

concerns about impacts to wildlife that currently live on the site, the impacts of tree removal, and the need for turn lanes at the intersection of NW Onsdorff Boulevard and SR 503.

3. After considering the applicable law and the testimony and evidence in the record, and for the reasons given herein, the examiner approves the application subject to conditions of approval at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a duly noticed public hearing about this application on November 9, 2017. That testimony and evidence, including an audio recording of the public hearing and the casefile maintained by the City, are included herein as exhibits. The exhibits are filed at the City. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. At the hearing, city planning supervisor Sam Crummett summarized the Staff Report and the proposed development.

a. He noted that attendance at the existing Word of Grace Bible Church south of the site frequently exceeds the capacity of the church's existing parking lot. Attendees must park on streets in the surrounding residential neighborhood or at a nearby school. The proposed parking lot will provide additional parking capacity in close proximity to the church, reducing parking impacts on neighbors and providing more convenient parking for church attendees.

b. He noted two errors in the Staff Report:

i. The applicant submitted a preliminary and final wetland mitigation plan for the project. He requested the examiner delete the statement to the contrary on page 18 of the Staff Report;

ii. At the pre-application conference the applicant proposed to convert the existing residence on the site for an office or other church related use. In the application the applicant proposed to retain the structure as residence and rent it out. He requested the examiner delete the statement about conversion of the existing residence on page 11 of the Staff Report.

c. Churches and parking lots accessory to church uses are allowed as conditional uses in the R10 and NC zones. The proposed coffee shop is a permitted use in the NC zone.

d. Traffic from the proposed development will impact the intersection of NW Onsdorff Boulevard and SR 503, which is currently failing in the a.m. peak hour. The City plans to improve this intersection and the applicant will be required to pay a proportionate share of the cost of the planned improvements, based on the increased traffic generated by the proposed development. In addition, the applicant will be required

to install stop signs to convert the intersection of NW Onsdorff Boulevard and NW 20th Avenue to four-way stop control.

3. City associate civil engineer Ryan Jeynes testified that the applicant will dedicate right-of-way for NW 13th Street to the north boundary of the site. However the proposed road improvements will not connect with NE 120th Court, the existing private street north of the site. If necessary, the applicant will install a barricade at the north end of NW 13th Street.

4. Landscape architect and planner Mike Odren and transportation engineer Han Lee testified on behalf of the applicant, Word of Grace Bible Church.

a. Mr. Odren accepted the findings and conditions in the Staff Report, as modified at the hearing, without exceptions.

b. Mr. Lee testified that the traffic impact study analyzed the intersection of NW Onsdorff Boulevard and SR 503 assuming the planned intersection improvements were in place.

5. Area resident Doug Schmidt and church member Dmytro Danch testified in support of the application.

6. The examiner closed the record at the end of the hearing and announced his intention to approve the application subject to the recommended conditions of approval set out in the Staff Report, as modified at the hearing.

C. DISCUSSION

1. City staff recommended approval of the proposed development, based on affirmative findings and subject to conditions of approval in the Staff Report, as modified at the hearing. The applicant accepted the findings and recommended conditions, as modified, without exceptions.

2. The examiner concludes the affirmative findings in the Staff Report, as modified, show that the proposal does or can comply with the applicable standards of the Battle Ground Municipal Code (the "BGMC"), provided that the applicant complies with the recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report, as modified, as his own.

3. Construction of the proposed parking lot will eliminate habitat for wildlife on the site. But the Code does not prohibit such an effect. To the contrary, it is an inevitable consequence of concentrating new development in the urban area. None of the animals observed on this site is listed as endangered or threatened. They are commonly observed in the area. Their presence is less likely after the site is developed, but that is to be expected. The applicant will retain some of the existing wetlands and wetland buffers on the site, which will continue to provide habitat for wildlife as well as connections to other habitat areas in the area. In addition, the applicant will fund the construction and

enhancement of additional wetlands at the offsite wetland mitigation bank, which will provide additional habitat within the same watershed as the site.

4. Clearing on the site will remove trees that currently provide shading and other benefits for surrounding properties. However such impacts are not relevant to the approval criteria for this application. The site is zoned for development and such clearing can be expected. The applicant will retain trees within the remaining wetlands as well as planting trees and other landscaping throughout the site, as required by the Code. At that vegetation matures it will replace some of the benefits provided by the existing trees on the site.

5. There is no dispute that the intersection of NW Onsdorff Boulevard and SR 503 is currently failing during the a.m. peak hour. The City has plans to improve this intersection. The applicant will contribute funds towards the cost of the planned improvements. However the proposed parking lot will not have a significant impact on this intersection. The parking lot will primarily serve the existing church, which currently generates traffic through this intersection. Construction of the proposed parking lot will allow church attendees to park closer to the site, rather than on residential streets in the surrounding neighborhood. But the proposed parking lot will not increase the capacity of the existing church and therefore will not cause a significant increase in traffic. The proposed coffee shop will generate some increase in traffic and the applicant will mitigate for that traffic through its proportionate share payment.

E. CONCLUSION

Based on the findings and discussion above, the examiner concludes that the applicant sustained the burden of proof that the conditional use permit does or can comply with the applicable standards of the Battle Ground Municipal Code and will not be significantly detrimental to people or property in the vicinity or to the general welfare of the City, provided the applicant complies with conditions of approval necessary to ensure the use does in fact comply with the applicable law and with measures to prevent or mitigate adverse impacts of the use.

F. DECISION

The examiner hereby approves CU: 01-17 (Word of Grace Bible Church), subject to the following conditions:

Conditions of Approval

A. Prior to Engineering/Final Site Plan Approval:

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

- a. Showing adequate half-street improvements, based on pavement testing, for NW Onsdorff Boulevard, a Major Collector, including sidewalk, planter strip, median, curb and gutter, streetlights and asphalt.
- b. Showing adequate half-street improvements to NW 13th Avenue, a Neighborhood Collector including sidewalk, planter strip, curb and gutter, streetlights and asphalt.
- c. Demonstrating that NW 13th Avenue meets design requirements.
- d. Showing additional 15-feet of ROW dedicated to the City for NW Onsdorff Boulevard.
- e. Containing a combined landscaping and driveway plan.
- f. Containing a signing, striping, and street lighting plan.
- g. Showing sight distance and vision clearance triangles.
- h. Showing stop signs and stop bars at ingress and egress points on and abutting the site that are outside the public right-of-way.
- i. Showing driveways that meet the requirements of BGMC 12.116.243.
- j. Showing traffic mitigation at NW Onsdorff Boulevard & NW 20th Avenue of installation of stop signs on NW 20th Avenue per recommendation of traffic study.
- k. Showing traffic mitigation at NW Onsdorff Boulevard & SR 503 or indicating that mitigation fees will be paid in lieu of the improvements.
- l. Showing 8-inch water line extending to the terminus of NW 13th Avenue.
- m. Showing minimum 20-foot water easement over City maintained water mainlines not located in public right-of-way.
- n. Showing the size of proposed water meters.
- o. Showing approved backflow prevention device for each building.
- p. Showing 8-inch minimum diameter sewer line extending into site by connecting to the existing manhole located at the intersection of NW 14th Street and NW 12th Avenue.
- q. Showing a sampling manhole for each new sewer lateral, including any applicable easement.

- r. Showing a grease and oil separator as required by BGMC 13.137.120(E)(2).
 - s. Showing minimum 20-foot sewer easement over City maintained sewer mainlines not located in public right-of-way.
 - t. Showing and labeling all existing and proposed fire hydrants.
 - u. Showing an adequate number of fire hydrants -preliminary review indicated two are required.
 - 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.
 - x. Provide location of required “No Parking – Fire Lane” signage.
 - y. Revise coffee shop parking lot fire apparatus access to meet required turning radius.
 - z. Showing B2 buffer or equivalent of screening on all perimeters of the parking area.
2. Adhere to all architectural and site design standards of BGMC 17.118.040.
 3. Submit a completed industrial pretreatment survey for review by staff.
 4. Provide a photometric plan shall be done for all access points, intersections, frontage roads out to centerline, and any existing lights to ensure that proposed lights meet IES RP-8-00 standards.
 5. A photometric lighting plan, assuring compliance with BGMC 17.133.070.C and 17.131.100, so that glare shall not directly or indirectly from reflection cause illumination on other properties or on public streets or private streets with permitted public access in excess of a measurement of one footcandle of illumination. Outdoor lights shall consist of fully shielded and downward directed fixtures.
 6. Submit a hydrology report that addresses all requirements found in BGMC 18.250.
 7. Submit a SWPPP that meets the requirements of BGMC 18.250.050(B).
 8. Coordinate and comply with the requirement in Ecology’s September 27, 2017 letter as applicable during all phases of engineering and construction.
 9. Submit a construction cost estimate for required public and applicable private

improvements for review and approval by the City Engineering Department

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

B. Prior to Construction:

1. Receive signed and approved engineering plans from the City of Battle Ground.
2. Received 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 during construction any cultural resources are discovered during construction, the State of Office of Historic Preservation and Archaeology and the City of Battle Ground Planning Department must be notified.

C. Prior to Creation Of Impervious Surface:

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

D. Prior to Engineering Acceptance:

1. Construct all public improvements, if applicable, and go on a walkthrough with City of Battle Ground Engineering Staff and correct any deficiencies as determined by City staff.
2. The applicant shall provide a letter showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.

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

E. Prior to Building Permit Issuance:

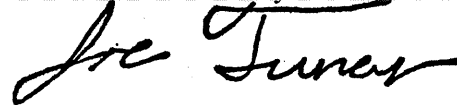
1. Receive signed and approved engineering plans from the City of Battle Ground.
2. Pay all required impact fees and system development charges.
3. Construct the mitigation measures for the failing intersection of NW Onsdorff Boulevard & SR 503 or pay the mitigation fee of \$73,219.68.

F. Prior to Issuance Of Occupancy:

1. Must receive engineering acceptance.
2. Submit recorded Deed of Dedication for frontage area on NW Onsdorff Boulevard
3. Submit a Bill of Sale for sewer and water.
4. Submit recorded water and sewer easements, as applicable, after they have been reviewed by City Engineering Staff.
5. Submit documentation showing that the existing septic system was decommissioned to Clark Health Department standards.
6. Complete and have accepted by the City all public improvements, or at the City's discretion provide appropriate bonding meeting requirements of BGMC 12.116.090.
7. Submit a covenant running with the land, for inspection of private on-site stormwater facilities in conformance with BGMC 18.250.320(C) for review by the City of Battle Ground Engineering Department.
8. Submit to the City of Battle Ground a two-year/20-percent maintenance bond for all required public improvements after they are inspected and accepted by the City Engineering Department.
9. Submit complete sets of as-built drawings for all required public improvements for streets and roads, stormwater drainage and control, sanitary sewer and water

services, as applicable prior to the issuance of the occupancy permit for review and approval by the Engineering Department. Upon acceptance by the Engineering Department, submit prior to the issuance of the occupancy permit, one (1) Mylar set, one (1) full size paper set, two (2) 11x17 paper sets of As-Built record drawings and one (1) 3.5-inch disk (s) or compact disc version of the as-built drawings in AutoCAD, PDF, and TIF formats.

DATED this 13th day of November, 2017.

A handwritten signature in black ink that reads "Joe Turner". The signature is written in a cursive style with a horizontal line underneath it.

Joe Turner, AICP
The City of Battle Ground Hearing
Examiner

