6 | Proposed Development Plans (Reduced) | |
| 7 | Deed History | |
| 8 | Traffic Study | |
| 9 | Preliminary Stormwater Design Report TIR (Included Separately) | |
| 10 | Geotechnical Soil Analysis Report | |
| 11 | Road Modification | |
| 12 | Wetland and Habitat | |
| 13 | Archaeological Report | |
| 14 | Letter from Battle Ground Public Schools | |
| 15 | Letter from Washington Department of Ecology | |
| 16 | E-mail from Clark County Community Development | |
| 17 | Memo from Applicant addressing General Wetland Avoidance Criteria | |
| 18 | Working Exhibit List | |

## V. APPEAL

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

## VI. PRELIMINARY PLAT

