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: New Century Subdivision (PR 66-2019)

Report Date: January 23, 2020

Hearing Date: January 31, 2020 @ 10:00 a.m. City Hall

Proposal: The applicant is proposing 18 single-family homes on approximately 5.16 acres within the residential five units per acre district. The proposal includes open space for an existing wetland on site and a stormwater detention pond. The development will gain access from SW 20th Avenue.

Location: 1414 SW 20th Avenue, Battle Ground, WA 98604
Parcel: 192622-000

Owner: New Century Holdings, LLC.
13376 SW Benchview Terrace
Portland, OR 97223

Applicant: James Clark
Clark Land Design, PLLC
10013 NE Hazel Dell Avenue, PMB 177
Vancouver, WA 98685

Staff: Emily Lutz, Planning Supervisor
Ryan Jeynes, PE, City Engineer
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.

Emily Lutz

January 23, 2020

Emily Lutz
Planning Supervisor

Date

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I. BACKGROUND

A. General Site Information

Size of Site:	5.16 acres
Existing Vegetation:	Field with mature trees, wetlands, grass, and shrubs
Existing Structures:	Existing home, shops, and shed
Adjacent Land Uses:	Large lot residential and Remy Site to the east
Adjacent Zoning:	R-7 to the north, R-3 to the south, R-12 to the east, and R-5 to the west
Slope:	Relatively flat
Geological Hazards:	No mapping indicators
Wetlands:	Presence
Flood Plain:	Outside Flood Area
Archaeology:	Mod-High & High Probability
Priority Habitat:	No Mapping Indicators
Soils:	Non-Hydric/DoB and Hydric/HtA

B. Land Use Processing

Date Application Submitted:	September 5, 2019
Application Technically Complete:	October 28, 2019
Notice of Application:	November 7, 2019
Site Posted:	November 7, 2019
Reflector Publication:	November 6, 2019
On Hold:	December 20, 2019
Off Hold:	January 10, 2020
Staff Report Issuance:	January 23, 2020
Public Hearing:	January 31, 2020
Decision:	Within two weeks of public hearing

Figure 1. Location

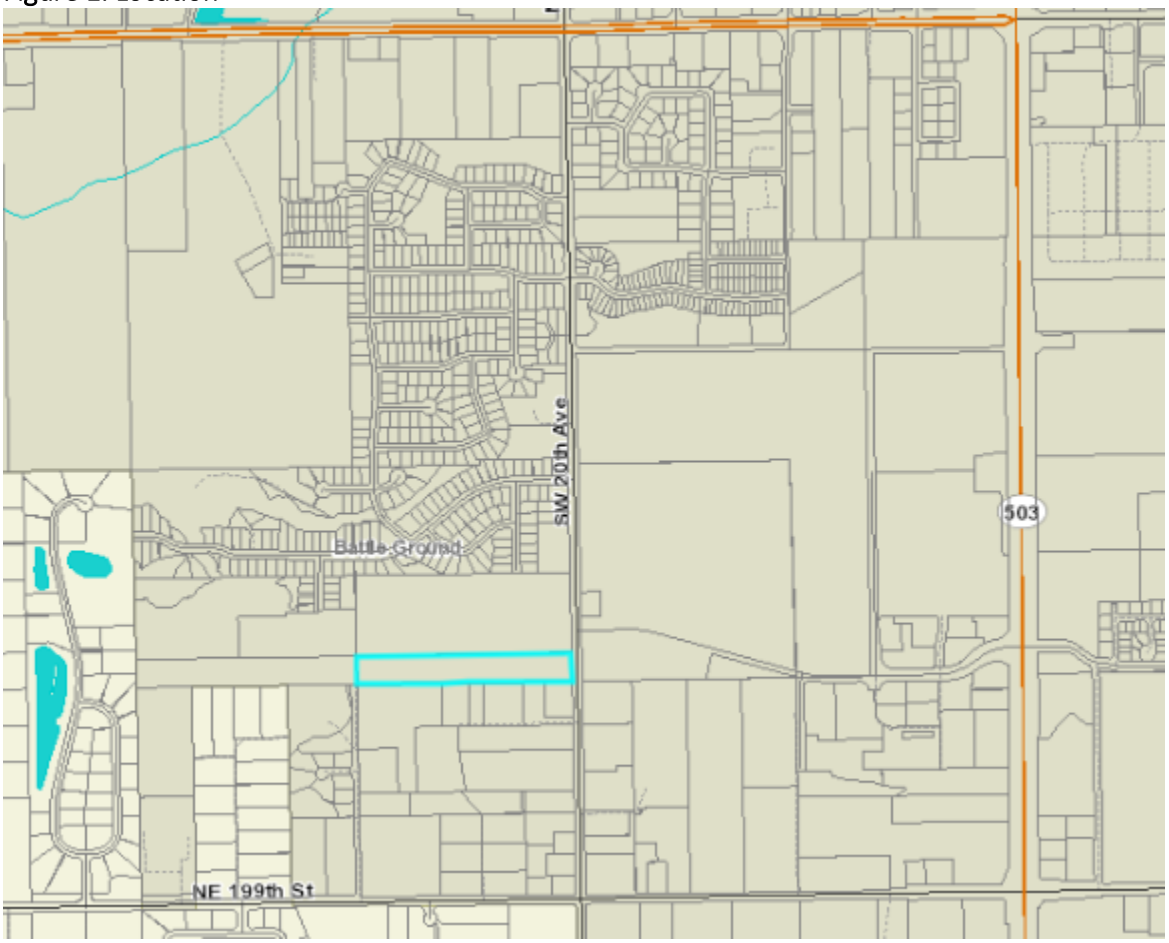


Figure 2. Site – 2018 Imagery



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 names will be designated during engineering review. **The applicant is required to update street names, if applicable, prior to engineering approval.**		
12.116 Transportation Standards		**Compliance:** Conditionally

Finding: The proposed 18-lot subdivision is located on a parcel southwest of the SW 20th Avenue and SW Scotton Way intersection. Access to the development will be from the creation of a new intersection at SW 20th Avenue and SW 14th Street.

Half-street improvements are required for SW 20th Avenue consistent with "Modified Minor Arterial" standards having a 30-foot right-of-way containing: 22-feet of roadway, 3-foot landscape strip, and 5-foot sidewalk.

A minimum half-width right-of-way dimension of 34 feet shall be dedicated for SW 25th Avenue. ~~SW 25th Avenue shall be built to the requirements of "Neighborhood Collector" standards that include a minimum half-width right-of-way dimension of 34-feet: 25-feet of roadway, 4-foot landscape strip, and 5-foot sidewalk.~~

SW 14th Street shall be built to the requirements of "Local A" standards that include a minimum half-width right-of-way dimension of 34-feet: 25-feet of roadway, 4-foot landscape strip, and 5-foot sidewalk.

SW 21st Avenue shall be built to "Local A" standards that includes right-of-way dimension of 48-feet: 32-feet of roadway with a 4-foot landscape strip and a 5-foot sidewalk on both sides of the street.

There is one location where the intersection spacing requirements is not being met; along SW 20th Avenue between SW Scotton Way and SW 14th Street. The applicant's engineer submitted a road modification; see below for more information.

The preliminary plat includes a hammer-head. Per Table 12.116.040(E) hammer-heads are not allowed except when protecting a natural resource. The applicant's engineer submitted a road modification; see below for more information.

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 a driveway location plan as part of the engineering plans, per

BGMC 12.116.050(G), 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 cobra type units for SW 20th Avenue and LED acorn type units for internal streets.

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).

The applicant's engineer has indicated that 13 new a.m. peak trips and 18 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(B), the applicant is required to perform pavement deflection testing, to determine the adequacy of the existing pavement on SW 20th 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 streets on the preliminary plat. BGMC 12.116.200 contains the City's cross streets (circulation) requirements, which require connections every 500-feet. The preliminary plat shows the parcel being approximately 170-feet (north/south) by 1,312-feet (east/west). Based on the dimensions the preliminary plat would have to provide, at a minimum, two north/south cross-circulation streets and zero east/west cross-circulation streets. The preliminary plat shows one north/south streets and one east/west streets. In order to meet the cross-circulation spacing one more north-south street is required. The City's Transportation System Plan (TSP) shows SW 25th Avenue to be located along the western boundary of the parcel. Half-width right-of-way dedication for ~~construction of~~ SW 25th Avenue meeting "Neighborhood Collector" standards will satisfy the cross street (circulation) requirement.

Public 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.

Two (2) road modifications were submitted:

1. To reduce the intersection spacing along SW 20th Avenue between SW Scotton Way and SW 14th Street.
   Table 12.116.040(A)(1) sets the intersection spacing requirements for "Modified Minor Arterials" street classifications. SW 20th Avenue is classified as a "Neighborhood Collector". Therefore, the spacing of intersections along this street shall be a minimum of 500-feet. The submitted plat has the above-mentioned intersection not meeting spacing requirements. The applicant is requesting that SW 14th Street be located along the northern portion of the parcel, thus making the distance between the intersections be 157-feet. BGMC 12.116.290(A) lists four (4) criteria that need to be met in order for a road modification to be approved: topographical or physical conditions; consistent with sound engineering principles and is safe, practical, and efficient; consistent with intent and purpose of modification; and is consistent with the City's Comp Plan. The applicant's engineer did provide documentation that justifies the proposed location of the intersection of SW 20th Avenue and SW 14th Street: that the access for the proposed development would be via a right-in/right-out through the installation of a median in SW 20th Avenue; the presence of an Oregon White Oak that does encroach onto the developing parcel; analysis of the intersection of SW 20th Avenue and SW Scotton Way shows that it has 0.61 accidents per million (less than 1.00 is considered acceptable) and has a Level of Service (LOS) level of an "A" before and after development occurs, therefore the intersection should be seen as safe and efficient; and the road modification meets the intent of the modification and the City's Comp plan. Given the above justifications and the project layout is meeting the goals/requirements of the City, staff agrees with the applicant and approves the road modification to reduce intersection spacing to the locations and dimensions mentioned above. However, approval of the road modification comes with the requirement of making a right-in/right-out access at the intersection via the construction of a median within SW 20th Avenue.

2. To allow the use of a hammer-head.
   Regarding the use of a hammer-head, BGMC Table 12.116.040E states "…hammer-heads are not allowed, except when necessary for access management or protection of parks and natural recourses." Within the narrative of the submittal packet, the applicant requested the approval for the use of a hammer-head at the western terminus of SW 14th Street. This is due to a wetland that is present along the western portion of the property. Given that the impacts to a natural resource will be reduced by the construction of a hammer-head, staff agrees with the applicant and approves the road modification for the use of a hammer-head. However, the approval of the road modification comes with the requirement of dedicating the remaining ROW needed to extend the road to the western property line. The hammer-head shall meet the requirements of the current adopted fire code.

Staff received comments from the following citizens regarding transportation:

1. Mr. Ramey: concerns with number of increased trips on SW 20th Avenue; traffic tie-ups at the intersection of SW 20th Avenue & SW Scotton Way based on location of new street, SW 14th Street, providing access to the development
2. Mr. Chiarella; concerns of increased traffic; safety at the intersection of SW 20th Avenue & SW Scotton Way
3. Mr. & Mrs. Jones: concerns of increased traffic; safety at the intersection of SW 20th Avenue & SW Scotton Way

4. Ms. Newcomer: safety at the intersection of SW 20th Avenue & SW Scotton Way
5. Mr. Brooks: concerns of increased traffic; safety at the intersection of SW 20th Avenue & SW Scotton Way

Responses to citizen comments:

1. The developer's engineer provided a traffic study that shows newly constructed and existing intersections, with and without mitigation improvements, will meet LOS standards. A safety analysis of the SW Scotton Way & SW 20th Avenue intersection was completed. It shows that the intersection has 0.61 accidents per million entering vehicles; anything less than 1.00 is considered acceptable. Additionally, the developer submitted a road modification regarding intersection spacing between SW 14th Street and SW Scotton Way; see above.
2. Please see response #1.
3. Please see response #1.
4. Please see response #1.
5. Please see response #1.

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 13 new a.m. and 18 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	Failure	AM Site Trips	PM Site Trips	Proportionate Mitigation Share per Trip	Mitigation Cost per Intersection
SR 503 & NW Onsdorff Boulevard	AM	0	n/a	$4,576.23	$0.00
Grace Avenue & E Main Street	PM	n/a	0	$1,721.77	$0.00
SR 503 & SW Eaton Boulevard	PM	n/a	6	$1,533.33	$9,199.98
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	7	$2,291.40	$16,039.80

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. However, this development is within Clark Public Utilities (CPU) service boundary. Therefore, the development shall meet the requirements of CPU for water approval.

The applicant shall show CPU approval for water design prior to receiving engineering approval from the City of Battle Ground.

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

Finding: Sewer service is required for this project. Battle Ground is the public sanitary sewer purveyor for properties within City limits. The project is located within sewer basin LEW-18.

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

Per the current General Sewer Plan (GSP), sewer connection for the proposed subdivision shall be made to an existing manhole at the terminus of SW 21st Avenue that was installed with Horsethief Canyon Phase 1B project, or provide an alternative sewer connection for final engineering review. Sanitary sewer lines throughout the proposed subdivision shall be a minimum of 8-inches and extend to extreme property lines.

Force main FM#11-2 and gravity pipe PR-12 need to be replaced or upgraded to a larger size that will accommodate needed sewer capacity in both the 20-year and 50-year time frames per the current GSP. The Public Work's Director has determined that there is sufficient capacity for this development in FM#11-2 and PR-12. There is however, a capacity deficiency (CD-2) downstream of the project site, the fix for which consists of constructing 421 linear feet of 36-inch gravity line, of which $122,440 is creditable. Correction of this deficiency will be required if it has not been completed by a prior development.

A sewer capacity study of the existing pump station, PS #10, located within Horsethief Canyon shall be completed. If the study determines that with the proposed subdivision the pump station has reached its capacity, then the applicant will be required to constructed FE-15, FE-14, FE-13, PS #11, FM11-1 and abandon PS #10.

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 the City Engineer.

Easements shall be provided for City maintained sanitary sewer lines constructed outside 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. In accordance with IBC 107.3.4 and per RCW 18.08, an Architect shall act as the design professional in responsible charge and shall be responsible for reviewing and coordinating the submittal documents.

The applicant shall be responsible for coordinating with private utility companies to provide service to the project. Please be aware that utility providers may have specific requirements for utility placement, easements, or clearances and the applicant shall coordinate with the utilities to ensure all requirements have been met.

15.105.090 Fire Apparatus Access Roads	**Compliance:** Conditionally

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".

Update plans to show required "No Parking – Fire Lane" signs on at hammerhead turnaround and both sides of SW 14th St.

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

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 two new hydrants shown are adequately placed.

The new hydrants shall meet the flow requirements of appendix B of the International Fire Code for the type of construction (VB) and occupancy (R-3) of the structure (1,500 Gallons Per Minute). Prior to occupancy the applicants shall provide a letter that states the purveyor can supply the required amount of fire flow required.

4.	Title 16 Land Divisions
16.115.040 Preliminary Plats	**Compliance:** Yes
Finding: The applicant is proposing 18 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 R5 zoning district requires a minimum lot frontage of 25 feet. All proposed lots exceed the minimum requirements.	
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 4,000 square feet and the minimum average lot area is 6,300 within the R5 district. Lots range from 6,200 square feet to 11,350 square feet. The proposed plat has an average lot size of 7,920 square feet, which satisfies this requirement. As mentioned before, lots have adequate frontage on a public or private street.	
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:	

Showing that the water design meets the requirements of Clark Public Utilities and gets approval from them for the water distribution system.

Water lines shall be extended to the extreme property lines of the subdivision.

Fire hydrant requirements shall be per City of Battle Ground standards and criteria.

The sewer main lines shall connect to the existing sewer manhole within Horsethief Canyon located at the termini of SW 21st Avenue, or an alternative sewer connection may be proposed during final engineering review.

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.

Depending on outcome of pump station study, construct FE-15, FE-14, FE-13, PS #11, FM11-1 and abandon PS #10.

Correct deficiency of CD-2 if it has not been completed by a prior development.

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-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.

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 5 acres. The maximum allowed density is 25 units. At 18 proposed units, the project does not exceed the maximum density.

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 is 6,300 within the R5 district. Lots range from 6,200 square feet to 11,350 square feet. The proposed plat has an average lot size of 7,920 square feet, which satisfies this requirement.

As mentioned before, 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 R5 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.	
17.128.010 Park and Open Space Purpose and Applicability	**Compliance:** Not Applicable
Finding: The proposed development is less than ten acres, has less than 50 housing units, and the parent parcel dimensions are less than one-quarter mile; therefore, this project is not subject to this chapter.	
17.133.030-0.40 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

If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology & Historic Preservation (DAHP) 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.

Staff received comments from the following citizens regarding stormwater:

1. Ms. Newcomer: concern of drainage going onto her property
2. Mr. Ramey: concern of drainage going onto neighboring properties.
3. Ms. Korolkova: concern of increased drainage from development
4. Mr. Brooks: concern of drainage going onto neighboring properties.

Responses to citizen comments:

1. The applicant will be required to meet all City and State requirements pertaining to stormwater. Runoff generated by the new development cannot be released at rates that exceed pre-development amounts. Additionally, the runoff generated by the new development cannot create impacts to neighboring properties.
2. Please see response #1.
3. Please see response #1.
4. Please see response #1.

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 in 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 III wetland and Oregon White Oak have been 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, Preliminary Wetland Mitigation Plan, Supplemental Wetland Avoidance Letter, and an Arborist Report that demonstrates applicable criteria referenced in this section. See sections below for more information.	
18.270.040 Wetland Delineation	**Compliance:** Yes
Findings: Parallel Wetlands Ecology, LLC (PWE) delineated one wetland on site which will be referred to as Wetland A. Wetland A is an emergent, forested depressional wetland totaling 0.49 acres on site, has a habitat score of 6, and a water quality score of 7.	
18.270.050 Standard Requirements	**Compliance:** Conditionally
A permanent physical demarcation along the 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. Buffer signage should be included on engineering plans.

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 a stormwater facility within Wetland A's buffer. This is allowed, but must meet the following criteria:

A. Stormwater Facilities. Stormwater facilities are allowed, provided the facilities will not degrade the wetland or buffer and are designed to blend with the natural landscape. Unless determined otherwise by the community development director, the following activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:

1. Removal of trees greater than four inches diameter at four and one-half feet above the ground or greater than twenty feet in height;
2. Disturbance of plant species that are listed as rare, threatened or endangered by the city of Battle Ground or any state or federal management agency;
3. The construction of concrete structures other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;
4. The construction of maintenance and access roads;
5. Slope grading steeper than four to one horizontal to vertical above the normal water surface elevation of the stormwater facility;
6. The construction of pretreatment facilities such as forebays, sediment traps, and pollution control manholes;
7. The construction of trench drain collection and conveyance facilities;
8. The placement of fencing unless it meets the requirements for fencing below;
9. The placement of rock and/or riprap, except for the construction of flow spreaders, or the protection of pipe outfalls and overflow spillways; provided, that buffer functions for areas covered in rock and/or riprap are replaced; and
10. Other activities shown through a critical areas report or mitigation plan to degrade the wetland or buffer.

Prior to engineering approval, the applicant shall update the wetland mitigation plan to demonstrate compliance with 18.270.070A.

B. Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed provided all the following conditions are met:

3. Appropriate landscaping is provided along the roadway to shield wetlands from activity on the roadway;

Prior to engineering approval, the applicant shall update the landscape plan and mitigation plan providing landscape along the hammerhead turnaround. ~~The applicant is also required to update the mitigation plan showing SW 25th Avenue per the City's street section above.~~

18.270.090 Buffer Requirements	Compliance: Conditionally
PWE's report states Wetland A has a habitat score of 6. Per Table 18.270.090-3, a moderate habitat score and high land use intensity for a Category III wetland requires a 150-foot buffer.	
18.270.100 Buffer Modifications	Compliance: Conditionally
The Critical Areas Report references buffer width averaging. The proposal includes impacting the wetlands directly and indirectly and the applicant proposes to purchase credits to mitigate. If the applicant intends on utilizing buffer width averaging, then they will need to amend their mitigation plan to show compliance with 18.270.100 and receive any necessary approvals from ECY.	
18.270.115-120 Wetland Compensatory Mitigation	Compliance: Conditionally
The Preliminary Wetland Mitigation Plan dated August 28, 2019 states the proposed project will directly impact 13,950 square feet and indirectly impact 26,250 square feet to Wetland A. Findings: Prior to engineering approval, the applicant shall submit a mitigation plan to the City of Battle Ground for review containing: A. Submit wetland mitigation plan that assures mitigation requirements of BGMC 18.260.120 and 18.260.130. B. Submit a wetland mitigation plan showing that the stormwater facility located in the wetland buffer meets criteria listed in 18.270.070. C. Per BGMC 18.260.180 all wetlands and buffer areas over 5,000 square feet shall be included in critical area tracts. D. Coordinate with the State Department of Ecology for the proposed wetland impacts and final mitigation plan. E. 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. Applicant is required to provide an updated mitigation plan prior to engineering approval and evidence of credits prior to final plat approval.	
18.280 Fish and Wildlife Habitat Conservation Areas	
The Critical Areas report identified a seasonal, non-fish bearing stream and the Arborist Report identified Oregon White Oaks. The applicant is required to meet this section of the code.	
18.280.040-050 Fish and Wildlife Habitat Designations	Compliance: Yes
Findings: The Critical Areas report identified a seasonal, non-fish bearing stream. Per Table 18.280.050, other riparian waters not specifically listed require a 50-foot buffer. This standard is met through the buffer requirements outlined in the wetlands section of the report. ~~If the addition of SW 25th Avenue impacts the buffer for the non-fish bearing stream, then the applicant will need to update their mitigation plan accordingly prior to engineering approval.~~ The Arborist Report identified an Oregon White Oak in the southeast corner of the site. The applicant intends to leave the tree as is and meets this standard of code.	

B.	Service Development Charges, Impact Fees, Credits
CD-2 is a Sanitary Sewer System Development Charge (SDC) creditable project and is estimated to cost $274,000.00, of which 44.69% is creditable. This project will need to construct 100% of	

the project (421 lf of 36" line), therefore $122,440.00 is the maximum available as SDC credits. The applicant will need to provide all receipts and all other information prior to receiving any credits.

If constructed, FE-15, FE-14, FE-13, PS #11, and FM11-1 are Sanitary Sewer System Development Charge (SDC) credit eligible projects. The General Sewer Plan states the following: FE-15 is estimated to cost $518,000.00 and is 100.00% creditable; FE-14 is estimated to cost $394,000.00 and is 100% creditable; FE-13 is estimated to cost $1,418,000.00 and is 100% creditable; PS11 is estimated to cost $1,250,000.00 an is 100% creditable; FM11-1 is estimated to cost $1,521,000.00 and is 100% is creditable. Based on the above amounts, the maximum SDC credits is $5,101,000.00. Credit amounts will be based on the current General Sewer Plan at the time of construction. The applicant will need to provide all receipts and all other information prior to receiving any credits.

C.	Public/Agency Comments
1	Michele Newcomer – E-mail received November 18, 2019

This e-mail outlines the various drainage and stormwater accumulation on her property. She included pictures of the drainage ditch referred to in the applicant's submittal. For the full letter and pictures see exhibit 18.

Staff addressed these concerns in section 18.250 Stormwater Control and Drainage.

2	Joel Ramey Comment 1 – E-mail received November 17, 2019

In the Notice of Application I received, dated November 7,2019, under Comments:, it says, "Comments must be submitted by 5:00 p.m., November 21, 2019 in order to be referenced in the staff report." I would like to know what "referenced" means.

Will any citizens comments be included in full in the staff report? Comments received during the comment period are addressed in the report. All comments received are added as an exhibit and sent to the hearing examiner prior to the public hearing.

Will they be a simple tally of "for or against" comments? Will they be read aloud at the January 3, 2020, meeting? Comments will not be read aloud during the public hearing, but instead will be read prior to it. Citizens are also allowed to attend the public hearing and raise these concerns to the hearing examiner in person.

See exhibit 19 for the entire e-mail.

3	Joel Ramey Comment 2 – received November 17, 2019

Joel Ramey provided an additional e-mail stating concerns regarding traffic on SW 20th Avenue and water run-off. In addition, Mr. Ramey mentions the narrow road and concerns for bicycle and pedestrian safety. Lastly, Mr. Ramey mentions additional run-off associated with the filling of wetlands.

Staff addressed these concerns in section 12.116 Transportation Standards and 18.250 Stormwater Control and Drainage. See exhibit 20 for the entire e-mail.

4	Joel Ramey Comment 3 – Received November 17, 2019

The e-mail references previous discussions between Mr. Ramey and the City's engineering department. The e-mail addresses traffic concerns and traffic accidents along SW 20th Avenue. He also mentions needed improvements for SW 20th Avenue and Scotton Way.

Staff addressed these concerns in section 12.116 Transportation Standards. See exhibit 21 for the full e-mail.

5	John Chiarella – Letter Received November 19, 2019

Mr. Chiarella's e-mail mentioned concerns regarding the roads proximity to Scotton Way and increased traffic. Staff addressed these concerns in section 12.116 Transportation Standards. See exhibit 22 for the entire e-mail.

6	Department of Ecology – E-mail Received November 21, 2019

Ecology's e-mail outlines water quality standards and general construction stormwater general permit. The project is conditioned to coordinate with Ecology on any necessary review and approvals. See exhibit 23 for ECY's e-mail.

7	Tanya Korolkova – E-mail received November 21, 2019

This e-mail outlines the various drainage and stormwater accumulation on her property. She included pictures of the water on her property and referred to in the applicant's submittal. For the full letter and pictures see exhibit 24.

Staff addressed these concerns in section 18.250 Stormwater Control and Drainage. See exhibit 24.

8	Kelly and Shari Jones – Received two e-mails on November 20, 2019 and November 21, 2019

This e-mail referenced the preservation of the arborvitae along their southern property line. The proposed road will not encroach on the applicant's property to the north. They are required to build within the property's boundaries.

The second part of the e-mail mentioned concerns regarding the roads proximity to Scotton Way and street improvements to the intersection. Staff addressed these concerns in section 12.116 Transportation Standards. See exhibit 25 for the citizen's e-mail.

9	Washington State Department of Health – E-mail received November 21, 2019

Deborah Johnson, a Wellhead Protection Specialist, submitted an e-mail stating this project is subject to BGMC 18.290.030.

Response: Per BGMC 18.290.070 – item 1, all residential uses are exempt from the standards listed in this chapter. See exhibit 26 for the letter attached to Department of Health's e-mail.

10	Michele Newcomer Comment 2 – E-mail received November 21, 2019

Dr. Newcomer provided additional concerns for the record. Her first concern is the new placement of the road. The applicant has submitted a road modification for staff to review. This concern is addressed in 12.116 Transportation Standards.

Her second concern was the placement of two houses along 21st Avenue. The proposed lots meet zoning standards. The placement of the residences will meet building setback requirements at the time of building permit issuance. The applicant is also allowed to have up to 25 homes and staff cannot require them to reduce the number of lots as this meets the City's density provisions.

Her additional concerns include the placement of 21st Avenue, the spacing between this new intersection on 20th and the intersection of 20th and SW Scotton Way, and finally traffic hazards associated with this intersection spacing. Staff has addressed the applicant's road modification request in 12.116 Transportation Standards. See exhibit 27 for Dr. Newcomer's entire e-mail.	
11	William Brooks – E-mail received November 21, 2019
Mr. Brooks' e-mail states concerns regarding the new subdivision to be out of character with surrounding homes. The applicant meets the zoning standards of Battle Ground's municipal code and is compliant with the purpose of low density subdivisions listed in 17.106.010. Additionally, the applicant is allowed to have up to 25 homes and staff cannot require them to reduce the number of lots as this meets the City's density provisions. Mr. Brooks also referred to piecemeal development. The development meets or is conditioned to meet the City's design standards, street standards, and residential development standards per Battle Ground's municipal code. The applicant may work with surrounding property owners to develop a larger area, but is not required to purchase or work with surrounding property owners to create a larger development. The applicant also mentions the placement of the road in proximity to the intersection of SW 20th and SW Scotton Way and stormwater drainage. Staff addressed these concerns in section 12.116 Transportation Standards and 18.250 Stormwater Control and Drainage. See exhibit 28 for the entire e-mail.	
12	David Palodichuk – E-mail received November 20, 2019
The applicant notes concerns for the lots on 21st Avenue. The applicant is allowed to have up to 25 homes and staff cannot require them to reduce the number of lots as this meets the City's density provisions. The developer is also not required to construct a fence and it will be up to the home builder/home owner if they would like to add a fence to their property. See exhibit 29.	
13	Battle Ground Public School – Received two letters dated – November 8, 2019 and November 22, 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. Finding: Impact fees will be determined and applied at building permit issuance. See exhibit 30.	

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 Plan Approval:

1. Submit final engineering plans, for review and approval by staff, pertaining to transportation, sewer, water, grading, erosion control, stormwater, driveways, street lighting, and landscaping prepared and stamped by a registered engineer in the state of Washington.
2. Submit final engineering plans:
    a. Showing adequate half-street improvements based on pavement testing, for SW 20th Avenue, "Modified Minor Arterial", including sidewalk, planter strip, streetlights, curb/gutter and asphalt.
    b. Showing adequate half-street right-of-way dedication ~~improvements,~~ for SW 25th Avenue, "Neighborhood Collector"~~, including sidewalk, planter strip, streetlights, curb/gutter and asphalt~~.
    c. Showing adequate half-street improvements, for SW 14th Street, "Local A", including sidewalk, planter strip, streetlights, curb/gutter and asphalt.
    d. Showing full width improvements to SW 21st Avenue to "Local A" standards, including sidewalk, planter strip, streetlights, curb & gutter, and asphalt.
    e. Showing that cross streets (circulation) requirements of BGMC 12.116.200 are being meet.
    f. Showing right-in/right-out access at the intersection of SW 20th Avenue and SW 14th Street via the construction of a median in SW 20th Avenue.
    g. Showing a hammer-head on SW 14th Street that meets the current adopted fire code.
    h. Showing dedication of ROW for SW 14th Street from the terminus of the hammer-head to the western property line.
    i. Containing a combined landscaping and driveway plan.
    j. Showing sight distance and vision clearance triangles.
    k. Containing a signing and striping plan.
    l. Containing a street lighting plan having LED decorative cobra type units for SW 20th Avenue and LED acorn units for the other streets.
    m. Showing traffic calming devices on all public streets.
    n. Showing driveways that meet the requirements of BGMC 12.116.243.
    o. Showing traffic mitigation at 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.
    p. Showing water lines extending to extreme property lines.
    q. Showing each residential lot having its own individual water service
    r. Showing sewer lines extending to extreme property lines.
        a. If applicable, provide an alternative sewer connection for Horsethief Canyon Phase IB.
    s. Showing each lot having its own individual sanitary lateral.
    t. Showing sewer line CD-2 being fixed for capacity deficiency if it has not been completed by a prior development
    u. Showing fire hydrants meeting spacing requirements throughout the subdivision.
    v. Showing a stormwater facility that meets the requirements of BGMC 18.250.
    w. Showing grading and erosion control in conformance with applicable city standards and standard construction details.

x. Showing the placement of wetland buffer signs meeting the standards in 18.270.050.

3. Providing a pump station study for PS #10 that shows it does or does not have capacity for the proposed subdivision. If it does not, construct FE-15, FE-14, FE-13, PS #11, FM11-1, and abandon PS #10 as outlined in the General Sewer Plan.
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 Department of Ecology requirements.
7. Submit proof of engineering plan approval by Clark Public Utilities for the water improvements.
8. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department
9. 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.
10. Submit an updated Mitigation Plan:
    a. Submit wetland mitigation plan that assures mitigation requirements of BGMC 18.260.120 and 18.260.130.
    b. Submit a wetland mitigation plan showing that the stormwater facility located in the wetland buffer meets criteria listed in 18.270.070.
    c. Per BGMC 18.260.180 all wetlands and buffer areas over 5,000 square feet shall be included in critical area tracts.
    d. Coordinate with the State Department of Ecology for the proposed wetland impacts and final mitigation plan.
    ~~e. Update the Critical Areas Report and Mitigation Plan per the transportation requirements of building SW 25th Avenue.~~
    ~~f. Update the Critical Areas Report and Mitigation Plan if SW 25th Avenue will have impacts on the non-fish bearing stream buffer.~~

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 Engineering Technician at (360) 342-5074 to schedule an appointment.

C. Prior to Creation of Impervious Surfaces:

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 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.

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 & SW Eaton Boulevard or pay the mitigation fee of $9,199.98.
3. Construct the mitigation measures for the failing intersection of SW 20th Avenue & SW Eaton Boulevard or pay the mitigation fee of $16,039.80.
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. With the following note: “All new structures shall conform to the setbacks and building height of the R5 zoning district.”
    h. With the following note: “All households shall conform to the neighborhood design standards as listed in BGMC 17.106.040.”
    i. With the following note: “Building permits and impact fees will be calculated and shall be paid at the time of permit issuance.”
    j. Update plans to show required “No Parking – Fire Lane” signs on at hammerhead turnaround and both sides of SW 14th St.
    k. With the following note: “Critical areas shall be maintained and owned by either the developer or HOA.”
    l. Show permanent signage and fencing per 18.270.050 along the outer perimeter of the wetland buffer.

m. With the following note: "Wetland buffer demarcation shall comply with BGMC 18.270.050."

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 and stormwater systems.
8. Provide evidence of wetland mitigation credits.

F. Prior to Building Construction:

1. Acquire the required building 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 and section 15.105.100 of this Staff Report.
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. Adhere to all recommendations in the final *Critical Areas Assessment and Mitigation Plan* agreed upon with Department of Ecology and Army Corps of Engineers.
3. Coordinate any water quality recommendations in reference to Ecology's e-mail dated November 21, 2019.
4. Adhere to all recommendations of the final Wetland Delineation and Mitigation Plan.

IV. EXHIBITS

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

EXHIBIT #	DESCRIPTION	
A	Staff Report and Recommendation for New Century Subdivision dated January 23, 2020	
1	Application	These Exhibits are contained in the Applicant's Submittal Packet
2	Applicant's Narrative	
3	SEPA Checklist	
4	Preliminary Plat – reduced size	
5	Existing Conditions Plan – reduced size	
6	Landscape & Lighting Plans – reduced size	

7	Preliminary Civil Plans – reduced size	
8	Deed History	
9	Traffic Study	
10	Hydrology Report	
11	Geotechnical Report	
12	Road Modification Narrative	
13	Road Modification Supplemental Arborist Report	
14	Critical Areas Reports	
15	Supplemental Wetlands Avoidance Letter	
16	Preliminary Civil Plans	
17	Preliminary Land Use Plans	
18	Michele Newcomer – E-mail received November 18, 2019	
19	Joel Ramey Comment 1 – E-mail received November 17, 2019	
20	Joel Ramey Comment 2 – E-mail received November 17, 2019	
21	Joel Ramey Comment 3 – E-mail received November 17, 2019	
22	John Chiarella – E-mail received November 19, 2019	
23	Department of Ecology – E-mail received November 21, 2019	
24	Tanya Korolkova – E-mail received November 21, 2019	
25	Kelly and Shari Jones – Received two e-mails one on November 20, 2019 and the other on November 21, 2019.	
26	Washington State Department of Health – E-mail received November 21, 2019	
27	Michele Newcomer Comment 2 – E-mail received November 21, 2019	
28	William Brooks – E-mail received November 21, 2019	
29	David Palodichuk – E-mail received November 20, 2019	
30	Battle Ground Public School – Received two letters dated – November 8, 2019 and November 22, 2019	
31	Meeting Follow-Up with residents	
32	Applicant's Response to Comments – E-mail received	
33	Applicant's Nationwide Permit	
34	Revised pages for the Traffic Study	
35	**Proposed changes to conditions of approval**	

V. APPEAL

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

VI. PRELIMINARY PLAT

