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: Shiloh Lane Subdivision, SEPA, and CAR Review (PR 57-2019)

Report Date: October 24, 2019

Hearing Date: November 12, 2019 @ 6:00 p.m. City Hall

Proposal: This project proposes to create 25 residential lots for detached single-family homes on 5 gross acres in the Residential 12 units/acre (R12) district. The site will gain access from SW 15th Avenue and SW Scotton Way.

Location: 1520 SW Eaton Blvd.
Parcel #: 192407-000

Owner: Mr. & Mrs. Smith,
26219 NE 37th Ave,
Ridgefield, WA 98642

Applicant: Greer & Greer, Inc.,
13023 NE Hwy 99, Suite 7-126,
Vancouver, WA 98686

Staff: Sam Crummett, Community Development Director
Cori Fahrni, Engineering Tech II - Development Review
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 24, 2019

Sam Crummett — Date
Community Development Director

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I. BACKGROUND

A. General Site Information

Size of Site:	5 acres
Existing Vegetation:	Mature trees, wetlands, grass, and shrubs
Existing Structures:	Manufacture home with outbuilding
Adjacent Land Uses:	Apartment complex to the east, single-family to west, and south, and Remy Site to the north
Adjacent Zoning:	R12 to north, west and south. MU-R and RC to east
Slope:	Relatively flat
Geological Hazards:	No mapping indicators
Wetlands:	Presence
Flood Plain:	Outside Flood Area
Archaeology:	Mod-High & High Probability
Priority Habitat:	Oak Woodland
Soils:	Hydric/CvA, Non-Hydric/DoB, Non-Hydric/HuB, Hydric HtA

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 23, 2019
Public Hearing:	November 12, 2019
Decision:	Within two weeks of public hearing

Figure 1. Location

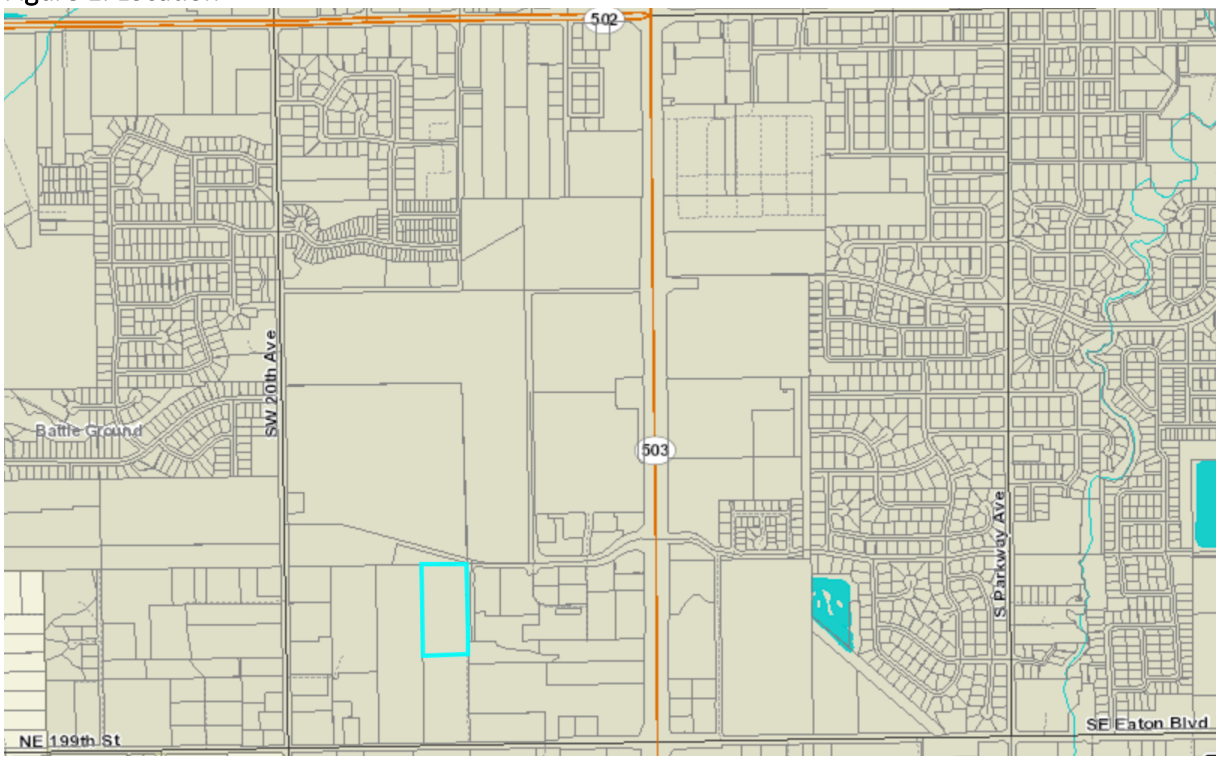


Figure 2. Site – 2018 Imagery



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 25-lot subdivision is located on a parcel south of SW Scotton Way and west of SW 15th Avenue. Access to the development will be from the creation of a new intersection at SW 15th Avenue and SW 16th Way.

Half-street improvements are required for SW 15th Avenue consistent with "Neighborhood Collector" standards to the southern property line. Improvements include, but are not limited to, sidewalk, curb and gutter, asphalt, landscaping and streetlights. The proposed development will need to continue improvements of SW 15th Avenue, having 32-feet of total roadway width, 4-foot landscape strip and 5-foot sidewalk, as measured from the existing bulb out. The applicant to work with the City regarding half width improvements south of lots 23-25 as a neighboring parcel to the east is extending SW 15th Avenue.

The applicant is showing several new streets to be built with this development: SW 16th Way and SW 15th Place to be public streets and shall be built to "Local A" standards. SW 15th Way, west of SW 15th Place, to be public and shall be built to "Local A" standards. SW 15th Way, east of SW 15th Place, to be private and shall be built to "Local A" standard as it will serve more than 5 or more lots/units.

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 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, 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 acorn type units.

Per BGMC 12.116.080, traffic-calming devices are required for all residential streets. Traffic calming devices for this subdivision shall be selected from BGMC Figure 12.116.080(A).

BGMC 12.116.130(A)(3) requires the final plat have the following note: "The City of Battle Ground has no responsibility to improve or maintain the private streets, including streetlights and signs, 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.

12.116.130(A)(6) requires private street identification signs to be installed at the intersection with the public street.

The developer/contractor shall provide certification per BGMC 12.116.130(A)(7) that the private streets were constructed meeting the requirements of 12.116.140.

Per BGMC 12.116.130(A)(7), the applicant shall provide certification that private streets were built in accordance with 12.116.140.

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 applicant will need to provide 8-feet of additional right-of-way, per BGMC 12.116.160, for SW 15th Avenue to allow for 58-feet of right-of-way from the back of sidewalk on the east side of SW 15th Avenue. This dedication can be completed on plat at time of recording.

The applicant's traffic engineer has indicated that 226 daily, 18 new a.m. peak trips and 24 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 a.m. and p.m. peak trips. A traffic study has been submitted. All four failing intersections within the City are receiving new trips; see below under the *Concurrency Management* section for more information.

Per BGMC 12.116.180, the applicant is required to perform pavement deflection testing, to determine the adequacy of the existing pavement on SW 15th Avenue 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 659-feet (north/south) by 332-feet (east/west). Based on the dimensions the preliminary plat would have to provide, at a minimum, zero north/south cross-circulation streets and one east/west cross-circulation streets. The preliminary plat shows zero north/south streets and one east/west streets. Therefore, engineering staff has determined that the applicant has provided all necessary cross-circulation.

Public and private streets shall comply with sight distances per BGMC 12.116.220 and BGMC 17.135.088 unless modified through the road modification process as outlined in BGMC 12.116.290. Final engineering plans shall show sight distance and vision clearance triangles.

Driveway locations and sizes shall be per the requirements of per BGMC 12.116.243.

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 plan shall be submitted for review and approval prior to the commencement of construction.

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

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

12.120 Concurrency Management	**Compliance:** Conditionally

Finding: Per BGMC 12.120.050(B) the subject development is not exempt from Concurrency. At full build out, this development will generate 18 new a.m. and 24 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 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 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	1	n/a	$4,576.23	$4,576.23
Grace Avenue & E Main Street	PM	n/a	0	$1,721.77	$0.00
SR 503 & SW Eaton Boulevard	PM	n/a	7	$1,533.33	$10,733.13
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	6	$2,291.40	$13,748.40

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 located in SW 15th Avenue. The applicant is proposing to connect to this line and extend an 8-inch line to and through the development. The water line shall extend to the extreme property lines. Engineering staff has reviewed this and finds it acceptable.

Any onsite well systems shall be decommissioned per Washington State Department of Ecology specifications.

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 City limits.

The proposed site is located within the northern portion of Basin GAR-06 of the City's Sewer Master Plan. The applicant is showing sewer going to the south to connect to a private pump station associated with the Quail Haven subdivision. The same conditions placed upon Quail Haven regarding the sewer system shall apply to Shiloh Lane subdivision. Those conditions are as follows:

- The proposed pump station and force main shall be reviewed and approved by the City prior to their construction.
- The proposed pump station, force main and line entering pump station shall be privately owned and maintained.
- Gravity lines and manholes located within future streets to be owned and maintained by the City.

Additional conditions:

- The applicant will need to do an agreement with Quail Haven's applicant in order to utilize their pump station. As it is sized to accommodate Quail Haven and nothing more.
- The line shown coming from SW 16th Way shall be located in SW 15th Avenue ROW.

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.

Per BGMC 13.120.020(B), sewer lines shall be located within the City' ROW where feasible. Lines located outside the City ROW shall be privately owned and maintained unless accepted by City Engineer.

Easements shall be provided for City maintained sanitary sewer lines constructed outside City right-of-way per BGMC 13.120.070.

Sanitary sewer laterals shall be 4-inch for single-family residences.
Any onsite septic systems shall be decommissioned per Southwest Washington Health District specifications.

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 25 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: 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: See 12.116 Transportation Standards	
16.125.070. Lot Access Requirements and Restrictions	Compliance: Yes
Finding: All lots have frontage on a public or private street. The R12 zoning district requires a minimum lot frontage of 16 feet. All lots meet the minimum frontage requirements along a private or public street. This standard is met.	
16.125.080. Lot Line Angles	Compliance: Yes
Finding: Lot line angles are satisfied.	
16.125.090. Lot Size and Width Requirements	Compliance: Yes
Finding: As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 2,000 square feet within the R12 district. Lots range from 2,816 square feet to 4,597 square feet, which satisfies the minimum lot area. As mentioned before all lots have adequate frontage on a public or private street. This standard is met.	
16.125.095 Narrow Lot Standards	Compliance: Yes
Finding: 18 lots have less than 50-feet of frontage along a private or public street. This application is required to meet this section of code. The applicant has provided 18 on-street parking stalls, shared driveways, and location of infrastructure. This standard is met.	
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: 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. • Fire hydrant requirements shall be per City of Battle Ground standards and criteria. • All sewer lines throughout the subdivision shall be a minimum of 8-inches in diameter, unless modified by the City, and extend to the extreme property lines of the subdivision.	

- Showing sanitary sewer infrastructure as conditioned previously in this staff report.

The applicant did not provide a preliminary street lighting plan. Per BGMC 16.130.035 lighting 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. The final plat shall show permanent control monuments.

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-12*
Minimum average lot area (square feet)		N/A
Minimum average lot area for density transfer (square feet)		N/A
Minimum lot area (square feet)		2,000
Maximum density (units per gross acre)		12
Minimum density (units per net acre)[1]		6
Minimum lot frontage (feet)		16[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]	10
Maximum lot coverage (%)		60
Maximum height (feet)		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.
Finding: Dimensional requirements within residential districts shall be in accordance with Table 17.106-2 above. Maximum density is 12 units per gross acre and there minimum density is 6 units per acre within the R12 zone. The parcel on which the property is being developed is approximately 5 acres. The maximum allowed density is 60 units and the minimum required density is 15 units. At 25 proposed units, the project does not exceed the maximum density and exceeds minimum density requirements. This standard is met. The absolute minimum lot area is 2,000 square feet within the R12 district. Lots range from 2,816 square feet to 4,597 square feet, which satisfies the minimum lot area. As mentioned before all lots have adequate frontage on a public or private street. All other dimensional standards including setbacks, lot coverage, and building height will be determined at the time of building permit issuance. **A condition will require all new structures to comply with the setbacks and building height of the R12 zoning district prior to building construction.**

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: 7. ENVIRONMENTAL HEALTH a) There is an existing 75' easement for an existing natural gas transmission pipeline. Staff submitted the application to **Williams NW Pipeline Company** during the Notice of Application period, but did not receive comments. The applicant notes using BMPs to avert the potential for ramifications associated with the gas pipeline. **The applicant is required to obtain any necessary approvals from Williams NW Pipeline Company or any other applicable state agencies.**	

b) Noise impacts are anticipated from construction activities. **Applicant shall limit construction hours per BGMC, which states construction activity for commercial development may occur from 7 am to 9 pm Monday through Friday, 8 am to 9 pm on weekends.**

13. HISTORIC AND CULTURAL PRESERVATION
An archeological assessment and report was completed in August of 2019. DAHP is requiring a DAHP Site Alteration & Excavation Permit be applied for and granted prior to any work within site 45CL826. DAHP is also requesting a better delineation of the site boundaries prior to any ground disturbing activities associated with this project. **The applicant is required to show proof of the site alteration and excavation permit prior to any land disturbance and gain any necessary approvals from relevant state agencies.**

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.
As this is a single-family residential subdivision, the stormwater facility(s) shall be publicly owned and maintain as described in BGMC 18.250.300(F).

The applicant is, per BGMC 18.250.310(A), required that in order to insure satisfactory operation of new stormwater facilities to maintain it for two years after completion of the project. Prior to final City acceptance of the stormwater facility, the applicant shall submit a two-year maintenance contract for the required stormwater facility for review and approval. As a condition of final plat approval, this two-

year agreement shall be recorded with the final plat.

The final plat shall include a note specifying the party(s) responsible for long-term maintenance of the stormwater facilities per BGMC 18.250.310(B)(1). Since the City will be providing long-term maintenance of the stormwater facility, conditions of BGMC 18.250.310(B)(3) shall be met.

All stormwater facilities maintained by the City shall be in a tract per BGMC 18.250.320.

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

The preliminary plat complies with all other criteria listed in BGMC 18.250. The final engineering plans and final plat shall comply with these criteria at the time of approval or recording.

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

18.255 Erosion Control	**Compliance:** Conditionally

Finding: The applicant's engineer will need to provide erosion control plans meeting the requirements of BGMC 18.255. These plans will be required to incorporate all of the applicable elements required in BGMC 18.255.060 through BGMC 18.255.090. The plans will provide for erosion control around delineated wetland buffers, 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.

18.260 General Provisions	

Findings: A category IV wetland and Oregon White Oak have been identified on site. The applicant is required to meet this section of the code.

18.260.115 General Approval Criteria	**Compliance:** Yes

Finding: Applicant submitted a Critical Areas Report that demonstrates avoidance in addition to other applicable criteria referenced in this section. The applicant has designed the subdivision avoiding the natural gas pipeline easement and avoids direct impacts to the two wetlands on site.

18.270.040 Wetland Delineation	**Compliance:** Conditionally

Findings: Soil and Water Technologies, Inc. delineated one wetland on site, which will be referred to as Wetland A. Wetland A is 1.27 acres, has a habitat function score of 4, and is identified as a category IV wetland.

18.270.050 Standard Requirements	**Compliance:** Conditionally

A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing

made only of wood, or other prominent physical marking approved by the director. In addition, signs measuring no more than six square feet in area and no shorter than four feet nor higher than six feet shall be posted at an interval of one per lot or every one hundred feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer as approved by the director, and worded substantially as follows:

"—Wetland Buffer—

Please retain in a natural state

BGMC 18.270.050"

The signage and fencing shall be installed prior to any land alteration or construction.

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

18.270.070 Standards—Buffer Activities	Compliance: Conditionally
The applicant has shown stormwater facilities within wetland buffers and therefore must provide appropriate mitigation. See mitigation section below.	
18.270.090-100 Buffer Requirements/Modifications	**Compliance:** Conditionally
Per Table 18.270.090-3, Category IV wetlands with high land use intensity requires a 50-foot buffer. Therefore, Wetland A requires a 50' buffer. The Critical Areas Report mentions buffer averaging. See buffer requirements and mitigation section below.	
18.270.115-120 Wetland Compensatory Mitigation	**Compliance:** Conditionally

Findings: Prior to engineering approval, the applicant shall submit a mitigation plan to the City of Battle Ground for review containing:

1. Submit wetland mitigation plan that assures mitigation requirements of BGMC 18.260.120 and 18.260.130.
2. Submit a buffer averaging proposal that complies with 18.270.080, which includes showing that no buffer is reduced by more than 75% of its standard.
3. Submit a wetland mitigation plan showing that the stormwater facility located in the wetland buffer meets criteria listed in 18.270.070.
4. Per BGMC 18.260.180 all wetlands and buffer areas over 5,000 square feet shall be included in critical area tracts.
5. Coordinate with the State Department of Ecology for the proposed wetland impacts and final mitigation plan.
6. Adhere to all recommendations of the final Wetland Delineation and Mitigation Plan.

The applicant is also required to work with the Army Corps of Engineers and the Washington State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan.

18.280 Fish and Wildlife Habitat Conservation Areas	
Oregon White Oaks have been identified on site and the applicant is required to meet this section of the code.	
18.280.040 Fish and Wildlife Habitat Designations	**Compliance:** Conditionally

Findings: The applicant provided an updated existing conditions report showing the location of Oregon White Oaks. All Oaks will be preserved on site.

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	Southwest Clean Air Agency — e-mail received October 1, 2019
The letter attached states there may be relevant regulations that apply to this project. The first is demolition/asbestos and the second is construction dust. **The applicant is required to gain any applicable permits and/or approvals from SWCAA.**	
2	Stephanie Jolivette – DAHP/Local Governments Archaeologist – received October 2, 2019
A DAHP Site Alteration & Excavation Permit must be applied for and granted prior to ground disturbing activities. The SEPA checklist indicates that the landowner is aware of this requirement and that the permit application is underway. The DAHP has not yet received this application, but look forward to reviewing it. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues. The DAHP is also requesting a better delineation of the site boundaries prior to any ground disturbing activities associated with this project. **The applicant is required to show proof of the site alteration and excavation permit prior to any land disturbance and gain any necessary approvals from DAHP.**	
3	Department of Ecology – Letter received October 9, 2019
Finding: Ecology's letter notes different wetland ratings that what was in the Critical Areas Report. This report has been conditioned for the applicant to coordinate with the Department of Ecology for the final mitigation plan. **This project is conditioned to coordinate with DOE on other items mentioned in the letter such as hazardous waste and water quality.**	

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, for SW 15th Avenue, "Neighborhood Collector", including sidewalk, planter strip, curb/gutter and asphalt.

b. Showing full width improvements to SW 16th Way, SW 15th Place, and SW 15th Way (west of SW 15th Place) to "Local A" standards, including sidewalk, planter strip, curb & gutter, and asphalt.
c. Showing SW 15th Way (east of SW 15th Place) meeting the applicable private street requirements in BGMC 12.116.140 based on 5 or more lots/units.
d. Containing a combined landscaping and driveway plan.
e. Showing sight distance and vision clearance triangles.
f. Containing a signing and striping plan.
g. Containing a street lighting plan having LED decorative acorn units.
h. Showing traffic calming devices on all public streets.
i. Showing driveways that meet the requirements of BGMC 12.116.243 and 12.116.246.
j. Showing traffic mitigation at SR 503 & NW Onsdorff Boulevard, SR 503 & SW Eaton Boulevard and SW 20th Avenue & SW Eaton Boulevard or indicating that mitigation fees will be paid in lieu of the improvements.
k. Showing water lines extending to extreme property lines.
l. Showing each residential lot having its own individual water service
m. Showing sewer lined extending to extreme property lines.
n. Showing each lot having its own individual 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 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.
4. Submit a hydrology report that addresses all requirements found in BGMC 18.250.
5. Submit a SWPPP that meets Department of Ecology requirements.
6. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department
7. Following the City Engineer's acceptance and approval of the construction cost estimate, pay the required engineering plan review and construction inspection fee that is two (2) percent of the estimated costs of construction.

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

1. Construct all required public improvements and gain engineering acceptance or provide appropriate bonding.
2. Construct the mitigation measures for the failing intersection of SR 503 & NW Onsdorff Boulevard or pay the mitigation fees of $4,576.23.
3. Construct the mitigation measures for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $10,733.13
4. Construct the mitigation measures for the failing intersection of SW 20th Avenue & SW Eaton Boulevard or pay the mitigation fee of $13,748.40.
5. 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 the following note: "The City of Battle Ground has no responsibility to improve or maintain the private streets, including streetlights and signs, contained within, or private streets providing access to, the property designed in this development."
e. With a note describing the maintenance responsibilities of each lot owner for the private streets.
f. With a note specifying the party/s responsible for long-term maintenance of stormwater facilities.
g. That shows where any control monuments have been placed.
h. That shows the dedication of any public roads or alleys.
i. With the following note: "All new structures shall conform to the setback and building heights of the R12 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. That shows the wetland delineation and signage meeting BGMC 18.270.050.
m. With the following note: "Wetland buffer demarcation shall comply with BGMC 18.270.050."
n. That shows the wetland and buffer areas are in a critical areas tract.
o. With the following note: "The critical areas tract shall be owned and maintained by the HOA."

6. Submit a two-year stormwater maintenance contract for review and/or approval.
7. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.
8. Provide certification that private streets were built per BGMC 12.116.140.
9. Submit a private maintenance agreement for private streets.
10. Submit a signed Bill of Sale for sewer, stormwater, and water systems.
11. Provide a copy of the site alteration and excavation permit prior to any land disturbance. The applicant is also required to gain any necessary approvals from DAHP.
12. Submit a wetland mitigation plan that assures mitigation requirements of BGMC 18.260.120 and 18.260.130. This plan shall demonstrate the stormwater facility meets the requirements in 18.270.070.
13. Submit a buffer-averaging proposal that complies with 18.270.080, which demonstrates that the buffer is not reduced by more than 75% of its standard.

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. 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 to the City of Battle Ground a Stormwater Facility Maintenance Agreement meeting requirements of BGMC 18.250.310(A)(1) for review and approval prior to recording.

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, two (2) 11x17 paper sets of As-Built record drawings and one (1) 3.5-inch disk (s) or compact disc version of the as-built drawings in AutoCAD, PDF, and TIF formats.

D. Prior to Construction 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 Engineering Department at (360) 342-5070 to schedule an appointment.
8. Signage and fencing around the wetland buffer must be installed prior to any land alteration or construction meeting the standards of BGMC 18.270.050.

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 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 approve in accordance with City of Battle Ground engineering standards.

A. Prior to Certificate of Occupancy:

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

B. 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. The applicant is required to obtain any necessary approvals from Williams NW Pipeline Company or any other applicable state agencies due to the natural gas pipeline in the property.
3. Applicant shall coordinate with DOE on all items addressed in their comment letter dated October 9, 2019
4. Adhere to all recommendations in the final *Critical Areas Assessment and Mitigation Plan* agreed upon with the Department of Ecology.

5. Coordinate any air quality recommendations and demolition recommendations and receive applicable permits in reference to SWCAA's e-mail received October 1, 2019.
6. Applicant shall limit construction hours per BGMC, which states construction activity for commercial development may occur from 7 am to 9 pm Monday through Friday, 8 am to 9 pm on weekends.

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 & recommendation for Cedar Heights Subdivision dated October 23, 2019	
1	Land Use Application	These Exhibits are contained in the Applicant's Submittal Packet
2	Applicant's Narrative	
3	SEPA Checklist – July 2, 2019	
4	Deed History	
5	Archaeological Report Cover Sheet – April 17, 2019	
6	Critical Areas Report – November 20, 2018	
7	Stormwater Report – March 19, 2019	
8	Traffic Study – February 11, 2019	
9	Existing Conditions Page 1	
10	Existing Conditions Page 2	
11	Preliminary Plat	
12	Oregon White Oak Location Clarification from Applicant – October 7, 2019	
13	DAHP E-mail Correspondence + Attachment – October 2, 2019	
14	Letter from Southwest Clean Air Agency received October 1, 2019	
15	Letter from Department of Ecology – received October 9, 2019	
	Working Exhibit List dated October 23, 2019	

V. APPEAL

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

VI. PRELIMINARY PLAT

