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:	**Quail Firs Subdivision** (SUB: 01-17), SEPA, and Critical Areas Review
Report Date:	July 26, 2017
Hearing Date:	August 2, 2017
Proposal:	An 11-lot single-family subdivision on approximately 9.47 acres in the R-5 zoning district
Location:	South of SW 11th Street in Horsethief Canyon Subdivision; Parcel #: 192591-088
Applicant/Owner:	John Girod Quail Construction, LLC 4501 NE Minnehaha Street, Suite 200 Vancouver, WA 98661
Representative:	Fred Garmire, 2G Associates, Inc. 400 Columbia, Suite 160, Vancouver, WA 98660
Staff:	Sam Crummett, AICP, Planning Supervisor Marit Ernst, PE, Associate Civil Engineer
SEPA:	Recommending a Final Determination of Non-significance (DNS)
Recommendation:	Preliminary subdivision approval subject to conditions of approval.

S R C — July 26, 2017

Sam Crummett — **Date**
Planning Supervisor

EXHIBIT
A

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I. BACKGROUND

A. General Site Information

Size of Site:	9.47 acres per GIS
Existing Vegetation:	Mature trees, grasses, and shrubs
Existing Structures:	None
Adjacent Land Uses:	Open space and residential land uses
Adjacent Zoning:	R5 to north, south and east; Clark County to the west is R1-10
Topography:	Mostly flat
Wetlands:	Presence
Flood Plain:	No mapping indicators
Archaeology:	High Potential
Soils:	DoB, HuB
Access Roads:	Proposed SW 25th Way

B. Land Use Processing

Date Application Submitted:	May 18, 2017
Application Technically Complete:	June 1, 2017
Notice of Application:	June 7, 2017
Site Posted:	June 7, 2017
Reflector Publication:	June 7, 2017
Staff Report Issuance:	July 26, 2017
Public Hearing:	August 2, 2017
Decision:	Within two weeks of the public hearing

II. APPLICABLE REGULATIONS/ANALYSIS

A. Battle Ground Municipal Code (BGMC)

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

Finding: The proposed11-lot subdivision is located on a parcel south of SW 11th Street. Access to the development will be from extension of the SW 25th Way.

SW 25th Way shall be built to Neighborhood Collector standards having a pavement width of 32-feet, 4-foot planting strips and a 5-foot sidewalks per BGMC 12.116.040B.1.

SW 25th Way is proposed to extend approximately 335-feet as a dead-end street. BGMC Table 12.116.040.E requires any dead-end street over 150-feet in length to be built with an approved fire apparatus turnaround. The applicant is proposing to use the storm facility entrance for a temporary fire turn around. This storm access/ fire turn around configuration is acceptable, but a low profile rather than a commercial driveway would be preferred.

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 to ensure that proposed lights meet IES RP-8-00 standards. Streetlights shall be LED decorative acorn type units.

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's traffic engineer has indicated that 8 new a.m. peak trips and 11 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 trip generation, distribution and assignment memo has been submitted that showed no major intersections receiving 10 or more AM or PM trips. There were no Level of Service (LOS) issues with the proposed development. However, two failing intersections are receiving new trips; see below under the *Concurrency Management* section for more information.

The applicant is showing cross-circulation in the north-south direction 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 857-feet long along the northern property lines and approximately 400-feet wide. Based on site wetlands, engineering staff has determined that the applicant has provided all necessary cross-circulation.

Per BGMC 12.116.243(A-C), driveways must be spaced a minimum of five feet from the property line; 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. Tom Brunney: concern over deterioration of SW 11th Street from construction traffic and drainage through the wetlands.

Responses to citizen comments:

1. The City of Battle Ground inspector monitors construction activity impacts and typically takes pictures of site and adjacent streets prior to construction to provide a baseline in order to help determine if construction traffic is having an adverse effect on the road surface. Stormwater regulations require that the natural drainage patterns be preserved and this will be evaluated with the hydrology report.

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.

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 8 new a.m. and 11 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 established mitigation pro-rata share contributions for four failing intersections: 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 SE Grace Avenue & E Main Street(during the p.m. peak). From the applicant's traffic engineer trip distribution letter, this project will generate 3 trips to SW Eaton Boulevard & SR 503 and 5 trips to SW Eaton Boulevard & SW 20th Avenue.

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 SE 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 for SR 503 & SW Eaton Boulevard and SW 20th Avenue & SW Eaton Boulevard, respectively. Thus, the mitigation fees are as follows: $4,599.99 for SR 503 & SW Eaton Boulevard, $11,457.00 for SW 20th Avenue & SW Eaton Boulevard.

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 increases 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. 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 at the end of SW 25th Way. 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.

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 LEW 18. Currently, there is an 8-inch sanitary sewer line at the southern termination of SW 25th Way. The applicant can connect to this line if there is sufficient 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.

Per the Sewer Plan, force main FM#11-2 and gravity pipe PR-8 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 City Engineer has determined that there is sufficient capacity for this development in the impacted sewer lines to not require upsizing.

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 to be built. Impact fees will be calculated and shall be paid at the time of permit issuance.	
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 of fire apparatus.	
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. 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. Hydrant locations shall be coordinated with Fire District 3 as a part of engineering review. 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 are identified on the 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 are proposed.	
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:** Conditionally
Finding: All lots have frontage on either a public or private street and satisfy the minimum 25 foot standard.	
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 table further in this report, the minimum average lot area is 4,600 square feet, by using density transfer provision in BGMC 17.106.35, given the presence of critical areas on the parent parcel. The applicant is using this provision which allows for the lot sizes to be 20% smaller (4,600) than would be typically allowed in the base zone (6,300). It should also be noted, the absolute minimum lot size for any given lot is 4,000 square feet.

The maximum density is 5 units per net acre. There is no minimum density requirement. The gross acreage is 9.47 acres, authorizing up to 46 units on the property. With 11 units proposed, the application meets minimum dimensional and density standards.

This application complies with the minimum dimensions and density standards of BGMC 17.106-2.

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 private 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 end of SW 25th Way.
- 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 a 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 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
Minimum average lot area (square feet)		10,500	6,300	4,500	N/A	N/A
Minimum average lot area for density transfer (square feet)		8,000	4,600	3,300	N/A	N/A
Minimum lot area (square feet)		6,300	4,000	3,000	2,000	2,000
Maximum density (units per gross acre)		3	5	7	10	12
Minimum density (units per net acre) [1]		N/A	N/A	N/A	5	6
Minimum lot frontage (feet)		30	25 [2]	20 [2]	20 [2]	16 [2]
Minimum setbacks (feet)	Residence front yard [3]	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'
	Garage (minimum) [4]	20	20	20	20	20
	Side yard [5]	5	5	5	5	5

	Street side yard	10	10	10	10	10
	Rear yard [4]	20 [6]	20 [6]	10	10	10
Maximum lot coverage (%)		45	45	45	50	60
Maximum height (feet)		35	35	35	35	45
Refer to Table 17.131-1 for landscaping requirements						

1 Net acres shall be based on the total area of the site minus public-private road rights-of-way, stormwater facilities, and land voluntarily or required to be set aside for parks, open space or environmental protection.

2 Lots may be approved without any frontage where they are part of a cottage development where appropriate easements are granted to gain access to the public or private street and the shared parking areas.

3 Attached front porches may intrude into required minimum front yard setbacks up to six feet.

4 Garages accessed via alleys may be located zero lot line to the edge of alley right-of-way if side entry and five feet from edge of alley right-of-way if front entry.

5 Where a permitted use by the code, townhouses are not required to meet the side yard setback on the attached side(s).

6 Structures such as patio covers, decks, and bay windows are permitted to be set back ten feet. A rear yard setback abutting a park, open space, wetland, or other critical area may be reduced to ten feet.

Findings: As referenced in 17.106-2 Dimensional and Density Standards table, the minimum average lot area is 4,600 square feet, by using density transfer provision in BGMC 17.106.35, given the presence of critical areas on the parent parcel. The applicant is using this provision which allows for the lot sizes to be 20% smaller (4,600) than would be typically allowed in the base zone (6,300). It should also be noted, the absolute minimum lot size for any given lot is 4,000 square feet.

The maximum density is 5 units per net acre. There is no minimum density requirement. The gross acreage is 9.47 acres, authorizing up to 46 units on the property. With 11 units proposed, the application meets minimum dimensional and density standards.

This application complies with the minimum dimensions and density standards of BGMC 17.106-2.

17.106.035 Density Transfer Provisions	**Compliance:** Yes
The applicant is using these provisions. This section authorize lots to increase by 20% when a parent parcel is encumbered by critical areas that limit its full development potential. Given the extensive amount of wetlands on the site, these areas are eligible for density transfer.	
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: Based on the overall length of the parent parcel (¼ mile), this project would trigger the need to set park space per 17.128.030.	
17.128.040 Park location and design standards	**Compliance:** Conditionally

Finding: The applicant is developing 1.55 acres of the 9.47, which leaves a remainder of 7.92 acres of open space, much of which is wetland. The applicant proposes to construct a sidewalk along the stormwater facility that will provide a bench and educational sign, thereby creating an observation area overlooking the pond. Other benches and tables will be proposed. This project satisfies the on-site recreational requirements.	
17.128.050 Impact fee credits	**Compliance:** Yes
Findings: The City's Plan calls for a 3-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. However, the applicant is satisfying the on-site recreational component of 17.128.040.A.1.b.	

6.	**Title 18 Environmental Protection**
18.100-185 SEPA Categorical Exemptions and Threshold Determinations	**Compliance:** Yes

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. An Archaeological pre-determination survey was completed on May 17, 2017, by Archeological Services, LLC. The report recommended that no further archeological work is needed.
2. A condition will require that 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 is being issued 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 adequately 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 natural drainage patterns will need to be evaluated to determine that they will be preserved.

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. The City will not allow the construction of LID's in the right-of-way that do not meet the requirements.

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:** Conditionally

Findings: A *Wetland Mitigation Plan* dated May 17, 2017 was prepared by Ecological Land Services, Inc. The report identifies the critical areas within the project including Wetland A & B, Stream A, and two Oregon White Oaks. The wetlands are Category III wetlands, dominated by coniferous and deciduous tree cover.

The proposed development has avoided all direct wetland impacts but will indirectly impact 0.38 acres, by providing an insufficient buffer. The insufficient buffer will require mitigation. Per the Mitigation Plan, wetlands will be mitigated by improving the buffers on site, and by purchasing credits from the East Fork Lewis bank, which is an acceptable form of mitigation per code.

The Oregon White Oak impacted by this project will be planted at a 2:1 ratio, which is acceptable per BGMC 18.280.040.

Per BGMC 18.270.050, permanent marking of all buffer areas shall occur. Such demarcation may consist of logs, a tree or hedge row, fencing made of wood only, or other prominent physical marking approved by the director. Additionally, a sign measuring no more than six square feet in area and no shorter than four feet and no higher than six feet in height shall be posted at approximately every one hundred feet, along the outer perimeter of the wetland buffers, or where practical.

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 does not address any creditable capital infrastructure therefore, no credits are available for this project.

C.	**Public/ Agency Comments**

1. June 13, 2017 letter from the **Battle Ground Public Schools**. This letter outlines the various ways this development would impact the school district in respect to the

additional students that would reside in the development. The letter discusses the school district's plans to serve the students and states that school impact fees will be collected to help off-set the cost associated with serving the additional students.

2. June 21, 2017 letter from **Washington State Department of Ecology.** Comments focused on water quality measures and protections.
3. June 21, 2017 letter from **Bill Brooks**, 1410 SW 20th Avenue, Battle Ground, WA 98604. Mr. Brooks raises a series of concerns and questions regarding this project as copied below. Staff's responses are interspersed throughout the letter in *italics.*

To City of Battle Ground & Sam Crummett:

I am the sole owner of TNM Properties, LLC. TNM Properties owns my home at 1410 SW 20th Avenue, Battle Ground WA 98604.

I am in receipt of the "Notice of Application" for the "Quail Firs Subdivision" dated June 07, 2017, that proposes to build an extension of SW 25th Way to the northern edge of my four plus acres.

The proposed subdivision will totally ruin the privacy my parcel has enjoyed for over forty years, in the middle of one of the last remaining wooded areas in SW Battle Ground.

The proposed subdivision plans for 11 lots that are very small, and that are even smaller than the existing lots in the adjacent "Horse Thief Canyon" subdivision (SW 11th Street and surrounding development to the north.)

Why would the City allow for such small lots and high density in such a beautiful setting, and when all the property to the south has a totally different character? If this dense development is allowed to be built, it sets the precedent for all the existing land to the south, including mine, to be built with the same density. When this land was brought into the Battle Ground growth boundary, wasn't the zoning to be for larger lots?

It is my feeling that the open land to the south of the existing Horse Thief Canyon subdivision should be part of a comprehensive development plan by the City. What kind of development do the neighbors in the existing homes to the south want for the neighborhoods that are headed their way? High density, small lots? I do not think so.

Staff Response:

- *The project complies with the lot sizes and densities in the R5 district pursuant to the findings in this staff report under BGMC 17.106-2 Dimensional and Density Standards.*

- *The City's Comprehensive Plan for this area is listed for as Urban Low (Residential), which allows for either R3, R5, or R7 zoning districts. The current R5 district is in conformance with the City's long range plan for this area.*

Such dense development is going to destroy the beauty of this area, and impact the homeowners all the way to 199th Street to the south.

I do not think most of those property owners even received the "Notice of Application" that I did, and they are totally unaware of what precedent is being set by the City. I am trying to alert them myself.

I believe there should be no more than 6 homes built in the proposed development, not the proposed 11.

What are the proposed tightly packed homes going to look like? Are they all cookie cutter, identical structures? Does anyone care?

Staff Response:

- *The project was noticed per BGMC 17.200.070.F, to property owners within 500 feet of the site.*

- *As noted, the project complies with the densities established by the zoning district.*

- *It is not known what the homes will look like at this time, but must comply with the City's minimum architectural standards as listed in BGMC 17.106.040, which prevent identical structures.*

Was a permit obtained for the partial clear cutting that has already been done on the property of the proposed development? What is the danger that will exist to the homes on the end of the proposed street from the huge trees on my property that will remain after development? I do not plan to cut them, and homes should not be built just yards from such trees that drop limbs and debris all year long. Will those trees be in danger of blowdown once the neighboring trees are clearcut for the development? Will the developer take responsibility for the liability of trees falling on those homes after he cuts, builds, sells, and takes his profit?

Staff Response:

- *The City does not regulate tree cutting, except for Oregon White Oak and trees and other vegetation in designated wetlands. In this case, the limited tree cutting that has occurred is on the upland areas of the site and not involving Oregon White Oak.*

- *The questions concerning the liability associated with the potential of falling trees is a civil matter and not applicable to this decision. This concern may be mitigated by consulting with an arborist and attorney.*

Let's seriously think what is best for development in this area. If only 6 nice homes are built on larger lots, many trees could even be saved on the property being developed, and would create a beautiful setting and an environment more conducive to the wildlife currently there; including a huge owl, a resident pair of pileated woodpeckers, and uncounted species of birds and mammals.

I met with Jon Girod of Quail Construction a few months ago. I proposed that since he planned to ruin the privacy of my beautiful property that he look at developing my 4 plus acres at the same time, so I would not have to live with the invasion of suburbia to my property line.

He said he only has to allow a five foot buffer from my property line to the walls of the 2 homes he wants to build at the end of the street!!!!
This is ridiculous.
Why not build 6 homes that will have much higher value, and set a precedent for future development that will be acceptable to all the neighbors to the south, including a school and church?

Mr. Girod was very friendly, but indicated he had no interest in working with me or other adjacent property owners that will be impacted.

Why do we not plan for development in a way that is sensitive to the existing homeowners? This piecemeal development in this proposal only benefits one entity; the developer, Quail Construction LLC, that does not have to live with the impact of the development.

He makes his profit in a few months and is gone.

I will have to live with this massive change to my privacy, and possible reduction in my property value, indefinitely. Do developers have more power and are they a higher priority than existing property owners who have been paying taxes for many years?

Staff Response:

- *No special habitat or species where identified on the site that require further protection other than the identified wetlands and Oregon White Oak.*

- *The developer has the right to develop the property if it is conformance with the underlying development regulations. This is a quasi-judicial decision, whereby the Hearing Examiner makes this decision based on existing development regulations.*

- *If the development regulations seem to favor the developer, or appear out of conformance with the surrounding land uses, interested citizens may propose to the City Council via a Comprehensive Plan amendment or legislative proposal to create different regulations that are more appropriate or fitting. However, these changes, if approved by Council would affect new development proposals. This project is vested under the laws in effect at the time of application.*

I invite all City employees who will be involved in approving this project to visit my property, before making a decision.

In addition, I request they reach out to the existing neighbors to the south, all the way to 199th Street and ask what they want for the inevitable development that is headed their way in the coming years.

Please call my cell at 503-421-3291 to make an appointment.

We need reasonable and sensitive development or the beauty of Battle Ground is going to be destroyed.

Let's create something beautiful, if we are going to destroy the natural beauty.
I live in this area, instead of Portland, for many reasons, and the beauty of the area is at the top of the list.

Thanks for your serious consideration,

Bill Brooks
1410 SW 20th Avenue
Battle Ground, WA 98604
503-421-3291 Cell
wbrooks24@comcast.net

4. June 14, 2017 email correspondence from **Dr. Michele Newcomer**, 3303 NE Minnehaha St, Suite C., Vancouver, WA 98663. Dr. Newcomer raises concerns about the small lot sizes and the impact on natural beauty.

Staff Response: *As noted above, the project complies with the lot sizes and densities in the R5 district pursuant to the findings in this staff report under BGMC 17.106-2 Dimensional and Density Standards.*

5. June 21, 2017 email correspondence from **Kelly and Shari Jones**, 1402 SW 20th Avenue. The concerns focused on the smaller lot sizes which were inconsistent with the surrounding lot sizes and the potential impact of lost property values as a result.

Staff Response: *As noted above, the project complies with the lot sizes and densities in the R5 district. How this project will affect property values is not a criterion upon which these types of decision are made.*

6. June 21, 2017 email correspondence from **Tom Brunney**, 2707 SW 11th Street. This letter raises concerns about the smaller lot sizes, construction impacts to existing SW 11th Street, drainage impacts to the creek, and the concern of increased property values and resulting property taxes.

Staff Response.

- *Staff has previously commented on the project density and affected property values. The review engineer has provided the following comments, as previously noted in the staff report concerning construction impacts and drainage:*
- *The City of Battle Ground inspector monitors construction activity impacts and typically takes pictures of site and adjacent streets prior to construction to provide a baseline in order to help determine if construction traffic is having an adverse effect on the road surface. Stormwater regulations require that the natural drainage patterns be preserved and this will be evaluated with the hydrology report.*

III. RECOMMENDATION

Staff recommends **approval** of the Quail Firs Subdivision, Final SEPA Approval, and Critical Areas 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 SW 25th Way to Neighborhood Collector standards, including sidewalk, planter strip, curb & gutter, and asphalt.

    b. Containing a combined landscaping and driveway plan.

    c. Containing a signing and striping plan.

    d. Containing a street lighting plan.

    e. Showing traffic calming devices on all public streets.

    f. Showing driveways that meet the requirements of BGMC 12.116.243

    g. 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.

    h. Showing an 8-inch water line in SW 25th Way extended to extreme southern property lines.

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

    j. Showing an 8-inch gravity sewer line extending to southern property lines.

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

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

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

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

3. Provide a photometric plan for the frontage road to ensure that proposed lighting meets IES RP-8-00.

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. <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 $4,599.99.

3. Construct the mitigation measures for the failing intersection of SW 20th Avenue & SW Eaton Boulevard or pay the mitigation fees of $11,457.00.

4. Submit a final plat:

   a. That shows easements for public utilities not located in the right-of-way.

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

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

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

   e. That shows the dedication of any public roads or alleys.

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

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

h. With a note: "Wetland buffer demarcation shall comply with 18.270.050."

5. Submit a recorded two-year stormwater maintenance contract after review and approval.

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

7. Provide a bill of sale for the storm, water and sanitary.

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

3. 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.

4. 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. Prior to Construction:

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 Certificate of Liability Insurance meeting the requirements of BGMC 12.118.120.

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

5. 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.

6. 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.

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.

3. Per BGMC 18.270.050, permanent marking of all buffer areas shall occur. Such demarcation may consist of logs, a tree or hedge row, fencing made of wood only, or other prominent physical marking approved by the director. Additionally, a sign measuring no more than six square feet in area and no shorter than four feet and no higher than six feet in height shall be posted at approximately every one hundred feet, along the outer perimeter of the wetland buffers, or where practical.

G. Other:

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

2. Adhere to all recommendations of a final Buffer Mitigation and Bank Use Plan prepared by Ecological Land Services, May 17, 2017.

3. Comply with water quality recommendations in Ecology's June 21, 2017 letter.

IV. EXHIBITS

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

EXHIBIT #	DESCRIPTION
A	Staff Report and Recommendation for Quail Firs dated July 26, 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 June 7, 2017
6	Trip Generation, Distribution & Assignment Memo dated April 20, 2017
7	Preliminary Stormwater Report dated July 11, 2017
8	Buffer Mitigation and Bank Use Plan dated May 17, 2017

9	Email from Dr. Newcomer received June 14, 2017
10	Letter from Battle Ground Public Schools received June 21, 2017
11	Letter from Department of Ecology received June 21, 2017
12	Email from Bill Brooks received June 21, 2017
13	Email from Kelly Jones received June 21, 2017
14	Email from Tom Brunney received June 21, 2017
15	Working Exhibit List dated July 26, 2017

V. APPEAL

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