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:	North Battle Ground Subdivision Review/ SEPA (SUB:02-18)
Report Date:	November 28, 2018
Hearing Date:	December 5, 2018 @ 4:00 p.m. City Hall
Proposal:	The applicant is proposing a 146-lot single-family detached subdivision, with associated critical areas review. The project site is zoned R5 and 43.20 acres, split into four phases. The project area is comprised of three separate tax lots, near the northern city limits within the City of Battle Ground.
Location:	818 NW 25th Street/518 NW 25th Street, Battle Ground, WA 98604 Parcel #: 226929-000, 226939-000, 226949-000
Applicant/Owner:	Sally I Etal, et al Clarence & Patricia Somdalen Trustees 518 NW 25th Street Battle Ground, WA 98604
Representative:	AKS Engineering & Forestry, LLC. Contact: John Meier 9600 NE 126th Avenue, Suite 2520 Vancouver, WA 98682
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.

November 28, 2018

Sam Crummett **Date**
Planning Supervisor

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I. BACKGROUND

A. General Site Information

Size of Site:	Approximately 43.20 acres
Existing Vegetation:	Mature trees, grasses, and shrubs
Existing Structures:	Two single-family residences with two out buildings
Adjacent Land Uses:	Residential
Adjacent Zoning:	County R-5 to west, R5 to east, north and south
Landslide Hazards:	No mapping indicators
Slope Stability:	No mapping indicators
Wetlands:	Presence
Flood Plain:	No mapping indicators
Archaeology:	High
Priority Habitat:	No mapping indicators

B. Land Use Processing

Date Application Submitted:	August 31, 2018
Application Technically Complete:	September 28, 2018
Notice of Application:	October 3, 2018
Site Posted:	October 3, 2018
Reflector Publication:	October 3, 2018
Staff Report Issuance:	November 28, 2018
Public Hearing:	December 5, 2018
Decision:	Within two weeks of the public hearing

II. APPLICABLE REGULATIONS/ANALYSIS

A. Battle Ground Municipal Code (BGMC)

1. Title 12 Streets and Sidewalks

12.112 House and Street Numbering — **Compliance: Conditionally**

Finding: The initial preliminary plat submittal had numerous incorrect street references. All further references to streets in this staff report will be by these names:

Preliminary Plat Street Name	Correct Street Name
NW 9th Avenue - from Lots 55-39	NW 28th Street
NW A Drive - from Lots 58-60	NW 26th Way
NW A Drive - from Lots 61-70	NW 9th Place
NW C Avenue - Lots 146-139	NW 8th Place
NW C Avenue - Tract G	NW 29th Street
NW J Avenue	NW 8th Avenue
NW K Street	NW 29th Street
NW I Avenue	NW 7th Avenue
Tract M	NW 30th Street
NW G Street	NW 27th Way
NW F Court - from Lots 24-29	NW 26th Way (Private)
NW F Court - from Lots 20-23	NW 7th Court (Private)
Tract H and Tract K	NW 25th Way (Private)

12.116 Transportation Standards — **Compliance:** Conditionally

Finding: The proposed site would have frontage along NW 25th Street, which is a Major Collector in the City Transportation System Plan. Per BGMC 12.116.160 and BGMC 12.116.180 half street improvements are required per the City's Major Collector –option 1 standards in BGMC Table 12.116.040B.1. The applicant is currently showing the street section as a Major Collector – Option 2, which is not acceptable. The minimum half-width right-of-way dedication of 32-feet with construction of a median, 12-foot travel lane, 5-foot bike lane, 4-foot planting strip and 5-foot sidewalk will be required. The meandering sidewalk is acceptable with the

exception of the sidewalk near NW 7th Court(Private), which will need to be relocated so that is fully in the right-of-way.

BGMC Table 12.116.040B.1 states that access to a Major Collector is access controlled. A note shall be placed on the plat stating that no curb cuts shall be allowed onto NW 25th Street.

The applicant is showing several new streets to be built with this development. NW 6th Avenue and NW 9th Avenue/NW 28th Street shall be built to Neighborhood Collector standards per BGMC 12.116.040B.2, whereas NW 26th Way, NW 9th Place, NW 8th Place, NW 29th Street, NW 8th Avenue, NW 7th Avenue, NW 30th Avenue and NW 27th Way shall be built to Local "A" standards per BGMC 12.116.040C. The Neighborhood Collector cross section may be decreased in the critical areas to a 32-foot paved section, attached 5-foot sidewalk with no planting strip and sufficient right-of-way to provide maintenance of the proposed retaining walls.

NW 26th Way/NW 9th Place(NW A Drive), NW 8th Street(NW C Ave) and NW 25th Way-Private(Tract H and Tract K) extend further than 150-feet and do not meet the minimum fire turnaround criteria. 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 with a minimum radius of 45-feet. See Section 15 for Supplemental Fire Code Regulations. An easement will be required on the plat if a temporary turnaround located on the end of NW 9th Drive(NW A Drive)with language stating that the fire turnaround at the end of NW 9th Drive is temporary and once the public street is extended the easement will automatically be relinquished."

Connection from NW 6th Avenue to NW 30th Street along with the half-width frontage improvements for NW 30th Street in the northeast corner of the parcel are not shown on the proposed plat. Documentation from the wetland consultant will be required that construction of the NW 30th Street half-width improvements is not feasible otherwise half-width improvements per BGMC 12.116.160 consisting of a minimum roadway width of 25-feet with a 4-foot planter strip and a 5-foot sidewalk. If the wetland consultant provides documentation acceptable to the City Engineer to avoid constructing NW 30th Street the right-of-way shall be dedicated and no wetland enhancement planting are to occur in the proposed right-of-way for NW 30th Street.

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*. Future submittals of engineering plans shall include, but not be limited to, centerline radius, curve data, and any pertinent information that shows new streets meet the design requirements.

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.

The parkway shown as Tract L, Tract J and a portion of Tract B shall be privately maintained.

The applicant has shown a 5-foot pedestrian path adjacent to the wetlands. The path surface must meet the requirements of the Americans with Disabilities act and should be asphalt or concrete. Refer to the easement and width requirements listed in BGMC 17.128.040.

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

BGMC 12.116.130(A)(3) requires that the final plat have the following note: "The City of Battle Ground has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property designed in this development." BGMC 12.116.130(A)(5) requires a private road maintenance agreement. BGMC 12.116.130(A)(6) requires private street identification signs to be installed at the intersection with the public street.

NW 26th Way/NW 7th Court (Private), which was represented as F Court on the proposed preliminary plat, shall be built to private roads standards as listed in BGMC 12.116.140 for 5 or more lots. Lots 20-29, 13-16 and Lot 7 are required to take access off of NW 26th Way/NW 7th Court Street (Private). Per BGMC 12.116.130A.7, prior to engineering acceptance certification shall be provided that the private roads have been constructed in accordance of the adopted standard.

NW 25th Way(Tract H and Tract K) will require an approved road modification for a private road, which meets the lot frontage of Section 16 and fire code regulations of Section 15 prior to engineering plan approval.

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

The site will generate approximately 143 new p.m. and 107 new a.m. peak trips. Per BGMC 12.116.175(C) a traffic study is required when there is an increase of 10 new p.m. and a.m. peak trips. A traffic study was submitted with the application and revisions to the traffic study, with regard to the crash data, will need to be approved prior to engineering plan approval. In the event that any other mitigation measures are identified from the crash data analysis, these mitigation measures will required to be constructed.

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 1,319-feet deep and approximately 1,223-feet wide. Based on these dimensions the proposed plat would typically provide, at a minimum, a total of three east-west cross-circulation streets and three north-south cross-circulation streets. The plat shows one east-west street and two north-south streets. NW 8th Place exceeds 500-feet and will be required to have an 8-foot minimum paved asphalt pedestrian walkway in a 15-foot right-of-way connecting the NW 8th Place(NW C Avenue) cul-de-sac with NW 8th Avenue(NW J Avenue). The wetlands in the center of the site and SR-503

significantly constrain the street layout, so with the addition of the pedestrian walkway and the construction or dedication of NW 30th Street, engineering staff finds the layout acceptable.

Public and private 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. Golden Hills Estate Residents in a signed petition expressed concern regarding the speed for NW 25th Street, potential noise levels, changes to the SR 503 intersection, future extension of Onsdorff to NE 142nd and coordination with WSDOT.

Responses to citizen comments:

2. Speed: a recent speed study(06/06/18) conducted on NW 25th Street to the east of NW 9th Street showed the 85% speed to be 42 mph, so the speed limit of 40 mph is correct according to the Manual on Uniform Traffic Control. With the construction of the half-width improvements for NW 25th Street the applicant will be constructing a median which the FHWA has indicated helps to reduce speed by changing the character of the roadway. Medians slow traffic by the presence of the curbing and street trees which can help to reduce traffic speeds.
3. Noise: It is not anticipated that the noise levels would increase in excess of what is allowed in the Public Disturbance Noise section of BGMC Chapter 9.42 so there is no plan to construct noise barriers.
4. SR503 Intersection: The traffic study did not identify that a left turn lane was needed at the intersection of SR 503/Onsdorff, however the applicant will be required to construct or pay a proportionate share of the mitigation costs for the improvements at SR 503 & Onsdorff Boulevard and SR 503 & Eaton Boulevard.
5. Extension of Onsdorff: The City of Battle Ground shows the connection of Onsdorff to NE 142nd Avenue in the Medium Term Improvements(6-10 years) but as with most street construction this timeline is developer driven and could be longer or shorter depending on development.

6. WSDOT provided preliminary comments during the pre-application but has not responded to the more recent preliminary plat submittal, for which they were provided the traffic study dated 8/28/18.

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 without a written permit. However, this development will be obtaining approval from the City Engineer via the engineering approval process. This approval can be a substitute to a permit per BGMC 12.118.030. Therefore, no written permit is required.

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 shall be submitted to the City prior to the commencement of construction. 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.

Prior to the commencement of construction, a Certificate of Liability Insurance, with the required thresholds, shall be submitted per BGMC 12.118.120.

Conclusion: As conditioned, this section can be met.

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 107 new a.m. and 143 new p.m. peak trips, which is more than the 10 p.m. peak hour trips the code cites as a threshold amount.

The City has four intersections, which have been identified in other traffic studies as being in concurrency failure: Grace Avenue & E Main Street, SR 503 & SW Eaton Boulevard, SW 20th Avenue & SW Eaton Boulevard and SR 503 & NW Onsdorff Boulevard. The traffic engineer has provided information that site generated trips will be impacting these intersections. Mitigation measures for Grace Avenue & E Main Street include alignment of SE with NE Grace Avenue and signalization of the intersection, for SR 503 & SW Eaton Boulevard addition of an eastbound right 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 and for SR 503 & NW Onsdorff Boulevard the addition of a second southbound through lane at the 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 applicant's traffic engineer provided a traffic study which showed the number of trips from the development through Grace Avenue & E Main Street, SR 503 & SW Eaton Boulevard, SW Eaton Boulevard & SW 20th Avenue and SR 503 & NW Onsdorff Boulevard. Thus, the mitigation fees are as follows:

Intersection	Failure	AM Site Trips	PM Site Trips	Proportionate Mitigation Share per Trip	Mitigation Cost per Intersection
Grace Avenue- E Main Street	PM	10	13	$1,721.77	$22,383.01
SR 503 - NW Onsdorff Boulevard	AM	74	99	$4,576.23	$338,641.02
SR 503 - SW Eaton Boulevard	PM	26	34	$1,533.33	$52,133.22
SW 20th Avenue - SW Eaton Boulevard	PM	2	3	$2,291.40	$6,874.20

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

Regarding the issue at SR 503 & SW Eaton Boulevard, the additional mitigation measure is not included in the City of Battle Ground's Transportation System Plan (TSP) or in the Six-Year Transportation Improvement Program (TIP). Therefore the following options are available to the Applicant:

1. City Council has the authority to add projects to the TSP as well as the Six-Year TIP. The first option is for the Applicant to approach City Council and ask them to add this mitigation measure to the existing SR 503 & SW Eaton Boulevard project. If the applicant is successful, then this project could be considered planned and thus subject to proportionate share costs of which the applicant would be responsible for contributing. The proportionate share amount and six-year trip counts will need to be submitted to the City for review and approval.
2. A second option would be for the Applicant to construct the second southbound turn lane and related receiving lane.
3. A third option is for the Applicant to provide additional information that shows that the mitigation measure is not necessary or that another measure would suffice. If information is provided that shows that measure is not necessary, and the City

concurs with this, then nothing more is necessary. If another mitigation measure will suffice then the Applicant can follow Options #1 or #2 above for the updated mitigation measure.

The applicant will need to meet one of the three options for SR 503 & SW Eaton Boulevard prior to engineering approval in order to construct the proposed project.

Regarding the issue at SR 502 & NW 29th Avenue, the proposed mitigation measure requires approval from WSDOT since it is within their right-of-way, therefor the applicant shall:

1. Receive approval from WSDOT for the restriping of the eastern intersection leg as receiving lane or two way left turn lane.
2. If WSDOT is not willing to approve the proposed mitigation, another mitigation measure, acceptable to the City and WSDOT, will need to be constructed by the Applicant.

The applicant shall coordinate with WSDOT on any impacts to state routes and will need to meet one of the options for SR 502 & NW 29th Avenue prior to engineering approval.

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 existing 8" main lines stubbed to the intersection of NW 9th Avenue/NW 25th Street and NW 6th Avenue/NW 25th Avenue. Main line extensions into the site from the 8" lines shall be an 8" minimum and run throughout the property and be looped where possible. This connection is subject to review and approval through the Engineering Department and should be included in the engineering plan set. The applicant is proposing to connect to and extend the 8-inch water lines from the intersection of NW 9th Avenue & NW 25th Street and NW 6th Avenue & NW 25th Street to the furthest extent of the property. The final engineering drawings shall represent this requirement.

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 PSB-01.

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 applicant's engineer proposed a sewer collection design proposal, which relocated the proposed pump station PS-B from the northwest corner of the basin to the southwest corner of the basin, while serving the entire basin although minimizing infrastructure and maintenance costs. This pump station relocation was accepted by the City Engineer in a letter dated June 7, 2018. The proposed construction of the force main FM B to the existing sanitary sewer near the intersection of NW 9th Avenue and NW 24th Street is acceptable as shown.

The applicant is responsible for these sanitary sewer improvements per the current General Sewer Plan. Sanitary sewer lines throughout other areas of the proposed subdivision shall be a minimum of 8-inches.

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 Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC), Washington State Energy Code (WSEC) and International Fire Code (IFC). All building permit applications will be reviewed based on those codes. The applicant is proposing the creation of 175 residential lots.

The following separate permits will be required:

- Residential building permits (City of Battle Ground)
- Electrical (Washington State Department of Labor and Industries)
- Irrigation (City of Battle Ground)
- Demolition permit for any existing structures (City of Battle Ground)

All permits must be secured prior to any construction and all applicable impact and permit fees shall be paid prior to the issuance of the permits.	
15.105.090 Fire Apparatus Roads	**Compliance:** Conditionally
Finding: Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with International Fire Code Table D103.4. Currently, there is a dead end over 150 feet that shall require an approved fire apparatus turnaround. This is located on the north end of NW A Drive (Near lots 67 and 68). Tract H and Tract K are required fire apparatus access roads. Both of these tracts are dead ends over 150 feet and shall require approved fire apparatus access turnarounds. In lieu of the required turnarounds, automatic sprinkler protection can be provided for homes on lots 10-12 and 17-19. The cul-de-sac shown at the intersection of NW 29th Street and NW 8th Place is required to have a minimum drivable radius of 45 feet. All designated fire apparatus access roads are to be designed and maintained to provide access for fire apparatus. Required fire lanes shall be kept clear at all times and shall be marked with signs, striping, or painted curbs stating “No Parking- Fire Lane”. Clearly identify the location of all fire lane signage/striping to include all fire access turnarounds.	
15.105.100 Fire Hydrant Requirements	**Compliance:** Conditionally
Fire hydrants serving one- or two-family dwellings shall have a maximum lateral spacing of seven hundred feet (measured along fire apparatus access roads) with no lot or parcel in excess of five hundred feet from a fire hydrant. Hydrants and the water mains serving them shall be installed in accordance with City of Battle Ground requirements and the city’s standard construction details. Per IFC 501.4, hydrants shall be installed and operational prior to construction. The hydrants shall meet the flow requirements of appendix B of the International Fire Code for the type of construction (VB) and occupancy (R-3) of the structure (1,500 Gallons Per Minute). Prior to occupancy the applicants shall provide a letter that states the purveyor can supply the required amount of fire flow required. With the plan set submitted, it is difficult to locate the proposed new hydrants to verify adequate placement. Please resubmit, ensuring fire hydrants are clearly marked.	

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, or conditioned as such.	
16.125.040. Street jogs	**Compliance:** Yes
Finding: No street jogs are proposed.	
16.125.050. General street design requirements	**Compliance:** Yes
Finding: Streets are conditioned to meet all applicable public and private street standards specified in Chapter 12.116 BGMC.	
16.125.060. Blocks	**Compliance:** Yes
Finding: Block standards are met.	
16.125.070. Lot access requirements and restrictions	**Compliance:** Conditionally
Finding: Lots 10-12 and 17-19 do not adequate frontage on a public or private street. A condition will require the abutting tracts to be converted to a public or private road, or as modified by the City Engineer. (Lots 1 and 2 are flag lots, which are acceptable exceptions to this standard as noted in the findings below, under BGMC 16.125.110, Flag lots.)	
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 below, application complies with the minimum dimensions and density standards.	
16.125.100. Double and reverse frontage lots	**Compliance:** Yes
Finding: There are no proposed double or reverse frontage lots. To avoid double frontage lots along NW 25th Street, the applicant proposes a 20 foot landscaped parkway buffer in compliance with BGMC 16.125.100. A **condition** will require parkway buffer to be the responsibility of the subdivision for ownership and maintenance. Submit a copy of the Home Owners Association (HOA) provisions or an agreement that specifies responsibility of the parkway buffer.	
16.125.110 Flag lots	**Compliance:** Conditionally
Finding: Lots 1 and 2 are flag lots, which are acceptable under this section. This is authorized to keep driveways away from the NW 25th Street intersection. Based on the limited frontage, shared driveway for Lots 1 and 2 will be a condition of final plat.	
16.125.120. Easements	**Compliance:** Conditionally
Finding: All necessary easements will be conditioned as part of the final plat.	
16.130 Required Improvements and Dedications	**Compliance:** Conditionally
Finding: BGMC 16.130.010 requires that all utility lines be installed underground. The applicant has provided evidence from Clark Public Utilities that is not feasible to underground the high voltage transmission lines along NW 25th Street but the underbuild distribution and communication lines will need to be undergrounded. A condition should be established to require that all applicable 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 water lines shall connect to the existing water lines at the intersection of NW 9th Avenue/NW 25th Street and NW 6th Avenue/NW 25th Avenue.
- The pump station PS-B shall be constructed along with the force main FM-B as proposed in the 503 North Subarea Basin Alternative Sanitary Sewer Collection Design Proposal dated May 2018.
- 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 meeting IES. 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 6,300 square feet. The average minimum lot area for this project is 6,472, meeting the standard. The maximum density for 5 units per acre. There is no minimum density in this district. Density is calculated based on gross acreage, in this case 43.20 acres. The maximum density for this property is (43.20 acres x 5 units) 216 units. With 142 units proposed, this project is compliance with the maximum density standards. All other dimensional standards are satisfied.

17.106.035 Density Transfer Provisions	**Compliance:** Not applicable.
The applicant is not using the density transfer provisions.	
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 size of this project (over 10 acres) this project would trigger the need to set aside park space per 17.128.030.	
17.128.040 Park location and design standards	**Compliance:** Conditionally
Finding: The applicant is proposing to set aside 12.56 acres of open space, much of which will be wetlands to be protected, with the perimeter pedestrian trail with benches. The applicant satisfies the standards of BGMC 17.128.040.b., by preserving natural areas and creating a passive recreation environment with the trail network. This project satisfies the on-site recreational requirements. Per BGMC17.128.040.2, a **condition** will require all trails to be within a public access easement of at least 12 feet in width. All trials shall be built to the City standard specified in 12.116.070. The applicant shall establish a mechanism to assure perpetual care and maintenance of the trail.	
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.	

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 investigation was conducted on March 15, 2018, by Applied Archeological Research, Inc. 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 and references the Western Washington Manual. Specifically, it identifies the following development activities as requiring stormwater control and drainage:

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. LID features that require inspection are incorporated into the site, then appropriate stormwater covenants will need to be provided.

A stormwater access easement will need to be provided to storm facility Tract F over lot 61.

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.

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).

A public stormwater easement shall be provided over any discharge pipe located on an adjacent tract.

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. The final plat shall show separate tracts, which encompass the stormwater facilities and do not include the wetlands.

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

The storm line located on lots 115-116 and 136-137 needs to be located entirely on one lot per BGMC 15.136.080 or it can be can be located within the pedestrian walkway right-of-way.

The applicant is required to provide erosion control as determined through the engineering review process. The applicant shall submit engineering plans showing grading and erosion control that will occur on site. The plans will provide for erosion control around delineated wetland boundaries, if applicable, which shall be flagged prior to construction.

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 *Critical Areas Assessment and Mitigation Plan* dated August 29, 2018 was prepared by AKS Engineering, Inc. The report identifies the critical areas within the project, which include Wetland A & B, two seasonal streams (Water 1, Water 2), a roadside ditch, and five Oregon White Oaks. Wetlands A (5.46 acres) & B (0.06 acres) are classified as Type 4 wetlands, which require a 50 foot buffer, or reduced to 40 feet based on a surrounding moderate land use intensity per BGMC 18.270.090-4. The on-site streams require a 50 foot buffer. The applicant is currently working with the Army Corps of Engineers and the State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan.

Oregon White Oak that may be impacted by this project will be planted at a 2:1 ratio, which per BGMC 18.280.040. Two trees are proposed to be removed.

The project will also propose buffer averaging for Wetland A, as authorized by BGMC 270.100.A.

Impacts to the critical areas, have been avoided to the maximum extent practical. Where impacts occur, it is the result primarily by the proposed road necessary to provide access per the City street circulation standards.

The proposed mitigation for the impacts according the *Mitigation Plan* are through on-site wetland enhancement and buffer revegetation. A **condition** will require the applicant to coordinate with the Department of Ecology and Army Corps of Engineers in finalizing the *Critical Areas Assessment and Mitigation Plan*.

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.

The critical areas tracts shall be maintain and owned either by the developer or HOA.

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.

PS "B" in the 503 North Subarea is a Sanitary Sewer System Development Charge creditable project. The General Sewer Plan states that the pump station, PS B, is estimated to cost $200,000.00 and 50% is creditable. If this project constructs 100% of the pump station project then, $100,000.00 is the maximum available as SDC credits. The applicant will need to provide all receipts and all other information prior to receiving any credits.

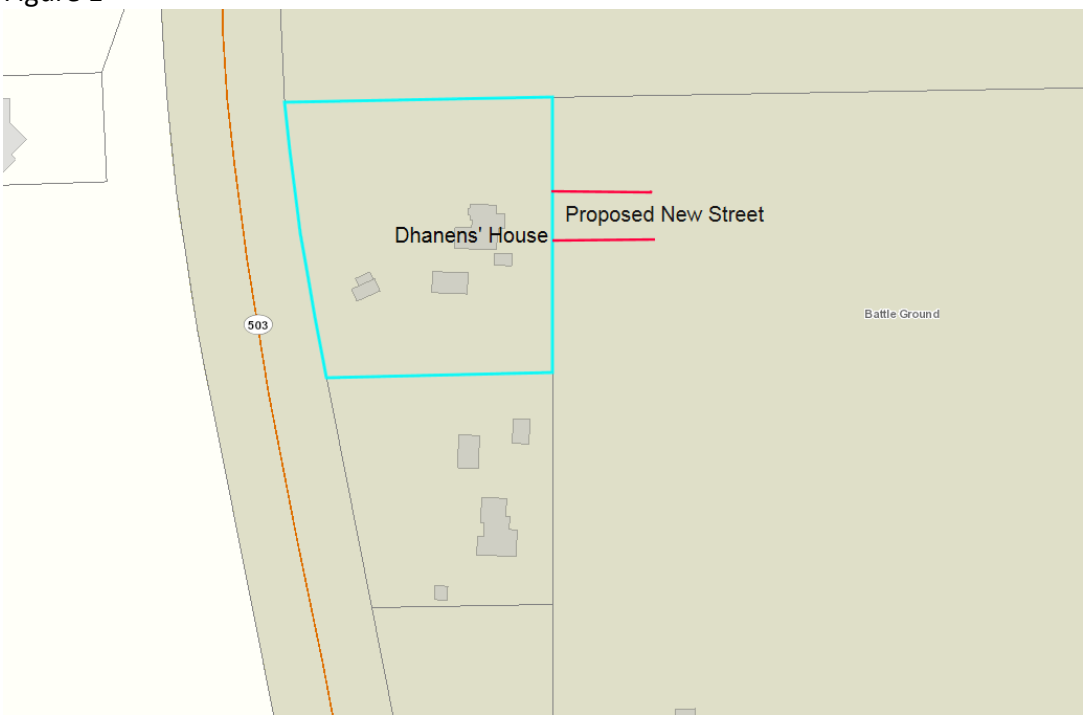
C.	**Public/ Agency Comments**

1. October 18, 2018 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. October 15, 2018 email correspondence from **Jim Dhanens,** 24717 NE Lewisville Highway, (Serial #226960-000), raised concerns about the proposed street stubbing out at his house, on the northwest portion of the subdivision (Figure 1). Mr. Dhanens is requesting the street to be adjusted north or south of his house to preserve his ability to keep his house if decides to subdivide his property and continue the street. A **condition** will require the applicant to determine if it is feasible to adjust the street north our south to accommodate this request.

Figure 1



3. October 16, 2018 letter from the State Department of Ecology referenced water quality standards. The project is **conditioned** to coordinate with Ecology on any necessary review and approvals.

4. October 17, 2018 letter from **Golden Hills Estate Residents**, contact, Len Crawford, 720 NW 24th Street, raised concerns about increased traffic volumes, noise, and impacts to the SR 503/NW 25th Street intersection, the potential for increased in traffic passing through Golden Hills Estates. Staff has addressed these concerns as part of its transportation section of the staff report beginning on page 6.

III. RECOMMENDATION

Staff recommends **approval** of the North Battle Ground 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:

3.

   a. Showing full width improvements to NW 26th Way, NW 9th Place, NW 8th Place, NW 29th Street, NW 8th Avenue, NW 29th Street, NW 7th Avenue and NW 30th Street, NW 27th Way(Private) and NW 7th Court(Private) per Local "A" standards, including sidewalk, planter strip, curb & gutter, and asphalt.

   b. Showing full width improvements to NW 6th Avenue, NW 9th Avenue and NW 28th Street per Neighborhood Collector standards, including sidewalk, planter strip, curb & gutter, and asphalt.

   c. Showing adequate half-street improvements, for NW 25th Street, a Major Collector- Option 1, including sidewalk, planter strip, curb and gutter, and asphalt and necessary right-of-way dedications.

   d. Showing adequate half-street improvements, for NW 30th Street, a Local A, including sidewalk, planter strip, curb and gutter, and asphalt and necessary right-of-way dedications or provide documentation from the wetland consultant, acceptable to the City Engineer, that it is infeasible to construct NW 30th Street.

   e. Showing Lots 17-19 and Lots 10-12 served by a private road meeting the applicable private street requirements as outlined in the road modification. In lieu of the required turnarounds, automatic sprinkler protection can be provided for homes on lots 10-12 and 17-19.

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

   g. Showing temporary and permanent IFC fire apparatus turnarounds.

   h. The cul-de-sac shown at the intersection of NW 29th Street and NW 8th Place is required to have a minimum drivable radius of 45 feet.

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

   j. Clearly identify the location of all fire lane signage/striping to include all fire access turnarounds.

k. There is a dead end over 150 feet that shall require an approved fire apparatus turnaround. This is located on the north end of NW A Drive (Near lots 67 and 68).

l. Showing a public east-west pedestrian pathway from NW 8th Avenue to NW 8th Place in the location of the proposed storm pipe.

m. Showing the Tract B pedestrian pathway in a 12-foot pedestrian easement.

n. Containing a combined landscaping and driveway plan.

o. Showing sight distance triangles.

p. Containing a signing and striping plan.

q. Containing a street lighting plan meeting IES.

r. Showing traffic calming devices on all public streets.

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

t. Showing a shared driveway for Lots 1 and 2.

u. Showing 8-inch minimum diameter water lines looped throughout the subdivision, extending to the extreme property lines and connecting to existing water mains in NW 25th Street.

v. Showing hydrant locations.

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

x. Showing construction of Pump Station PS B.

y. Showing an 8-inch gravity sewer line throughout the subdivision.

z. Showing the 4-inch force main FM-B connecting to the proposed sanitary sewer connection near the intersection of NW 9th Avenue and NW 24th Street.

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

bb. Showing fire hydrants meeting spacing requirement throughout the subdivision and along the frontage of NW 25th Street.

cc. Showing traffic mitigation at the intersection of SR 502 and NW 29th Avenue meeting WSDOT approval.

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

improvements.

ee. Showing construction of the additional mitigation measure at SR 503 & SW Eaton, pay the applicable proportionate share after obtaining Council approval or submit additional information to demonstrate that the additional mitigation measure is not needed.

ff. Showing a stormwater facility, which meets the requirements of BGMC 18.250.

gg. Showing the stormwater facilities in separate tracts.

hh. Showing a 6-foot high black vinyl fence around the perimeter of the stormwater facility.

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

4. Submit a hydrology report that addresses all requirements found in BGMC 18.250 and meets the approved Department of Ecology criteria.

5. Submit and have approved a road modification for NW 25th Way (Tracts H and K) for a private road which is acceptable to the City Engineer.

6. Submit the traffic study revisions and any potential mitigations.

7. Submit a construction cost estimate for required public 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 which is two (2) percent of the estimated costs of construction.

9. Coordinate with the Department of Ecology and Army Corps of Engineers in finalizing the *Critical Areas Assessment and Mitigation Plan.*

10. Determine if it is feasible to adjust the street north our south to accommodate Mr. Dhanens request to preserve his ability to keep his house if decides to subdivide his property (24717 NE Lewisville Highway, Serial #226960-000) and continue the street.

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

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

2. Construct any mitigation measure identified in the revised traffic study due to evaluation of the crash data.

3. Construct the mitigation measures for the failing intersection of SR 503 & SW Eaton

Boulevard or pay the mitigation fee of $52,133.22.

4. Construct the additional mitigation measure at SR 503 & SW Eaton, obtain Council approval and pay the applicable proportionate share or submit additional information to demonstrate that the additional mitigation measure is not needed.

5. Construct the mitigation measures for the failing intersection of SW 20th Avenue & SW Eaton Boulevard or pay the mitigation fee of $6,874.20.

6. Construct the mitigation measure for the failing intersection of NW 29th Avenue & SR 502.

7. Construct the mitigation measures for the failing intersection of SR 503 & NW Onsdorff Boulevard or pay the mitigation fees of $338,641.02.

8. Construct the mitigation measures for the failing intersection of SE/NE Grace Avenue & E Main Street or pay a mitigation fees of $22,383.01.

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

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

    b. Showing a 12-foot perpetual pedestrian access easement for the pedestrian path in Tract B.

    c. Showing a shared access easement over NW 26thy Way, NW 7th Court and NW 25th Way with a note describing the maintenance responsibilities of each lot owner for the private streets.

    d. Showing the stormwater facilities in separate tracts.

    e. With the following note: “No fences are allowed in the sight distance triangle.”

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

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

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

    i. Showing a shared driveway easement for Lots 1 and 2.

    j. With the following note: “The fire turnaround at the end of NW 9th Place is temporary and once the public street is extended the easement will automatically be relinquished.”

    k. With the following note: “No curb cuts shall be allowed onto NW 25th Street.”

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

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

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

11. Submit a two-year stormwater facility maintenance agreement for review and/or approval.

12. Submit a private road maintenance agreement for all of the private streets.

13. Submit documentation, acceptable to City, demonstrating that the pedestrian path maintenance and liability responsibilities have been met for the path in Tract B.

14. Submit documentation, that the parkway buffer, and all common areas, will be adequately maintained.

15. Submit a Bill of Sale for water, storm and sanitary.

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. Provide certification that the private roads have been constructed in accordance of the adopted standard.

3. Submit 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 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. Submit a surety bond for right-of-way construction.

3. Submit a certificate of liability 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:

7. 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.

8. Adhere to all recommendations in the final *Critical Areas Assessment and Mitigation Plan* prepared by AKS Engineering.

9. Coordinate any water quality recommendations in reference to Ecology's October 16, 2018 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 North Battle Ground Subdivision dated November 28, 2018	
1	Application (Subdivision, SEPA, Critical Areas, Road Modifications)	These Exhibits are contained in the Applicant's Submittal Packet
2	Pre-Application Report	
3	Applicant's Narrative	
4	SEPA Checklist	
5	Reduced Development Plans	
6	Deed History	
7	Traffic Study (separate folder), August 28, 2018	
8	Preliminary Stormwater Report (separate folder), August, 2018	
9	Geotechnical Site Investigation, August 16, 2018	
10	Road Modification Narrative	
11	Public Utility Correspondence	
12	Archaeological Site Investigation & correspondence	
13	Critical Area Analysis and Mitigation Plan dated August 29, 2018	
14	Email correspondence from Jim Dhanens received October 15, 2018	
15	Letter from the State Department of Ecology received October 16, 2018	
16	Letter from Golden Hills Estate Residents (Len Crawford) received October 17, 2018	
17	Letter from Battle Ground Public Schools received October 18, 2018	
18	Working Exhibit List dated November 28, 2018	

V. APPEAL

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

VI. Preliminary Plat

