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 Hearings Examiner

Project Name: Meadows at 249th Subdivision, Road Mod., and SEPA (PR 55-2019)

Report Date: October 25, 2019

Hearing Date: November 12, 2019 @ 4:00 p.m. City Hall

Proposal: The applicant is proposing 15 single-family homes on approximately 4 acres within the residential five units per acre district. The project includes a stormwater detention pond and will gain access from NE 3rd Avenue.

Location: 112 NE 28th Street, Battle Ground, WA 98604
Parcel: 986045315

Owner: ACJJ, LLC.
2208 E. Evergreen Blvd.
Vancouver, WA 98661

Applicant: Joel Stirling
Sterling Design, Inc.
2208 E. Evergreen Blvd.
Vancouver, WA 98661

Staff: Emily Lutz, Planning Supervisor
Cori Fahrni, Engineering Tech II
Chris Drone, Fire Marshal and Building Official

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

Recommendation: **Preliminary Approval** subject to conditions listed at the conclusion of this report.

October 28, 2019

Sam Crummett — Date
Community Development Director

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I. BACKGROUND

A. General Site Information

Size of Site:	4.17 acres
Existing Vegetation:	Field with mature trees, grass, and shrubs
Existing Structures:	None
Adjacent Land Uses:	Cemetery, residential, and large lot residential in Clark County
Adjacent Zoning:	R-5 to the east, south and west, and Clark County Rural-5 to the north
Slope:	Relatively flat
Geological Hazards:	No Mapping Indicators
Wetlands:	No Mapping Indicators
Flood Plain:	Outside Flood Area
Archaeology:	Mod-High & High Probability
Priority Habitat:	No Mapping Indicators
Soils:	Non-Hydric/OeD

B. Land Use Processing

Date Application Submitted:	August 7, 2019
Application Technically Complete:	September 3, 2019
Notice of Application:	September 18, 2019
Site Posted:	September 18, 2019
Reflector Publication:	September 25, 2019
Staff Report Issuance:	October 28, 2019
Public Hearing:	November 12, 2019
Decision:	Within two weeks of public hearing

Figure 1. Location

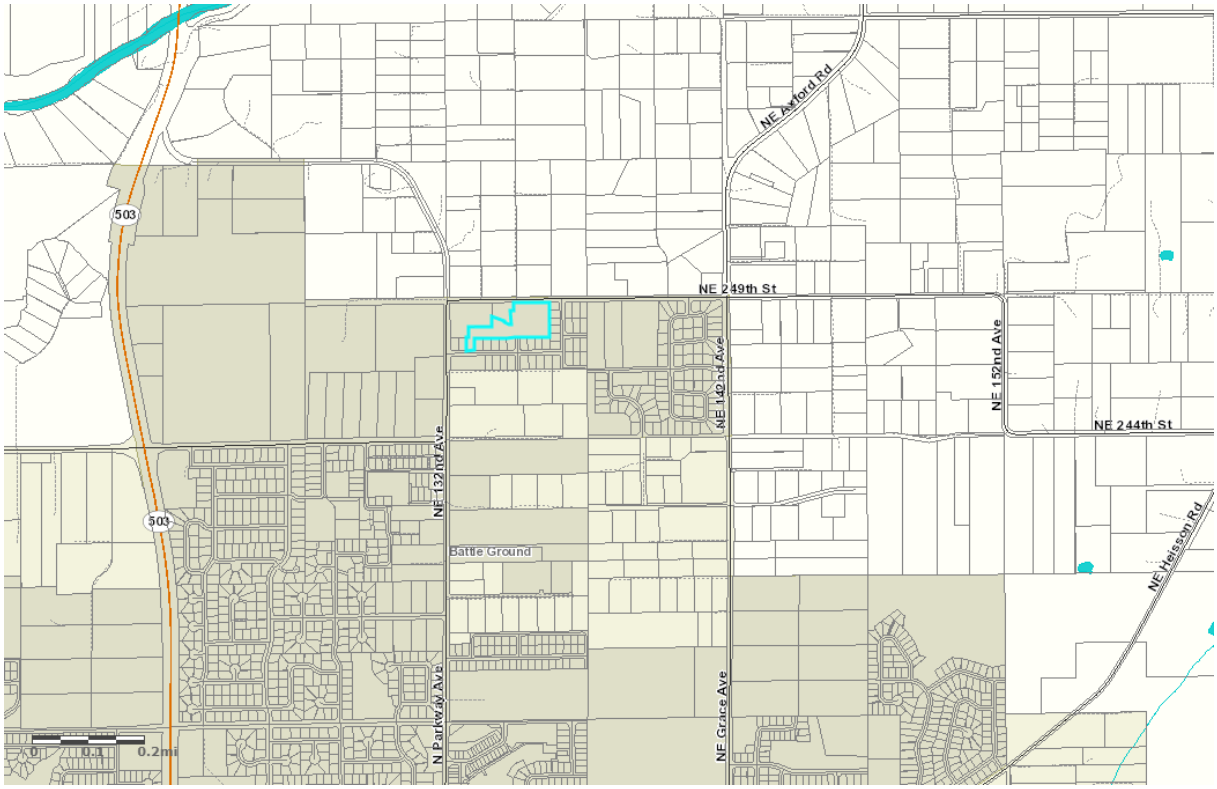
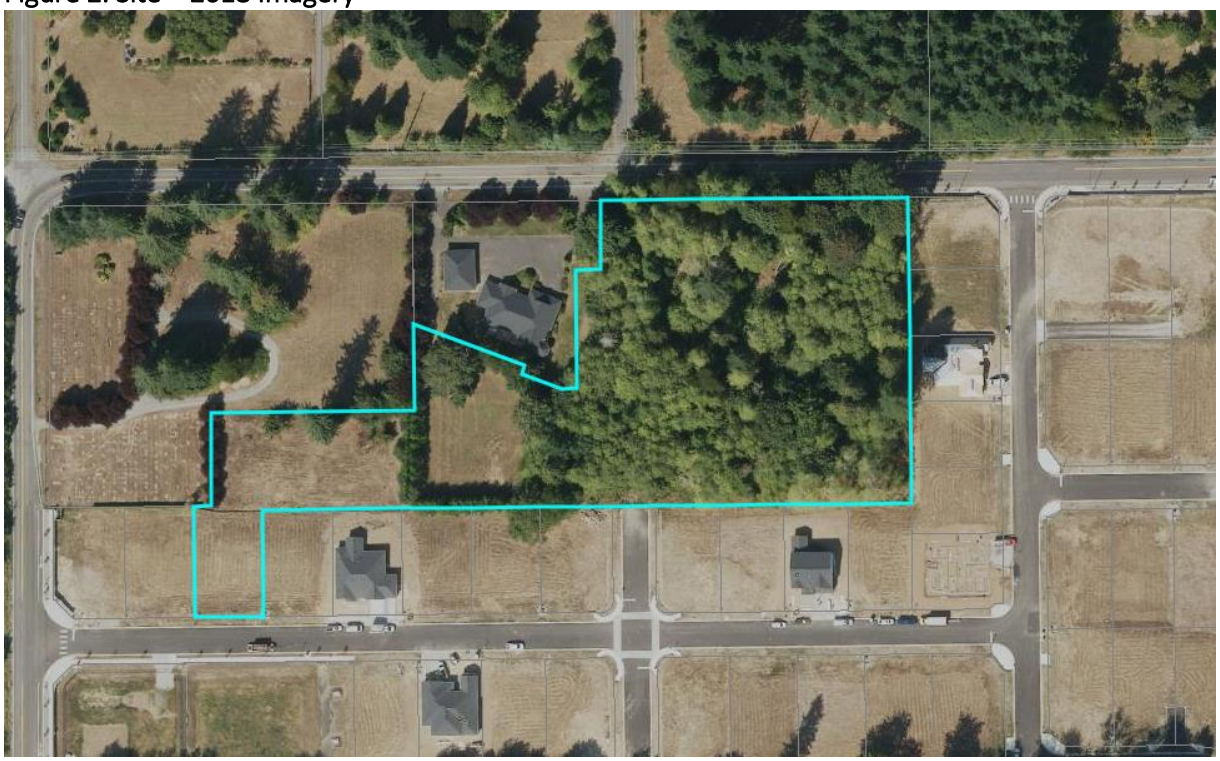


Figure 2. Site – 2018 Imagery



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: Street and house numbering shall comply with these standards for final plat approval.	
12.116 Transportation Standards	**Compliance:** Conditionally

Finding: The proposed 15-lot subdivision is located on a parcel bordering the south side of NE 249th Street, north of NE 28th Street and bordering NE 3rd Avenue. Access to the development will be from the extension of NE 3rd Avenue.

Half-street improvements are required for NE 249th Street consistent with "Neighborhood Collector" standards

The extension of NE 3rd Avenue shall be built to Local "A" standards, having a pavement width of 32-feet, 4-foot planting strips and 5-foot sidewalks per BGMC 12.116.040(C).

The proposed development will need to continue improvements of NE 3rd Avenue. Improvements include, but are not limited to, sidewalk, curb and gutter, asphalt, landscaping and streetlights. The approved cul-de-sac shall provide a 45-foot turnaround radius and comply with BGMC 12.116.070, Pedestrian circulation.

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.

Centerline curves for all new streets shall be designed to meet the requirements of AASHTO's *A Policy on Geometric Design of Highways and Streets*, aka The Green Book. Future submittals of engineering plans shall include, but not limited to, centerline radius, curve data, and any pertinent information that shows new streets meet the design requirements.

The applicant is required to provide landscaping in the planter strips in the right-of-way. Per BGMC, 12.116.050(F) the applicant shall submit a landscaping plan with the engineering plans that provides the required landscaping. The applicant is required to submit as part of the engineering plans, per BGMC 12.116.050(G), a driveway location plan that specifies proposed driveway curb cuts, where required, for all lots within the plat. If possible, the landscape and driveway plan should be on the same page in order to show possible conflicts.

The applicant is required to submit as part of the engineering plans, per BGMC 12.116.050(G) a driveway location plan that specifies proposed driveway curb cuts. If possible, the landscape and driveway plan should be on the same page in order to show possible conflicts.

The applicant is required to provide a signing, striping, and street lighting plan per BGMC 12.116.050(H). The plan shall be submitted with the final engineering plans. A photometric plan shall be done for all access points, intersections, and frontage roads out to centerline and should include

existing lights to ensure that proposed lights meet IES RP-8-00 standards. Streetlights shall be LED decorative cobra type units for NE 249th Street and LED acorn type units for internal streets.

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

The applicant's traffic engineer has indicated that 10 new a.m. peak trips and 14 new p.m. peak trips will be generated by the proposed development. Per BGMC 12.116.175, (c) a new traffic study is required when there is an increase of 10 new p.m. peak trips. A traffic study has been submitted.

The traffic study did not include City of Battle Ground crash data. A revised traffic study shall be submitted to the City for review, prior to engineering plan approval that includes City crash data. 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.

Per BGMC 12.116.180(B), the applicant is required to perform pavement deflection testing, to determine the adequacy of the existing pavement on NE 249th Street where half-street improvements will occur if the existing portion of the asphalt section is to remain. Additionally, the applicant will need to demonstrate that the existing street geometrics are compatible with the proposed road section. If the remaining life of the pavement is less than five years and has a Pavement Condition Index number less than 70 as calculated by City Staff, then the half-street improvements will need to extend to the centerline of the street.

The applicant is showing some cross-circulation streets on the preliminary plat. BGMC 12.116.200 contains the City's cross-circulation requirements, which require connections every 500-feet. The preliminary plat shows the parcel being approximately 335-feet (north/south) by 711 (east/west). Based on the dimensions the preliminary plat would have to provide, at a minimum, one north/south cross-circulation streets and zero east/west cross-circulation streets. The preliminary plans do not show any cross-circulation streets. The applicant's engineer submitted a road modification; see below for more information.

Public streets shall comply with Sight Distances per BGMC 12.116.220 unless modified through the road modification process as outlined in BGMC 12.116.290.

Per BGMC 12.116.243(A-C), Driveways must be spaced a minimum of five feet from the property line. Corner lots shall have their driveways be as far away from intersections as this code section allows; maximum width is twenty-five feet for a two-car garage and thirty-five feet for a three-car garage or fifty percent of lot frontage, whichever is less; and single-family residences are allowed one driveway.

One (1) road modification was submitted:

1. To eliminate cross-circulation standards as required by BGMC 12.116.200.

   BGMC 12.116.200 states that on dedicated rights-of-way exceeding five hundred feet in length, cross street shall be provided at intervals not greater than five hundred in length, regardless of property width of depth. Within the submitted road modification request, the applicant's engineer gave reasons on why the request should be approved; existing cemetery

to the west of the development, existing street patterns, and proposed lot patterns (configurations). Given that the parcel of land where the cemetery resides will most likely never develop, there are close by north-south streets that can be utilized as cross-circulation, and the proposed development's lot pattern, in this case only 14 lots (minimal traffic volume), staff agrees with the applicant and approved the road modification for the elimination of a north-south cross-circulation street.

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

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

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

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

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

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

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

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

12.120 Concurrency Management	**Compliance:** Conditionally

Finding: Per BGMC 12.120.050, (B) the subject development is not exempt from Concurrency. At full build out, this development will generate 10 new a.m. and 14 new p.m. peak trips, which is more than the 10 a.m. and p.m. peak hour trips the code cites as a threshold amount.

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

Mitigation measures are as follows:

- SW Eaton Boulevard & SR 503 include addition of a 100-foot eastbound right turn lane and a second westbound left turn lane
- SW Eaton Boulevard & SW 20th Avenue construction of northbound, southbound, and westbound left-turn lanes and traffic signal

- NW Onsdorff Boulevard & SR 503 the addition of a second southbound through lane at the intersection
- East Main Street & Grace Avenue a traffic signal and realignment of intersection

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 timeframe. 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 mitigation fees are as follows:

Intersection	Peak Time Failure	AM Site Trips	PM Site Trips	Proportionate Mitigation Share per Trip	Mitigation Cost per Intersection
SR 503 & NW Onsdorff Boulevard	AM	4	n/a	$1721.77	$6,887.08
Grace Avenue & E Main Street	PM	n/a	0	$4576.23	$0.00
SR 503 & SW Eaton Boulevard	PM	n/a	2	$1,533.33	$3,066.66
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	0	$2,291.40	$0.00

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

2.	Title 13 Water and Sewer
13.110/112 Water Service and Water Use Regulations	**Compliance:** Conditionally

Finding: Potable water will be required for this project. The City of Battle Ground is the public water purveyor for properties within the city limits.

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

Currently, there is an 8-inch City of Battle Ground water line at the stub of NE 3rd Avenue The applicant is proposing to connect to this line and extend an 8-inch line, to and through the development. Engineering staff has reviewed this and finds it acceptable.

An 8-inch water line shall be, installed in NE 3rd Ave. extending to extreme property lines.

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

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

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

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

Finding: Sewer service is required for this project. The City of Battle Ground is the public sanitary sewer purveyor for properties within the City and the project is located in basin GAR-01. Currently, there is an 8-inch sanitary sewer line at the southern termination of NE 3rd Ave.

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

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

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

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

3.	Title 15 Building and Construction/Fire
General	**Compliance:** Conditionally

The City of Battle Ground has adopted by reference the 2015 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). All building permit applications will be reviewed based on those codes.

The following separate permits may be required:

- Residential building permits (City of Battle Ground)
- Electrical permits (Washington State Department of Labor and Industries)
- Irrigation permits (City of Battle Ground)
- Demolition permit (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 Access Roads	**Compliance:** Yes

Finding: 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".

15.105.180 Minimum Required Fire Flow	**Compliance:** Conditionally

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

The new hydrant 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.

4.	Title 16 Land Divisions
16.115.040 Preliminary Plats	**Compliance:** Yes

Finding: The applicant is proposing 15 lots; therefore, this application shall be processed as a Type III land use action.

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.

16.125.030. 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: Streets are designed per City Transportation standards, or conditioned as such.

16.125.050. General street design requirements	**Compliance:** Yes

Finding: See 12.116 Transportation Standards

16.125.060. Blocks	**Compliance:** Yes

Finding: See 12.116 Transportation Standards

16.125.070. Lot Access Requirements and Restrictions	**Compliance:** Conditionally

Finding: All lots have frontage on a public or private street. The R5 zoning district requires a minimum lot frontage of 25 feet. Lot 2 does not have frontage along a public or private street. **The applicant is required to redesign lot 2 to have 25' of frontage.** Lots 7, 10, and 12 do not have adequate frontage and **shall be redesigned to have 25' of frontage.**	
16.125.080. Lot Line Angles	**Compliance:** Yes
Finding: Lot line angles are satisfied.	
16.125.090. Lot Size and Width Requirements	**Compliance:** Conditionally
Finding: As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 4,000 square feet and the minimum average lot area of 6,300 within the R5 district. Lots range from 7,324 square feet to 13,658, which exceeds the minimum average lot area. Maximum density is 5 units per gross acre and there is no minimum density requirement within this zone. The parcel on which the property is being developed is approximately 4.17 acres. The maximum allowed density is 21 units. At 15 proposed units, the project does not exceed the maximum density and meets minimum density requirements. As mentioned before, lot 2 does not have frontage along a public or private street. **The applicant is required to redesign lot 2 to have 25' of frontage.** Lots 7, 10, and 12 do not have adequate frontage and **shall be redesigned to have 25' of frontage.**	
16.125.100. Double and reverse frontage lots	**Compliance:** Conditionally
Finding: The applicant has proposed double frontage lots. **Lots 7, 8, 9, and 10 will require the following:** When double- or reverse-frontage lots are developed, fencing along street yards shall be set back behind a landscaped parkway of at least twenty feet in width which is located between the street and property line. Landscape plantings shall include a combination of trees and evergreen shrubs which, upon maturity, adequately screen the fencing. Landscaping shall be low maintenance and after establishment shall not require irrigation. A landscape plan shall be required, in compliance with this section, for all double- and reverse-frontage lots that are approved. **The landscape strip shall be located inside a tract and privately owned.**	
16.125.110 Flag lots	**Compliance:** Conditionally
Finding: There are four proposed flag lots: lots 7, 10, 12, and 4. Lots 7, 10, and 12 do not meet frontage requirements. The applicant appears to not exceed more than two hundred feet, but has not labelled the length of driveways on the driveway and landscape plan. Prior to final plat approval, the applicant shall provide the lengths of the driveways on their driveway plan. If the applicant turns lot 2 into a flag lot then their street frontage may be reduced by up to 50% if a shared driveway access easement is in place.	
16.125.120. Easements	**Compliance:** Conditionally
Finding: All necessary easements shall be conditioned as part of the final plat.	
16.130 Required Improvements and Dedications	**Compliance:** Conditionally
Finding: The applicant makes no mention of utility lines. BGMC 16.130.010 requires that all utility lines be installed underground. A condition should be established to require that all utilities be installed underground and that a note on the face of the plat be provided stating that all public and private utilities serving the development should be underground. The applicant has provided a preliminary utility plan. BGMC 16.130.030 requires that water and sanitary sewer service within or along the frontage of a development shall be extended to the extreme property	

lines of the development unless the applicant demonstrates to the decision body that such extension is undesirable, impractical or unfeasible. The Battle Ground Engineering Department has determined that the extension of water and sanitary sewer service within or along the frontage of a development to the extreme property lines of the development is desirable, practical and feasible and shall be required. BGMC 16.130.030, along with BGMC 13.110 and 13.120 requires water and sanitary service throughout the subdivision. The applicant shall submit engineering plans meeting the following conditions:

- All water lines throughout the subdivision shall be a minimum of 8-inches in diameter and extend to the extreme property lines of the subdivision.
- The main lines running throughout the site shall connect to the existing water line at the connection at 3rd Ave.
- 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 provided any preliminary street lighting plan. Per BGMC, 16.130.035-engineering plans shall be prepared by a licensed electrical engineer and shall show the necessary minimum lighting levels. A street lighting plan shall be included with the engineering plans to be approved by the city.

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

The applicant has provided 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
Residential Lot Development Standards		*R-5*
Minimum average lot area (square feet)		6,300
Minimum average lot area for density transfer (square feet)		4,600
Minimum lot area (square feet)		4,000
Maximum density (units per gross acre)		5
Minimum density (units per net acre)[1]		N/A
Minimum lot frontage (feet)		25[2]
Minimum setbacks (feet)	Residence front yard[3]	Minimum 10'
	Garage (minimum)[4]	20

	Side yard[5]	5
	Street side yard	10
	Rear yard[4]	20
Maximum lot coverage (%)		45
Maximum height (feet)		35
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.

Finding: Dimensional requirements within residential districts shall be in accordance with Table 17.106-2 above.
As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 4,000 square feet and the minimum average lot area of 6,300 within the R5 district. Lots range from 7,324 square feet to 13,658, which exceeds the minimum average lot area.

Maximum density is 5 units per gross acre and there is no minimum density requirement within this zone. The parcel on which the property is being developed is approximately 4.17 acres. The maximum allowed density is 21 units. At 15 proposed units, the project does not exceed the maximum density and meets minimum density requirements.

As mentioned before, lot 2 does not have frontage along a public or private street. **The applicant is required to redesign lot 2 to have 25' of frontage.** Lots 7, 10, and 12 do not have adequate frontage and **shall be redesigned to have 25' of frontage.**

17.106.040 Neighborhood Design standards	**Compliance:** Conditionally

Finding: The City of Battle Ground contains minimum architectural requirements for new home construction. A **condition** will require all future homes to comply with the requirements of BGMC 17.106.040 at building permit issuance.

17.133 Parking and Loading Requirements	**Compliance:** Conditionally

Finding: Single-family residential developments are required to provide a minimum of 2 off street parking spaces per dwelling unit. **All future homes shall comply with this section at building permit issuance.**

6.	Title 18 Environmental Protection
18.100-185 SEPA Review	**Compliance:** Conditionally

Finding: 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:

13. HISTORIC AND CULTURAL PRESERVATION

An archeological assessment and report were completed in October of 2018. No historical, archeological, or cultural resources were found to exist on site.

If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation (OAHP) in Olympia and the City of Battle Ground Planning Department must be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.

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

DECISION:

As part of this land use decision, a Final Determination of Mitigated Non-significance (MDNS) is issued pursuant to WAC 197-11-350. 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: Based upon the amount of new impervious surface being generated, the proposed project meets the threshold limits of Minimum Requirements #1-9.

The proposed project meets these requirements and therefore requires stormwater control and drainage per applicable standards specified in BGMC 18.250. The applicant shall submit final engineering plans and a hydrology report that addresses the requirements as outlined in Section 4-7 of the City of Battle Ground's Stormwater Design and Construction Requirements manual.

The applicant has submitted a preliminary stormwater plan and preliminary hydrology report for review. It appears that the layout shown on the preliminary plans/report is adequate for the project.

LID BMPs shall be used as applicable per BGMC 18.250.130, 18.250.170 and 18.250.200. Depending on which requirement is chosen by the applicant, LID Performance Standard or List #2, *BMP T5.13 Post Construction Soil Quality and Depth* will be required for this project.

The preliminary plans show a stormwater easement through lot 4 of Parkway Height subdivision. This easement is for a storm pipe to drain the proposed developments stormwater facility into a catch basin in NE 28th Street. Typically, stormwater facility(s) are publicly owned and maintained as described in BGMC 18.250.300(F) for single-family residence subdivisions. In order for the City to own and maintain the stormwater facility, this easement shall be to the City of Battle Ground. This requirement shall also be applied to the storm pipe going through parcel 226853000.

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.

Easements shall be provided for all storm lines not constructed in City right-of-way 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.

B.	Service Development Charges, Impact Fees, Credits
This project does not address any creditable capital infrastructure therefore; no credits are available for this project.	
C.	Public/Agency Comments
1	**Kevin Jolma – Battle Ground Public Schools** – letter received September 18, 2019
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	**Southwest Clean Air Agency** — e-mail received October 1, 2019
The Southwest Clean Air Agency (SWCAA) commented stating this project may be regulated by SWCAA. The letter has been added as an exhibit.	

Finding: The applicant is required to receive any necessary approvals and/or permits from SWCAA. The applicant may contact SWCAA at (360)574-3058 for more information regarding the agency's requirements. Notification forms, permit applications, regulation, and other information are available on the internet at http://www.swcleanair.org.	
3	Department of Ecology – e-mail received October 9, 2019
The attached letter references water quality standards. The project is conditioned to coordinate with Ecology on any necessary review and approvals.	

III. RECOMMENDATION

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

CONDITIONS OF APPROVAL

A. Prior to Engineering 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.
2. Submit final engineering plans:
    a. Showing adequate half-street improvements, based on pavement testing, for NE 249th Street, a Neighborhood Collector, including sidewalk, planter strip, curb and gutter and asphalt.
    b. Showing full width improvements to NE 3rd Ave cul-de-sac, to Local "A" standards, including sidewalk, planter strip, curb & gutter, and asphalt.
    c. Containing a combined landscaping and driveway plan.
    d. Showing sight distance triangles.
    e. Containing a signing and striping plan.
    f. Containing a street lighting plan.
    g. Showing traffic calming devices on all public streets.
    h. Showing driveways that meet the requirements of BGMC 12.116.243
    i. 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.
    j. Showing an 8-inch water line from NE 3rd Ave. extended to extreme northern property lines.
    k. Showing water lines extending to extreme property lines.
    l. Showing each residential lot having its own individual water service
    m. Showing an 8-inch gravity sewer line throughout the subdivision and extending to extreme property lines.
    n. Showing each residential lot having its own sanitary lateral.
    o. Showing fire hydrants meeting spacing requirements throughout the subdivision.
    p. Showing a stormwater facility that meets the requirements of BGMC 18.250.
    q. Showing grading and erosion control in conformance with applicable city standards and standard construction details.

3. Provide a revised traffic study that incorporates City of Battle Ground crash data and potential mitigations.
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. Submit a hydrology report that addresses all requirements found in BGMC 18.250.
6. Submit a SWPPP that meets the requirements of BGMC 18.250.050(B).
7. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department
8. Following the City Engineer's acceptance and approval of the construction cost estimate, pay the required engineering plan review and construction inspection fee that is two (2) percent of the estimated costs of construction.

B. Prior to Construction of the Site:

1. Receive signed and approved engineering plans from the City of Battle Ground.
2. Receive an approved ROW permit from the City of Battle Ground.
3. Submit a surety bond meeting the requirements of BGMC 12.118.110.
4. Submit a Certificate of Liability Insurance meeting the requirements of BGMC 12.118.120.
5. Erect and conduct erosion control measures consistent with the approved Erosion Control Plan and City of Battle Ground erosion control standards.
6. Submit evidence that an individual on-site has successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the City.
7. Conduct a pre-construction conference with City engineering and planning staff. Contact the Planning Customer Service Clerk at (360) 342-5047 to schedule an appointment.

C. Prior to Creation of Impervious Surface:

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

D. Prior to Engineering Acceptance:

1. Construct all public improvements, if applicable, and go on a walkthrough with City of Battle Ground Engineering Staff and correct any deficiencies as determined by City staff.
2. Submit a letter shall be provided by the applicant showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.
3. Submit to the City of Battle Ground a two-year/20-percent maintenance bond for all completed and accepted public improvements.
4. Submit 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, 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 Final Plat Approval:

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 & NW Onsdorff Boulevard or pay the mitigation fees of $6,887.08.
3. Construct the mitigation measures for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $3,066.66.
4. Submit a final plat:
    a. That shows easements for public utilities not located in the right-of-way.
    b. With the following note: "No fences are allowed in the sight distance triangle."
    c. With the following note: "All utilities are to be located outside of the sidewalk section and to be underground where possible."
    d. With a note specifying the party/s responsible for long-term maintenance of stormwater facilities.
    e. That shows where any control monuments have been placed.
    f. That shows the dedication of any public roads or alleys.
    g. That shows lot 2, 7, 10, and 12 to have 25' of frontage. Alternatively, lot 2 can be a shared flag lot with lot 4 and the two combined would need 25' of frontage.
    h. The shows a dedicated landscape tract for lots 7, 8, 9, and 10 meeting the City's double frontage lot standards.
    i. With the following note: "All new structures shall conform to the setback and building heights of the R5 Zoning District."
    j. With the following note: "All households shall conform to the neighborhood design standards as listed in BGMC 17.106.040."
    k. With the following note: "Building permits and impact fees will be calculated and shall be paid at the time of permit issuance."
    l. With the following note: "The 20' landscape buffer will be owned and maintained by the HOA."
5. Submit a two-year stormwater maintenance contract for review and/or approval.
6. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.
7. Submit a signed Bill of Sale for sewer, stormwater, and water systems.
8. Submit recorded stormwater easements after being reviewed by City Engineering Staff.

F. Prior to Building Construction:

1. Acquire the required permits as outlined in Title 15 above.
2. Provide documentation that the required fire hydrants have been installed, tested, and approved in accordance with City of Battle Ground engineering standards.
3. All new structures shall conform to setbacks, design, parking, and building height requirements of the R5 zoning district and BGMC's residential chapter.

G. Prior to Certificate of Occupancy:

1. Complete all building permit requirements of the City of Battle Ground Building Division.

H. 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. Coordinate any water quality recommendations in reference to Ecology's e-mail dated

October 9, 2019.

3. Coordinate any air quality recommendations and receive applicable permits in reference to SWCAA's e-mail received October 1, 2019.

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 Cedar Heights Subdivision dated October 28, 2019	
1	Application	These Exhibits are contained in the Applicant's Submittal Packet
2	Applicant's Narrative	
3	SEPA Checklist	
4	Development Plans	
5	Deed History	
6	Traffic Study – July 22, 2019	
7	Hydrology & Geotechnical Report – July 2019	
8	Road Modification Request – August 5, 2019	
9	Map Mailing List – September 16, 2019	
10	Letter from Battle Ground Public Schools received September 18, 2019	
11	E-mail from Southwest Clean Air Agency received October 1, 2019	
12	Letter from Department of Ecology – received October 9, 2019	
	Working Exhibit List dated October 28, 2019	

IV. APPEAL

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

V. PRELIMINARY PLAT

