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: Parkway Heights Subdivision and SEPA Review (SUB:02-16)

Report Date: March 15, 2017

Hearing Date: March 22, 2017

Proposal: The applicant is seeking preliminary subdivision approval to subdivide 11.69 acres into a 39-lot single-family subdivision. The development proposes a pedestrian walking trail around the stormwater facility and connecting to public sidewalks. Additional site work associated with the project includes public road and pedestrian access improvements and, extension of sanitary sewer and water mains.

Location: 24617 NE 132nd Avenue, Battle Ground, WA 98604. Parcel: 226852-000

Applicant/Owner: Mason Wolfe
Krippner Homes
6715 NE 63rd Street, Suite 166
Vancouver, WA 98660

Applicant's Rep: Travis Johnson
PLS Engineering
2008 C Street
Vancouver, WA 98663

Staff: Sam Crummett, AICP, Planning Supervisor
Ryan Jeynes, PE, Associate Civil Engineer

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

Recommendation: Preliminary subdivision approval subject to conditions listed throughout and in the conclusions of this report.

for **Sam Crummett**
Planning Supervisor

3/13/17
Date

EXHIBIT
A

TABLE OF CONTENTS

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

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

III. **RECOMMENDATION**

IV. **EXHIBITS**

V. **APPEAL**

I. BACKGROUND

A. General Site Information

Size of Site:	11.99 acres (522,284 sq. ft.) per GIS
Existing Vegetation:	Mature trees, grasses, and shrubs
Existing Structures:	None
Adjacent Land Uses:	Predominately surrounded by large residential land uses
Adjacent Zoning:	R5 to west and north, R3 to east and R1-6 to south
Topography:	The site is relatively flat
Wetlands:	No mapping indicators
Flood Plain:	No mapping indicators
Access Roads:	The site has frontage on NE 249th Street and NE Parkway.

B. Land Use Processing

Date Application Submitted:	December 16, 2018
Application Technically Complete:	January 11, 2017
Notice of Application:	January 25, 2017
Site Posted:	January 25, 2017
Reflector Publication:	January 25, 2017
Staff Report Issuance:	March 15, 2017
Public Hearing	March 22, 2017

II. APPLICABLE REGULATIONS/ANALYSIS

A. Battle Ground Municipal Code (BGMC)

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

Finding: The proposed 39-lot subdivision is located on a parcel east of N Parkway Avenue and south of NE 249th. Access to the development will be from the creation of intersections at N Parkway Avenue & NE 28th Street and at NE 249th Street & NE 4th Avenue.

Half-street improvements are required for N Parkway Avenue consistent with "Minor Arterial" standards and NE 249th Street consistent with "Neighborhood Collector" standards.

The applicant is showing several new public streets to be built with this development. NE 28th Street, NE 29th Street, NE 3rd Avenue and NE 4th Avenue shall be built to Local "A" standards per BGMC 12.116.040.

NE 27th Street shall be built to Local "A" standards having a pavement width of 20-feet and 4-feet landscape and 5-foot sidewalk on the northern side of road. The southern side shall be no parking and signed/striped as appropriate. The eastern end of NE 27th Street from temporary turnaround can be tapered to have a 10-feet width at the property line.

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 submit as part of the engineering plans, per BGMC 12.116.050(G) a driveway location plan that specifies proposed driveway curb cuts. 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, and 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 N Parkway Avenue and NE 249th Street and LED acorn type units for internal 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 N Parkway 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 29 new a.m. peak trips and 39 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 p.m. peak trips. A traffic study has been submitted. There were no Level of Service (LOS) issues with the proposed development. However, three failing intersections 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 N Parkway Avenue and NE 249th Street where half-street improvements will occur if the existing portion of the asphalt section is to remain. Additionally, the applicant will need to demonstrate that the existing street geometrics are compatible with the proposed road section. If the remaining life of the pavement is less than five years and has a Pavement Condition Index number less than 70 as calculated by City Staff, then the half-street improvements will need to extend to the centerline of the street. This requirement is being met as the preliminary plat shows improvements going to centerline of respective streets.

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-foot. The proposed plat is approximately 1,300-feet long along the southern property lines and approximately 635-feet long along the eastern property line. Based on these dimensions the proposed plat would have to provide, at a minimum, a total of three north-south cross-circulation streets and two east-west cross-circulation streets. The plat shows two north-south streets and two east-west street. 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.

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.

Staff received comments from the following citizens regarding transportation:

1. Mr. Sipe: concern with pathway around stormwater facility and its connection to a sidewalk; concern with funding of and responsible of construction sidewalks; concern with timeline of construction of sidewalk; concern with material being used to construct pathway around stormwater facility; concern with connection to existing sidewalks; concern with land easements to cross private or restricted public lands; concern with drainage and environmental impacts; concerns with construction of development and

adjacent properties and ROW; concerns with additional traffic along N Parkway Avenue and NE 249th Street.

Responses to citizen comments:

1. The pathway around the stormwater is to be either asphalt or concrete per City requirements and will be connected to a new sidewalk on N Parkway Avenue along the property frontage area and to a new sidewalk within the subdivision. The developer is responsible for the construction of any and all sidewalks associated with the development. This includes sidewalk on N Parkway Avenue and NE 249th Street. The new sidewalks will end at the extreme end of the property lines on both N Parkway Avenue and NE 249th Street. Once the development is complete and the City as accepted the improvements the sidewalks along N Parkway Avenue. NE 249th Street and all internal street shall be open to the public. All new sidewalks have been accounted for in the developer's stormwater report. No mitigations are needed for new sidewalks. Construction activities will occur on the property being developed as well as the ROW along the frontage area. During the construction of the development, there will be slight disruptions to traffic as the contractor works within the ROW of N Parkway Avenue and NE 249th Street. No improvements will be done on the north side of NW 249th Street just the south side that fronts the developed property. The applicant is required to widen NE 249th Street along frontage area to street classification standards; see above for requirements. The applicant will be required to install signs on NE 249th Street alerting drivers of an intersection. Traffic control measures are not required at the intersection of NE 132nd Avenue /Dublin Rd, NE 249th Street as this intersection is not seeing an increase of 10 or more trips being generated by proposed development, and that this intersection is not included on the City's map of major intersections. A stop sign and stop bar will be constructed on NE 28th Street, but nothing on N Parkway Avenue. At this time, the City does not a plan to lower the speed from 55 MPH to 35 MPH on N Parkway Avenue and NE 249th Street.

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 four intersections that are failing: 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 NE Grace Avenue & E Main Street. From the applicant's traffic engineer trip distribution letter, this project will generate 8 trips to SW Eaton Boulevard & SR 503, 0 trips to SW Eaton Boulevard & SW 20th Avenue and 11 trips to NW Onsdorff Boulevard & SR 503. It was determined from traffic study that the proposed development will generate 0 trips at NE Grace Avenue & E Main Street.

Mitigation measures for SR 503 & SW Eaton Boulevard include addition of an eastbound left turn lane and a second westbound left turn lane; for SW 20th Avenue & SW Eaton Boulevard construction of northbound, southbound, and westbound left-turn lanes and traffic signal; for SR 503 & NW Onsdorff Boulevard the addition of a second southbound through lane at the intersection; for NE 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 per trip cost is $1,533.33, $2,291.40, $4,576.23 for SR 503 & SW Eaton Boulevard and SW 20th Avenue & SW Eaton Boulevard and SR 503 & NW Onsdorff Boulevard, respectively. 8 p.m. trips are going through SR 503 & SW Eaton Boulevard, 0 trips through SW 20th Avenue & SW Eaton Boulevard and 11 a.m. trips are going through the SR 503 & NW Onsdorff Boulevard intersection. Thus, the mitigation fees are as follows: $12,266.64 for SR 503 & SW Eaton Boulevard, $0.00 for SW 20th Avenue & SW Eaton Boulevard, $50,338.53 for SR 503 & NW Onsdorff Boulevard and $0.00 for NE Grace Avenue and E Main Street

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.

Although capacity for water 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.

Currently, there is an 8-inch City of Battle Ground water line in the intersection of N Parkway Avenue and NE 25th Street. The applicant is proposing to connect to this line and extend an 8-inch line to and through the development. Engineering staff has reviewed this and finds it acceptable.

An 8-inch water line shall be installed in NE 249th Street extending to 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-08.

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

The proposed development is located within the northern portion of Basin GAR-01 of the City's General Sewer Plan (GSP). Per the GSP, the applicant is required to install an 8-inch line in NW 25th Street from N Parkway Avenue to NW 3rd Avenue. However currently, there is a sewer line in an alley with the St. George Estates I subdivision; approximately 135-feet south of the intersection of N Parkway Avenue and NE 25th Street. The applicant is proposing to connect to this line and extend to the proposed development. Engineering staff has reviewed this and finds it acceptable as long as the applicant provides documentation that there is capacity within the sewer system constructed with St. George Estates I for the basin. Any and all deficiencies in capacity shall be fixed prior to final plat approval

Per the GSP, pipes PR-8, PR-9, PR-10 and PR-11 need to be replaced or upgraded to a larger size that will accommodate needed sewer capacity in both the 20-year and 50-year time frames. The size needed various: 24-inch and 30-inch for the 20 year and 36-inch for the 50 year As such, the applicant will be required to do a sewer capacity study for the Gardner Pump Station Basin. The

study shall show the amount of sewer the proposed development will generate compared to the entire basin for the 20-year time frame. If the study determines there is not enough capacity then the developer will be required to construct portion/s of pipe/s listed above as necessary to provide adequate capacity to the 50-year size. SDC credits will be available for the cost to construct the line to the 20-year size. The City, via an oversizing contribution, will provide funding to construct from the 20 year to the 50-year size.

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 by reference the 2015 International Residential Code (IRC), International Building Code (IBC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC), Washington State Energy Code (WSEC) and International Fire Code (IFC). These codes are adopted statewide as amended by the Washington State Building Code Council with additional amendments as noted in Title 15 of the Battle Ground Municipal Code. All building permit applications will be reviewed based on these codes. The applicant is not proposing to build any structures at this time, but the intent is to construct single-family detached dwelling units once platted. Building permits and all impact fees will be required for each structure. Impact fees will be calculated and shall be paid at the time of permit issuance.

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

In accordance with International Building Code 1803, a geotechnical investigation will be required prior to start of construction. The geotechnical report shall include information regarding construction near slopes, placement and compaction of fill materials, mitigation of moisture variation on soil bearing, soil liquefaction, expansiveness, and infiltration rate.

15.105.090 Fire Apparatus Roads	**Compliance:** Conditionally

Finding: All roads shall meet the City of Battle Ground Engineering standards and shall be designed to carry the loads operating requirements of fire apparatus. The roadway that provides access to the frontage of Lots 28, 29, and 30 that includes the turnaround shall be maintained clear and marked with "No Parking- Fire Lane" signage on both sides. The drive access servicing Lots 19, 20, and 21 shall also be marked with "No Parking- Fire Lane" signage on both sides. The addresses for Lots 19, 20, and 21 shall be posted at the entrance to the drive access to allow for identification for emergency services.

15.105.100 Fire Hydrant Requirements	**Compliance:** Conditionally

Finding: Hydrant installation shall be as per Chapter 5 of the IFC and BGMC 15.105.100. Hydrants in residential sub-divisions shall have a maximum lateral spacing of 700 feet with no lot or parcel

in excess of five hundred feet from a hydrant. For this project, hydrants shall be installed near the intersection of NE 28th Street and NE 3rd Avenue and near the intersection of NE 29th Street and NE 4th Avenue. Based on the extension of service an additional hydrant shall be located near the intersection of NE Parkway Avenue and NE 28th Street. Final hydrant locations shall be coordinated with Fire District 3 as a part of engineering review. 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. Prior to completion of subdivision construction the contractor shall provide a fire flow letter stating that the hydrants meet the required fire flow. For this project, the required fire flow will be 1,500 gallons per minute.

4.	**Title 16 Subdivisions**
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: All curves and 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. The average lot area is 9,034 square feet. All other dimensional standards are satisfied.	
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: The applicant makes no mention of utility lines. 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 at the intersection of N Parkway Avenue and NE 25th Street.
- 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 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 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 on the preliminary plat the roads, which will be dedicated to the city. BGMC 12.116.060 requires this dedication, which will be satisfied with the dedication of the final plat. On-site roads shall be consistent with standards found in BGMC 12.116.040.

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

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

5.	**Title 17 Zoning**
17.106-2 Dimensional and Density Standards	**Compliance:** Conditionally

Table 17.106-2, Residential Lot Development Standards

	R3	R5	R7	R10	R12	R16	R2
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. There is no minimum density required in this district. The gross acreage of the site is 11.69 acres. Proposed are 39 homes, at a density of 3.3 units per acre, thereby meeting the density requirements. 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 be required on the plat that 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. The closest park is the one acre park in Whispering Pines Subdivision, adjacent to this project, to the east. Since park needs are not fully met within this Neighborhood Service Area, this project is required to meet the recreational needs outlined in this chapter.
17.128.040 Park location and design standards — **Compliance:** Conditionally
Finding: The applicant is proposing a walking trail around the stormwater facility that will connect with their sidewalk system. Also proposed are two ADA accessible picnic table areas and benches to provide for passive recreational opportunities. This project satisfies the on-site recreational requirements in conformance with 17.128.040.1.b. At the time of final plat approval, a **condition** will require the trail to be overlaid with a public access easement and the developer shall establish a mechanism to assure perpetual care and maintenance of the trail.
17.128.050 Impact fee credits — **Compliance:** Yes
Finding: As noted, the City's Plan calls for a 3-5 acre neighborhood park in this area. This project is not contributing to this park need, and is therefore not eligible for park impact fee credits.
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 Stormwater Design and Construction Requirements manual. The submitted preliminary hydrology report does not address minimum requirement #5. The final hydrology report shall fully evaluate minimum requirement #5 and clearly outline infeasibility criteria with regard to low impact development.

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.

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:** Yes
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.	January 25, 2017 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.
2.	February 8, 2017 letter from **Washington State Department of Ecology.** Comments focused on water quality measures and protections.

3. January 30, 2017 letter from **Steven D. Zaske,** 13709 NE 249th Street. In this letter Mr. Zaske is concerned with the loss of the various plants and animals upon development of this project. Mr. Zaske also requests a privacy fence to be installed by the developer along their common property line. **Staff Response:** The City is charged with protecting certain environmental features as mandated by state and federal law, however neither the applicant or staff have confirmed the presence of any species or habitat areas that require protection. In regards to the fence, the City does not have a law that require fence construction, but the developer may consider this request.
4. February 1, 2017 letter from **Richard Sipe.** This letter outlines a number of comments and questions. **Staff Response:** In **Comment 1**, Mr. Sipe questions whether staff legally noticed this project by using the Reflector? BGMC 17.200.070.F requires the "application shall be published in a newspaper of local circulation." The Reflector is a paper of local circulation, therefore staff noticed this project adequately. In **Comment 2**, Mr. Sipe questions whether the adjacent street to the east is N Parkway or NE 132nd Avenue? While in the County jurisdiction, it is NE 132nd Ave; once annexed it becomes N Parkway. As such, it is N Parkway. In **Comment 3**, Mr. Sipe questions how the pedestrian trail will connect to the sidewalk? The connection will occur to the sidewalks constructed *as part* of this project. In **Comment 4**, Mr. Sipe requests a detailed description of the proposed pedestrian walking trail. The trail will be hard surfaced, 8 feet in width, and built to the City standards per BGMC 12.116.070. In **Comment 5**, Mr. Sipe requests a full description of the site work associated with this project. For the sake of brevity, this project will be constructed as conditioned in this staff report and designed per the adopted engineering standards. In **Comment 6**, Mr. Sipe questions what specific required traffic improvements and mitigations will be triggered by this project. Beginning of Page 3 of this staff report, under Title 12 of BGMC, staff discusses the improvements and mitigating conditions for this project.

III. RECOMMENDATION

Staff recommends **approval** of the Parkway Heights Preliminary Subdivision and SEPA Review. 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 Plan Approval</u>:

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

2. Submit final engineering plans:
    a. Showing full width improvements to NE 28th Street, NE 29th Street, NE 3rd Avenue and NE 4th Avenue to Local "A" standards, including sidewalk, planter strip, curb & gutter, and asphalt.

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

c. Showing adequate half-street improvements, based on pavement testing, for NE 249th Street, a Neighborhood Collector, including sidewalk, planter strip, curb and gutter and asphalt.

d. Showing adequate half-street improvements for NE 27th Street a Local "A", including sidewalk, planter strip, curb and gutter, asphalt and appropriate signing/striping for no parking along southern side.

e. Showing additional 5-feet of ROW dedicated to the City for N Parkway Avenue.

f. Showing street names as listed in the final order.

g. Containing a combined landscaping and driveway plan.

h. Showing sight distance triangles.

i. Containing a signing and striping plan.

j. Containing a street lighting plan.

k. Showing traffic calming devices on all public streets.

l. Showing driveways that meet the requirements of BGMC 12.116.243

m. Showing traffic mitigation at SW Eaton Boulevard & SR 503 and SR 503 & NW Onsdorff Boulevard or indicating that mitigation fees will be paid in lieu of the improvements.

n. Showing an 8-inch water from N Parkway Avenue & NE 25th Street in N Parkway Avenue to development and in NE 249th Street extended to extreme property lines.

o. Showing water lines extending to extreme property lines.

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

q. Providing documentation that the sewer system constructed with St. George Estates I has the capacity for the proposed development.

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

s. Showing upgrades to sewer pipes PR-8, PR-9, PR-10 and PR-11 as applicable per results of sewer capacity study.

t. Showing each residential lot having its own sanitary lateral.

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

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

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

3. Provide a photometric plan done 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. Provide results of sewer capacity study for Gardner Pump Station Basin.

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

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

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

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

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

1. Construct all required public improvements and gain engineering acceptance or provide appropriate bonding.

2. Construct the mitigation measures for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $12,266.64.

3. Construct the mitigation measures for the failing intersection of SR 503 & NW Onsdorff Boulevard or pay the mitigation fees of $50,338.53.

4. Submit a final plat:
   a. That shows easements for public utilities not located in the right-of-way.
   b. That shows where any control monuments have been placed.
   c. That shows the dedication of any public roads or alleys.
   d. That shows the dedication of land for the shared path along the eastern property.
   e. A public easement shall be placed over the pedestrian trail.

With the following notes:

1. "No fences are allowed in the sight distance triangle."
2. "All utilities are to be located outside of the sidewalk section and to be underground where possible."
3. "All new structures shall conform to the setbacks and building heights of the R5 zoning

district."

4. "All houses shall conform to the neighborhood design standards as listed in BGMC 17.106.040."

5. Specifying the party/s responsible for long-term maintenance of stormwater facilities.

5. Submit documentation, acceptable to City, demonstrating that the pedestrian path maintenance and liability responsibilities have been met.

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.

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

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. Constructing upgrades to pipes PR-8, PR-9, PR-10 and PR-11 as applicable per results of sewer capacity study.

3. Submit 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.

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

5. 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.

6. 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.

D. <u>Prior to Construction</u>:

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

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

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

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

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

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

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

9. Comply with the recommendations in Ecology's February 8, 2017 letter.

E. 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.

F. Prior to Building Permit Issuance:

1. All required fees, including Transportation, Park and School Impact fees shall be paid.

2. Fire hydrants shall be tested and approved and fire flow letter shall be submitted to the City showing the minimum fire flow has been attained.

IV. EXHIBITS

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

EXHIBIT #	DESCRIPTION
A	Staff Report and Recommendation for Parkway Heights dated March 15, 2017
1	Subdivision, and SEPA Review Development Application
2	Applicant's Narrative
3	Reduced Development Plans
4	SEPA Checklist
5	Notice of Application and Likely SEPA DNS dated Jan. 25, 2017
6	Traffic Impact Study dated Nov. 29, 2016
7	Preliminary Hydrology Report (TIR) dated Dec. 2016
8	Letter from Battle Ground Public Schools dated Jan. 25, 2017
9	Email from Steven D. Zaske dated Feb. 6, 2017
10	Comments and Questions from MAJ Richard V. Sipe, Jr dated Feb. 7, 2017

11	Letter from Department of Ecology dated Feb. 8, 2017
12	Working Exhibit List dated March 15, 2017

V. APPEAL

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