EXHIBIT
A

City of Battle Ground

Community Development Department
109 SW 1st Street, Suite 127, Battle Ground, WA 98604
(360) 342-5047

Staff Report and Recommendation to the Hearing Examiner

Project Name:	Parkwood Place Subdivision and SEPA Review (SUB:01-18)
Report Date:	May 30, 2018
Hearing Date:	June 6, 2018
Proposal:	The applicant is proposing to create 10 residential lots for detached single-family homes on a 2.86-acre site and a tract for the storm water facility.
Location:	East side of NE Parkway Ave., South of NW 23rd Street; 23919, 23937 and 23939 NE 132nd Ave., Battle Ground, WA 98604.
Applicant/Owner:	Norma Kennedy P.O. Box 1742 Battle Ground, WA 98604
Applicant's Rep:	Ed Greer 13023 NE Hwy 99, Suite 7-126 Vancouver, WA 98686
Staff:	Sam Crummett, AICP, Planning Supervisor Ryan Jeynes, PE, Associate Civil Engineer
SEPA:	Recommending a Final Mitigated Determination of Non-significance (MDNS)
Recommendation:	**Preliminary Approval** subject to conditions listed at the conclusion of this report.

May 30, 2018

Sam Crummett **Date**
Planning Supervisor

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I. BACKGROUND

A. General Site Information

Size of Site:	2.86 acres
Existing Vegetation:	Mature trees, grasses, and shrubs
Existing Structures:	Single-family residence and several out buildings
Adjacent Land Uses:	Surrounded by single-family residences
Adjacent Zoning:	R5 to north and east, R3 to the west, and County R1-20 to the south
Slope:	Relatively flat
Landslide Hazards:	No mapping indicators
Slope Stability:	No mapping indicators
Wetlands:	No mapping indicators
Flood Plain:	No mapping indicators
Priority Habitat:	No mapping indicators
Soils:	Non-Hydric/OeD

B. Land Use Processing

Date Application Submitted:	March 2, 2018
Application Technically Complete:	March 29, 2018
Notice of Application/Public Hearing:	April 18, 2018
Site Posted:	April 18, 2018
Reflector Publication:	April 18, 2018
Staff Report Issuance:	May 30, 2018
Public Hearing	June 6, 2018

Figure 1. Location

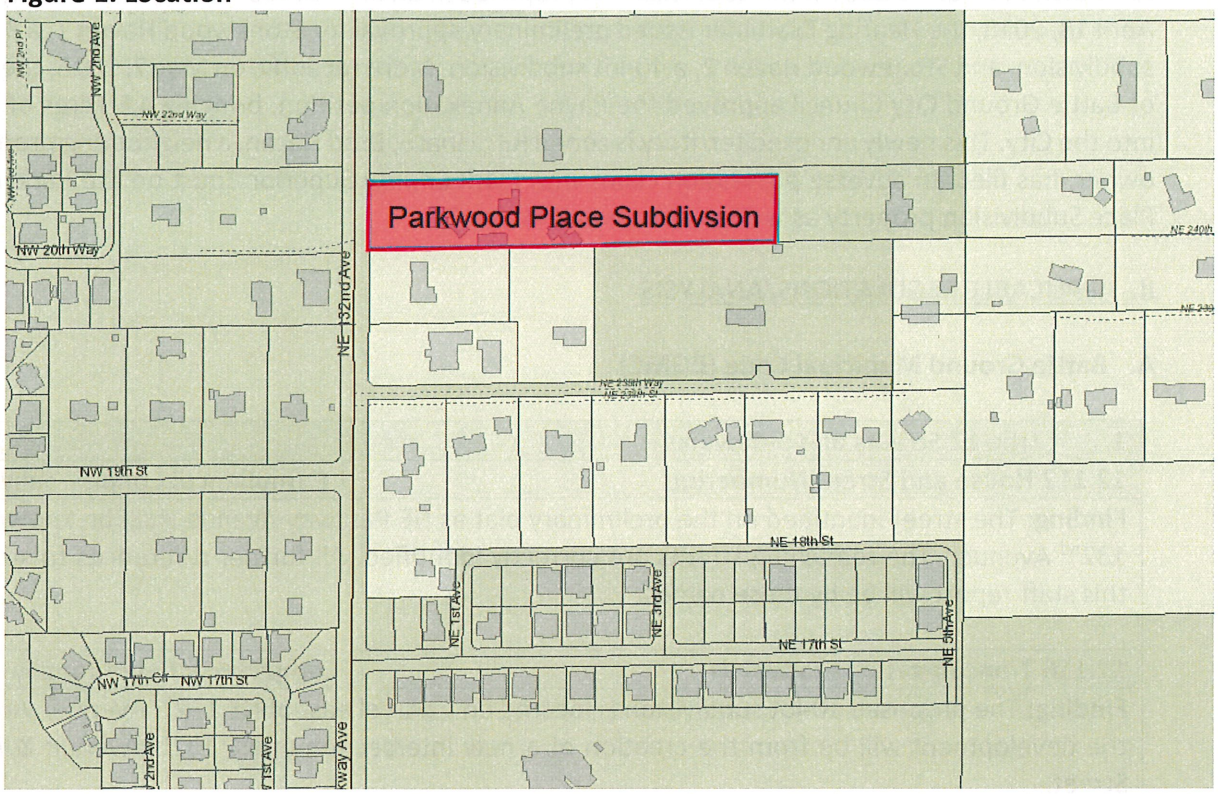
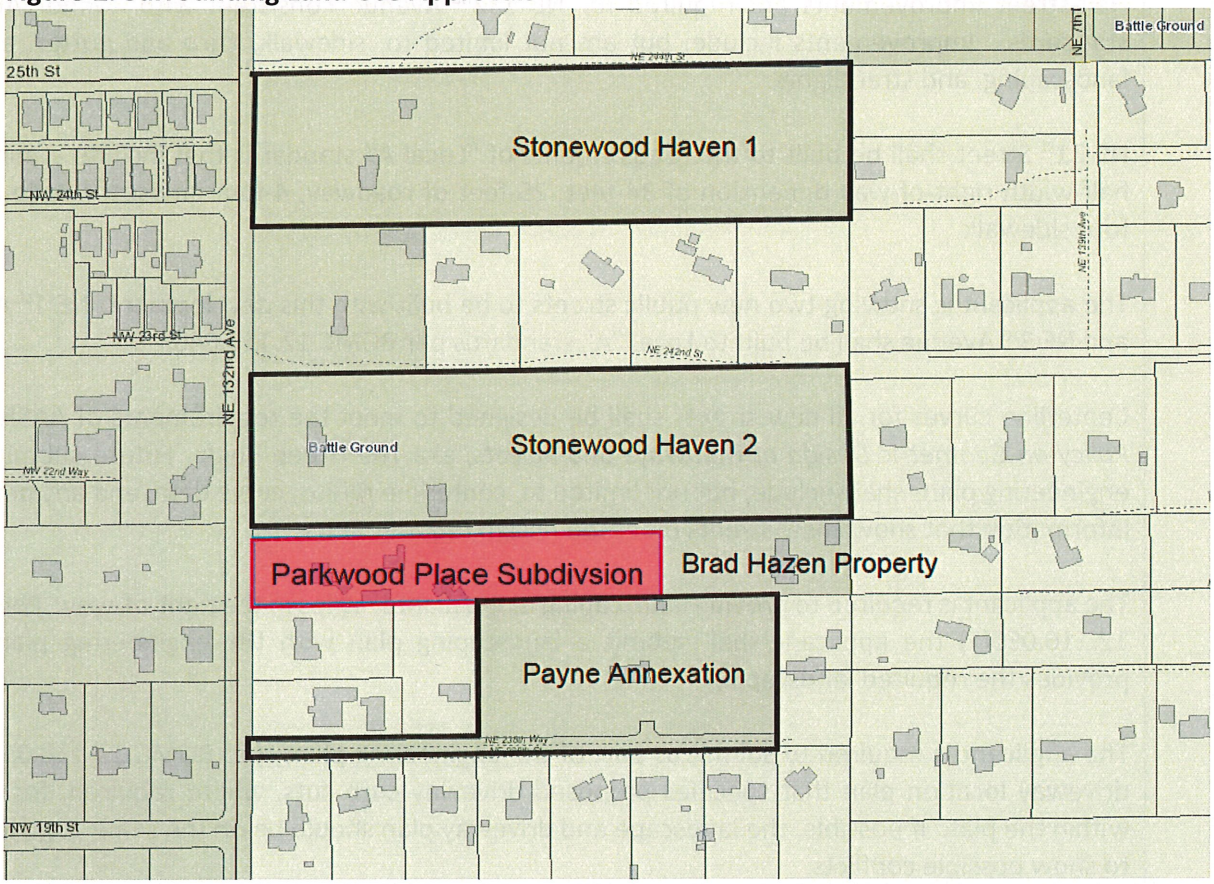


Figure 2. Surrounding Land Use Approvals



As shown in Figure 2 above, the subdivision is proposed in an area of recent land use activity. On April 18, 2018, the Hearing Examiner issued preliminary approval for Stonewood Haven 1, a 37-lot subdivision, and Stonewood Haven 2, a 40-lot subdivision. More recently, on May 7, 2018, the City of Battle Ground City Council approved the Payne Annexation petition, bringing 4.5 acres of land into the City. This newly annexed territory is zoned R3. Finally, Brad Hazen, a neighboring property owner, has filed an adverse possession claim with Clark County Superior Court on the Parkwood Place Subdivision property as well as Stonewood Haven 2.

II. APPLICABLE REGULATIONS/ANALYSIS

A. Battle Ground Municipal Code (BGMC)

1.	**Title 12 Streets and Sidewalks**
12.112 House and Street Numbering	**Compliance:** Conditionally
Finding: The street identified on the preliminary plat as NE Parkway Avenue shall be known as NE 132nd Avenue. The remaining streets are correctly identified. All further references to streets in this staff report will be by these names.	
12.116 Transportation Standards	**Compliance:** Conditionally
Finding: The proposed 10-lot subdivision is located on a parcel east of NE 132nd Avenue. Access to the development will be from the creation of a new intersection at NE 132nd Avenue & NE 21st Street. Half-street improvements are required for NE 132nd Avenue consistent with "Minor Arterial" standards. Improvements include, but are not limited to, sidewalk, curb and gutter, asphalt, landscaping, and streetlights. NE 21st Street shall be built to the requirements of "Local A" standards that include a minimum half-width right-of-way dimension of 34-feet: 25-feet of roadway, 4-foot landscape strip and 5-foot sidewalk. The applicant is showing two new public streets to be built with this development: NE 1st Avenue and NE 3rd Avenue shall be built to Local "A" standards per BGMC 12.116.040. Centerline curves for all new streets shall be designed to meet the requirements of AASHTO's *A Policy on Geometric Design of Highways and Streets*, aka The Green Book. Future submittals of engineering plans shall include, but not limited to, centerline radius, curve data, and any pertinent information that shows new streets meet the design requirements. The applicant is required to provide landscaping in the planter strips in the right-of-way. Per BGMC 12.116.050(F) the applicant shall submit a landscaping plan with the engineering plans that provides the required landscaping. The applicant is required to submit as part of the engineering plans, per BGMC 12.116.050(G), a driveway location plan that specifies proposed driveway curb cuts, where required, for all lots within the plat. If possible, the landscape and driveway plan should be on the same page in order to show possible conflicts.	

The applicant is required to provide a signing, striping, and street lighting plan per BGMC 12.116.050(H). The plan shall be submitted with the final engineering plans. A photometric plan shall be done for all access points, intersections, frontage roads out to centerline and should include existing lights to ensure that proposed lights meet IES RP-8-00 standards. Streetlights shall be LED decorative cobra type units for NE 132nd Avenue and LED acorn type units for other streets.

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

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

The applicant's traffic engineer has indicated that 6 new a.m. peak trips and 8 new p.m. peak trips will be generated by the proposed development. Per BGMC 12.116.175(C)(1) a traffic study is required when 10 new 10 a.m. and 10 p.m. peak trips are generated. As this project is generating less than those amounts, it is exempt from providing a traffic study. However, per 12.116.175(C)(2), a letter addressing trip generation, trip distribution, and other safety related issues is required. A letter was provided that shows the number of trips generated by the development. Three of the five failing intersections within the City are receiving new trips; see below under the *Concurrency Management* section for more information.

Per BGMC 12.116.180(B), the applicant is required to perform pavement deflection testing, to determine the adequacy of the existing pavement on NE 132nd Avenue where half-street improvements will occur if the existing portion of the asphalt section is to remain. Additionally, the applicant will need to demonstrate that the existing street geometrics are compatible with the proposed road section. If the remaining life of the pavement is less than five years and has a Pavement Condition Index number less than 70 as calculated by City Staff, then the half-street improvements will need to extend to the centerline of the street. This requirement is being met as the preliminary plat shows improvements going to centerline.

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 870-feet deep and approximately 145-feet wide. Based on the dimensions the preliminary plat would have to provide, at a minimum, one north-south cross-circulation streets and zero east-west cross-circulation streets. The preliminary plat shows two north-south streets and one east-west streets. Therefore, engineering staff has determined that the applicant has provided all necessary cross-circulation.

Public streets shall comply with Sight Distances per BGMC 12.116.220 unless modified through the road modification process as outlined in BGMC 12.116.290. Final engineering plans shall show sight distance triangles.

Per BGMC 12.116.243(A-C), driveways must be spaced a minimum of five feet from the property line; corner lots shall have their driveways be as far away from intersections as this code section

allows; maximum width is twenty-five feet for a two-car garage and thirty-five feet for a three-car garage or fifty percent of lot frontage, whichever is less; and single-family residences are allowed one driveway.

The preliminary plat complies with all other criteria listed in BGMC 12.116. The final engineering plans and final plat shall comply with these criteria at the time of approval or recording.

It should be noted that final engineering plans pertaining to transportation for the proposed project shall be submitted for staff review and approval prior to final plat approval and construction. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.

12.118 Construction in Public Right-of-Way	**Compliance:** Conditionally

Finding: The proposed development will be doing construction type work within the City's Right-Of-Way.

Per BGMC 12.118.020, any type of construction, alteration, maintenance, or repair shall not occur within City Right-Of-Way (ROW) or easement without a written permit.

Any construction activity within the City Right-Of-Way shall require a traffic control plan per BGMC 12.118.060(C). The traffic control plan shall be submitted for review and approval prior to the commencement of construction.

Per BGMC 12.118.110, a surety bond or other approved surety is required when work will be within the City's ROW or within an easement. Said bond shall meet the monetary requirements of this code section and shall cover all work associated with the construction, alteration, maintenance, or repair of any infrastructure within the City's Right-Of-Way or easement.

A Certificate of Liability Insurance, with the required thresholds, shall be submitted per BGMC 12.118.120 when construction activities occur within the City's ROW or in an easement.

12.120 Concurrency Management	**Compliance:** Conditionally

Finding: Per BGMC 12.120.050(B) the subject development is not exempt from Concurrency. At full build out, this development will generate 29 new a.m. and 39 new p.m. peak trips, which is more than the 10 a.m. and p.m. peak hour trips the code cites as a threshold amount

The City has five intersections in concurrency failure: SW Eaton Boulevard & SR 503 (during the p.m. peak); SW Eaton Boulevard & SW 20th Avenue (during the p.m. peak); NW Onsdorff Boulevard & SR 503 (during the a.m. peak); East Main Street & Grace Avenue and SE Rasmussen Boulevard/SE Grace Avenue.

Mitigation measures are as follows:

- SW Eaton Boulevard & SR 503 include addition of an eastbound left turn lane and a second westbound left turn lane
- SW Eaton Boulevard & SW 20th Avenue construction of northbound, southbound, and

westbound left-turn lanes and traffic signal

- NW Onsdorff Boulevard & SR 503 the addition of a second southbound through lane at the intersection
- East Main Street & Grace Avenue a traffic signal and realignment of intersection.
- SE Rasmussen Boulevard & SE Grace Avenue Boulevard include addition of stop signs to north and south legs of intersection

Consistent with State law, "Concurrent" is defined in BGMC 12.120.030 as (A) that there is the existing capacity in the affected intersection to accommodate the projected transportation impacts of a proposed development, or (B) transportation system improvements, strategies, or other mitigation measures which will achieve or maintain an operating level at or above the applicable level of service for the intersection is (1) planned, funded, and scheduled for completion no later than six years after development approval as reflected in the Six-Tear TIP, or (2) will be available and complete no later than six years after development approval, as provided with a voluntary financial commitment (where appropriate) that is in place at development approval. Based on the applicant's traffic study the Development does not meet (A). In order to meet concurrency via (B) the City has come up with 2 possible strategies as follows:

1. The applicant can construct the aforementioned mitigation measures for the failing intersections to meet concurrency requirements.
2. The applicant can pay a proportionate share of the costs to construct the aforementioned mitigation measures. Proportionate share, on a per trip basis, would be based upon the cost to do the mitigation measure divided by the number of trips created over the next six-year time frame. The number of trips generated by the proposed development going to the intersections during the failing peak period would be multiplied by the per trip cost to generate the proportionate share of construction cost. The per trip cost is $1,533.33, $2,291.40, $4,576.23, $1,721.77 for SW Eaton Boulevard & SR 503, SW Eaton Boulevard & SW 20th Avenue, NW Onsdorff Boulevard & SR 503 and East Main Street & Grace Avenue, respectively. 2 p.m. trips are going through SW Eaton Boulevard & SR 503, 0 trips through SW Eaton Boulevard & SW 20th Avenue, 2 a.m. trips through the NW Onsdorff Boulevard & SR 503 intersection, 1 p.m. trips through East Main Street & Grace Avenue and 0 p.m. trips through SE Rasmussen Boulevard & SE Grace Avenue. Thus, the mitigation fees are as follows: $3,066.66 for SW Eaton Boulevard & SR 503, $0.00 for SW Eaton Boulevard & SW 20th Avenue, $9,152.46 for NW Onsdorff Boulevard & SR 503 and $1,721.77 for East Main Street & Grace Avenue. Due to the nature of improvements associated with SE Rasmussen Boulevard/SE Grace Avenue, there is no fee; mitigation measures not required.

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

2.	**Title 13 Water and Sewer**
13.110/112 Water Service and Water Use Regulations	**Compliance:** Conditionally
Finding: Potable water will be required for this project. The City of Battle Ground is the public water purveyor for properties within the city limits.	

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

Currently, an 8-inch City of Battle Ground water line in NE 132nd Avenue terminates approximately 270-feet north of the northern property line. The applicant shall make a connection at this location and extend an 8-inch line to & through the development. The water line shall extend to the extreme property lines.

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

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

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

13.120 Sewer System - Connection	**Compliance:** Conditionally

Finding: Sewer service is required for this project. The City of Battle Ground is the public sanitary sewer purveyor for properties within the City and the project is located in basin GAR-01. Currently, there is a manhole at the intersection of NE 132nd Avenue & NW 23rd Street. The applicant is showing to bring a sanitary sewer line from the proposed development to this manhole. The applicant can connect to this manhole as long as there is sufficient downstream capacity.

Although capacity for sewer is available at this time, the City does not guarantee or set aside of service capacity with this preliminary approval, as it is the City's policy that service commitment occurs when it is paid for at the time building permits are issued.

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

Easements shall be provided for all sanitary sewer lines not constructed in City right-of-way per BGMC 13.120.070.

It should be noted that final engineering plans pertaining to sanitary sewer service for the proposed project shall be submitted for staff review and approval prior to building permit issuance. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.

3.	**Title 15 Building and Construction/Fire**

The City of Battle Ground has adopted the 2015 International Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC),

Uniform Plumbing Code (UPC), Washington State Energy Code (WSEC) and International Fire Code (IFC). All building permit applications will be reviewed based on those codes.

All permits must be secured prior to any construction and all applicable impact and permit fees shall be paid prior to the issuance of the permits. In accordance with IBC 107.3.4 and per RCW 18.08, an architect shall act as the design professional in responsible charge and shall be responsible for reviewing and coordinating the submittal documents.

15.105.090 Fire Apparatus Roads	**Compliance:** Conditionally

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

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

No parking is allowed on access roads less than 26 feet in width.

Parking is allowed on one side of roads between 26 feet and 32 feet in width.

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

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

Clearly identify which roadways are to be used as fire apparatus roads. Include location and dimensions of all proposed fire lanes and corresponding fire lane signage/striping.

15.105.100 Fire Hydrant Requirements	**Compliance:** Conditionally

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

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.

Currently no hydrants are shown on the plans. Please revise plans accordingly.

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

amount of fire flow required. A **condition** will require the location of all proposed hydrants in accordance with the above requirements.

4.	**Title 16 Subdivisions**
16.112 Boundary Line Adjustment	**Compliance:** Conditional

The applicant indicates a boundary line will be filed to avoid Brad Hazen's gravel driveway. A BLA application is required to be filed with the City for review and approval.

The following criteria must be satisfied:

1. No additional parcel(s) shall be created by the boundary adjustment;

2. The lot and location of any structure(s) on the lots shall comply with the minimum density, dimensional and area requirements of the zoning district, unless a variance is sought in conjunction with the request per the requirements of Chapter 17.149 BGMC, except that one lot may exceed the maximum lot area of the district; and

3. Legal access shall be provided to each of the lots.

Also note, Brad Hazen has informed the City of an adverse possession claim that he has filed with Clark County Superior Court, as well as a claim filed against his property. It is recommended that this issue must be resolved prior to Final Plat approval. RCW 58.17.165 requires that the final plat must be signed "[b]y all parties having any ownership interest in the lands subdivided and recorded as part of the final plat." An adverse possession claim qualifies as "any ownership interest" used in RCW 58.17.165. *Halverson v. City of Bellevue*, 41 Wn. App. 457, 459, 704 P.2d 1232 (1985). Consequently Mr. Hazen has an "ownership interest" in the subject property pursuant to his adverse possession claim. Therefore, a **condition** is warranted to assure the applicant resolves the adverse possession claim through a quiet title action or other proceeding prior to final plat approval.

16.125.010. Conformance to Comprehensive Plan	**Compliance:** Yes
Finding: All aspects of the subdivision conform to the City's Comprehensive Plan and Transportation standards.	
16.125.020. Protective improvements required for topographical hazards	**Compliance:** Yes
Finding: No topographical hazard areas are located on these parcels.	
16.125.030. Continuation of existing streets	**Compliance:** Yes
Finding: Streets are designed per City Transportation standards	
16.125.040. Street jogs	**Compliance:** Yes
Finding: No street jogs comply with the City's Transportation standards.	
16.125.050. General street design requirements	**Compliance:** Yes
Finding: Streets meet all applicable public and private street standards specified in Chapter 12.116 BGMC.	
16.125.060. Blocks	**Compliance:** Yes
Finding: Block standards are met.	
16.125.070. Lot access requirements and restrictions	**Compliance:** Yes
Finding: All lots have frontage on either a public or private street and satisfy the minimum 20 foot standard for frontage.	
16.125.080. Lot line angles	**Compliance:** Yes

Finding: Lot line angles are satisfied.	
16.125.090. Lot size and width requirements	**Compliance:** Yes
Finding: As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 4,600 square feet, and minimum average lot area in the R5 district is 6,300 square feet. Density is calculated as follows: 2.86 gross acres x 5 units per acre = a maximum of 14.3 units. There is no minimum density requirement in the R5 district. Proposed are 10 residential lots, with lot sizes ranging from 6,108 to 11,000 square feet, which comply with the density and dimensional standards in this section.	
16.125.100. Double and reverse frontage lots	**Compliance:** Yes
Finding: There are no proposed double or reverse frontage lots.	
16.125.110 Flag lots	**Compliance:** Yes
Finding: No flag lots are proposed.	
16.125.120. Easements	**Compliance:** Conditionally
Finding: All necessary easements will be conditioned as part of the final plat.	
16.130 Required Improvements and Dedications	**Compliance:** Conditionally
Finding: BGMC 16.130.010 requires that all utility lines be installed underground. A condition should be established to require that all utilities be installed underground and that a note on the face of the plat be provided stating that all public and private utilities serving the development should be underground. The applicant has provided a preliminary utility plan. BGMC 16.130.030 requires that water and sanitary sewer service within or along the frontage of a development shall be extended to the extreme property lines of the development unless the applicant demonstrates to the decision body that such extension is undesirable, impractical or unfeasible. The Battle Ground Engineering Department has determined that the extension of water and sanitary sewer service within or along the frontage of a development to the extreme property lines of the development is desirable, practical, and feasible and shall be required. BGMC 16.130.030, along with BGMC 13.110 and 13.120 requires water and sanitary service throughout the subdivision. The applicant shall submit engineering plans meeting the following conditions: • All water lines throughout the subdivision shall be a minimum of 8-inches in diameter and extend to the extreme property lines of the subdivision. The main lines running throughout the site shall connect to the existing water line in NE 132nd Avenue. • All sewer lines throughout the subdivision shall be a minimum of 8-inches in diameter and extend to the extreme property lines of the subdivision. The main lines running throughout the site shall connect to the existing sewer line in NE 132nd Avenue. The applicant has not provided any preliminary street lighting plan. Per BGMC 16.130.035 engineering plans shall be prepared by a licensed electrical engineer and shall show the necessary minimum lighting levels. A street lighting plan shall be included with the engineering plans to be approved by the city.	

The applicant makes no mention of permanent control monuments. BGMC 16.130.040 requires permanent control monuments to be installed at controlling corners of the land being subdivided. A condition to this effect is warranted and should be provided.

The applicant has provided roads on the preliminary plat, 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

		R3	R5	R7	R10	R12	R16	R20
Minimum average lot area (square feet)		10,500	6,300	4,500	N/A	N/A	N/A	N/A
Minimum average lot area for density transfer (square feet)		8,000	4,600	3,300	N/A	N/A	N/A	N/A
Minimum lot area (square feet)		6,300	4,000	3,000	2,000	2,000	2,000	2,000
Maximum density (units per gross acre)		3	5	7	10	12	16	20
Minimum density (units per net acre) [1]		N/A	N/A	N/A	5	6	8	10
Minimum lot frontage (feet)		30	25 [2]	20 [2]	20 [2]	16 [2]	16 [2]	16
Minimum setbacks (feet)	Residence front yard [3]	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 3'
	Garage (minimum) [4]	20	20	20	20	20	20	20
	Side yard [5]	5	5	5	5	5	5	5

	Street side yard	10	10	10	10	10	10	10
	Rear yard [4]	20 [8]	20 [8]	10	10	10	10	10
Minimum distance between principal buildings (feet)		20	14	10	10	10	10	10
Maximum lot coverage (%)		35	40	45	50	60	70	80
Maximum height (feet)		35	35	35	35	45	45	45
Front yard landscape strip (feet)		N/A	N/A	N/A	N/A	10 [7]	10 [7]	3 [7]
Side yard landscape strip (feet)		N/A	N/A	N/A	N/A	5	5	5
Minimum landscaped open space (%)		N/A	N/A	N/A	20 [6]	20 [6]	20 [6]	20 [6]

1 Net acres shall be based on the total area of the site minus public-private road rights-of-way, stormwater facilities, and land voluntarily or required to be set aside for parks, open space or environmental protection.
2 Lots may be approved without any frontage where they are part of a cottage development where appropriate easements are granted to gain access to the public or private street and the shared parking areas.
3 Attached front porches may intrude into required minimum front yard setbacks up to six feet.
4 Garages accessed via alleys may be located zero lot line to the edge of alley right-of-way if side entry and five feet from edge of alley right-of-way if front entry.
5 Where a permitted use by the code, townhouses are not required to meet the side yard setback on the attached side(s).
6 For townhouse or single-family detached development, the minimum landscaped area shall apply to the project as a whole and each individual lot.
7 If parking is placed adjacent to the public right-of-way or front yard, then a minimum landscaping buffer of fifteen feet will be required.
8 A rear yard setback abutting a park, open space, wetland, or other critical area may be reduced to ten feet.

Finding: Dimensional requirements within the residential districts shall be in accordance with Table 17.106-2 above. The maximum density for the underlying zoning district is 5 units per gross acre.

As previously referenced, the absolute minimum lot area is 4,600 square feet, and minimum average lot area in the R5 district is 6,300 square feet.

Density is calculated as follows: 2.86 gross acres x 5 units per acre = a maximum of 14.3 units. There is no minimum density requirement in the R5 district.

Proposed are 10 residential lots, with lot sizes ranging from 6,108 to 11,000 square feet, which comply with the density and dimensional standards in this section.

All other dimensional standards including setbacks, lot coverage, and building height will be determined at the time of building permit issuance. A **condition** will require a note on the final plat requiring that all new structures shall conform to the setbacks and building heights of the R5 zoning district.

17.106.040 Neighborhood Design standards	**Compliance:** Conditionally
Finding: The City of Battle Ground contains minimum architectural requirements for new home construction. A **condition** will require all houses to be built will comply with the requirements of BGMC 17.106.040.	
17.128 Park and Open Space	**Compliance:** Yes
Finding: The purpose of this chapter is to implement the Comprehensive Parks and Open Space Plan for new development. The subdivision is located in Neighborhood Service Area #5, which calls for a 3-5-acre neighborhood park. Based on the size of this project, no on site recreational requirements are triggered.	
6.	**Title 18 Environmental Protection**
18.100-185 SEPA Categorical Exemptions and Threshold Determinations	**Compliance:** Conditionally

Title 18 of the Battle Ground Municipal Code establishes procedures and policies for implementing the State Environmental Policy Act. In order to be approved, the proposal must meet the requirements of Title 18, SEPA Procedures and Provisions. The applicant submitted a SEPA checklist with the preliminary application. Staff has reviewed the checklist and noted the following mitigating measures:

1. If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation, and the City of Battle Ground shall be contacted immediately.

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

As part of this land use decision, a Final Determination of Mitigated Non-significance (MDNS) is issued pursuant to WAC 197-11-350 by the Hearing Examiner. This determination was made utilizing the provisions of WAC 197-11-355 which authorizes an optional process for SEPA with a 14-day comment period to allow for public comments on the determination.

18.250 Stormwater Control and Drainage	**Compliance:** Conditionally

Finding: BGMC 18.250.020 specifies when stormwater control and drainage provisions are applicable. Specifically, it identifies the following development activities as requiring stormwater control and drainage per applicable standards:

A. Projects that disturb one acre or more, or projects that are part of a larger common plan of development or sale that will disturb one acre or more, shall comply with the following requirements:

1. Projects that add five thousand square feet or more of new impervious surface, convert three-quarters of an acre or more of native vegetation to lawn or landscape areas, or convert two and a half acres or more of native vegetation to pasture shall comply with Minimum Requirements Nos. 1 through 9 as specified in BGMC 18.250.050;

The proposed project meets these requirements and therefore requires stormwater control and drainage per applicable standards specified in BGMC 18.250. The applicant shall submit final engineering plans and a hydrology report that addresses the requirements as outlined in Section 4-7 of the 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* may be required for this project.

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

The applicant is, per BGMC 18.250.310(A), required that in order to insure satisfactory operation of new stormwater facilities to maintain it for two years after completion of the project. Prior to final City acceptance of the stormwater facility, the applicant shall submit a two-year maintenance contract for the required stormwater facility for review and approval. As a condition of final plat approval, this two-year agreement shall be recorded with the final plat.

The final plat shall include a note specifying the party(s) responsible for long-term maintenance of the stormwater facilities per BGMC 18.250.310(B)(1). Since the City will be providing long-term maintenance of the stormwater facility, conditions of BGMC 18.250.310(B)(3) shall be met.

All stormwater facilities maintained by the City shall be in a tract per BGMC 18.250.320.

Per BGMC 18.25.350(A), stormwater ponds dedicated to the City shall be fenced. The final engineering plans shall meet this requirement.

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

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

18.255 Erosion Control	**Compliance:** Conditionally

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

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

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

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

18.270 Wetlands	**Compliance:** N/A
Findings: No wetlands or other critical areas have been identified on site.	

B.	**Service Development Charges, Impact Fees, Credits**
Fees will be calculated at the time of building permit issuance based on the adopted Fee Schedule at that time. This project doesn't address any creditable capital infrastructure therefore no credits are available for this project.	

C.	**Public/ Agency Comments**
1.	April 24, 2018 letter from the **Department of Natural Resources.** This letter notifies the applicant that a Forest Practices permit may be required if trees are harvested.
2.	April 27, 2018 letter from the **Battle Ground Public Schools**. This letter outlines the various ways this development would impact the school district. The letter discusses the school district's plans to serve the students and states that school impact fees will be collected to help off-set the cost associated with serving the additional students.
3.	May 2, 2018 letter from **Washington State Department of Ecology.** Comments focused on regulations for handling dangerous wastes and demolition debris.
4.	November 7, 2017, **Brad Hazen**, neighboring property owner, submitted email correspondence informing the City of his adverse possession lawsuit against Norma Kennedy (owner), and questioned whether the City could proceed to process the preliminary plat application. It is the City Attorney's opinion the plat application could proceed with reviewing and approving the preliminary plat application if all of the application contents are satisfied, but that the final plat cannot be approved until the adverse possession claim is resolved. Staff recommends a **condition** to this effect. See **Exhibit 12** for email correspondence and court documents.

III. RECOMMENDATION

Staff recommends Preliminary Subdivision and Final SEPA Review approval. Based upon the findings and conclusions herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval, and no significant adverse impacts have been identified.

CONDITIONS OF APPROVAL

A. <u>Prior To Engineering Approval:</u>

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

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

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

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

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

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

f. Containing a combined landscaping and driveway plan.

g. Showing sight distance triangles.

h. Containing a signing and striping plan.

i. Containing a street lighting plan having LED decorative cobra type units for NE 132nd Avenue and LED acorn units for the other streets.

j. Showing traffic calming devices on all public streets.

k. Showing driveways that meet the requirements of BGMC 12.116.243

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

m. Showing an 8-inch water from current terminus in NE 132nd Avenue to development and extended to extreme property lines.

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

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

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

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

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

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

3. 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.

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

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

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

7. Following the City Engineer's acceptance and approval of the construction cost estimate, pay the required engineering plan review and construction inspection fee that is two (2) percent of the estimated costs of construction minus the $500.00 due at engineering plan submittal.

B. 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 Planning Customer Service Clerk at (360) 342-5047 to schedule an appointment.

8. If any cultural resources are discovered in the course of undertaking the development activity, the State of Office of Historic Preservation and Archaeology and the City of Battle Ground Planning Department must be notified.

C. Prior To Creation Of Impervious Surface:

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

D. Prior To Engineering Acceptance:

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

2. Submit a letter showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.

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

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

5. Submit complete sets of as-built drawings for all required public improvements for streets and roads, stormwater drainage and control, sanitary sewer and water services, as applicable prior to the issuance of the occupancy permit for review and approval by the Engineering Department. Upon acceptance by the Engineering Department, submit prior to the issuance of the occupancy permit, one (1) Mylar set, one (1) full size paper set, two (2) 11x17 paper sets of As-Built record drawings and one (1) 3.5-inch disk (s) or compact disc version of the as-built drawings in AutoCAD, PDF, and TIF formats.

E. <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 SW Eaton Boulevard SR 503 or pay the mitigation fee of $3,066.66.

3. Construct the mitigation measures for the failing intersection of NW Onsdorff Boulevard & SR 503 or pay the mitigation fees of $9,152.46.

4. Construct the mitigation measures for the failing intersection of East Main Street & Grace Avenue or pay the mitigation fee of $1,721.77.

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

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

f. That shows the dedication of any public roads.

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

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

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

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

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

IV. EXHIBITS

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

Parkwood Place Exhibit List	
EXHIBIT #	**DESCRIPTION**
A	Staff Report and Recommendation dated May 30, 2018
1	Subdivision, and SEPA Review Development Application
2	Applicant's Narrative
3	Deed History
4	Reduced Development Plans
5	SEPA Checklist
6	Notice of Application and Likely SEPA DNS dated April 12, 2018
7	Trip Generation Analysis dated February 27, 2018
8	Stormwater Report dated February, 2018
9	Letter from Department of Natural Resources dated April 24, 2018
10	Letter from Battle Ground Public Schools dated April 27, 2018
11	Letter from Department of Ecology dated May 2, 2018
12	Email correspondence from Brad Hazen dated November 7, 2017, and Court documentation of the Adverse Possession Claim.

V. APPEAL

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