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:	Walker Field Subdivision, SEPA and Critical Area Review (LUDIII21-0004)
Report Date:	June 21, 2021
Hearing Date:	June 28, 2021 @ 2:00 p.m. via Zoom
Proposal:	This proposal is to adjust the boundaries and divide 12.88 acres into 78 single-family detached residential lots in the R7 zone. The existing home will be retained on proposed Lot 78 and the existing septic system will be properly decommissioned with the development of the site. The application includes a boundary line adjustment (BLA) to shift the existing 2 lots so one can encompass the creek, riparian habitat and wetlands found on the subject property.
Location:	24013 NE 112th Avenue **|** Parcels #: 226932-000 & 226933-000
Owner:	Kathleen Walker 12418 NE 50th Drive Vancouver, WA 98665
Applicant:	Sterling Design INC. c/o Joel Stirling 2208 E Evergreen Blvd. Vancouver, WA 98661
Staff:	James A. Cramer, Assistant Planner Kelly Uhacz, Engineering Technician II Chris Drone, Fire Marshal and Building Official
SEPA:	Recommending a Final Determination of Mitigated Non-significance (MDNS)
Recommendation:	**Preliminary Approval** subject to conditions listed at the conclusion of this report.



June 21, 2021

James Cramer **Date**
Assistant Planner

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I. BACKGROUND

A. General Site Information

Size of Site:	Approximately 12.15 acres, includes boundary line adjustment
Existing Vegetation:	Mature trees, grasses, shrubs, wetlands, and stream
Existing Structures:	Single family home and two general purpose buildings
Adjacent Land Uses:	Residential
Adjacent Zoning:	County AG-20 to the west, County Mixed Use to the north, R-7 to the east, and R-10 to the south
Landslide Hazards:	No mapping indicators
Geological Hazards:	Areas of Potential Instability
Slope Stability:	No mapping indicators
Wetlands:	Presence
Flood Plain:	Outside Flood Area
Archaeology:	High and Moderate-High
Priority Habitat:	Fish Habitat Stream
Soils:	Hydric / CvA, Non-Hydric / DoB, Non-Hydric / GeD, and Non-Hydric / OeD
CARA:	Category 1 and 2 Recharge Areas

B. Land Use Processing

Date Application Submitted:	March 15, 2021
Application Technically Complete:	April 12, 2021
Application Placed on Hold:	April 19, 2021
Application Removed from Hold:	April 30, 2021
Notice of Application:	April 30, 2021
Site Posted:	April 30, 2021
Reflector Publication:	May 5, 2021
Public Hearing:	June 28, 2021

Figure 1. Location

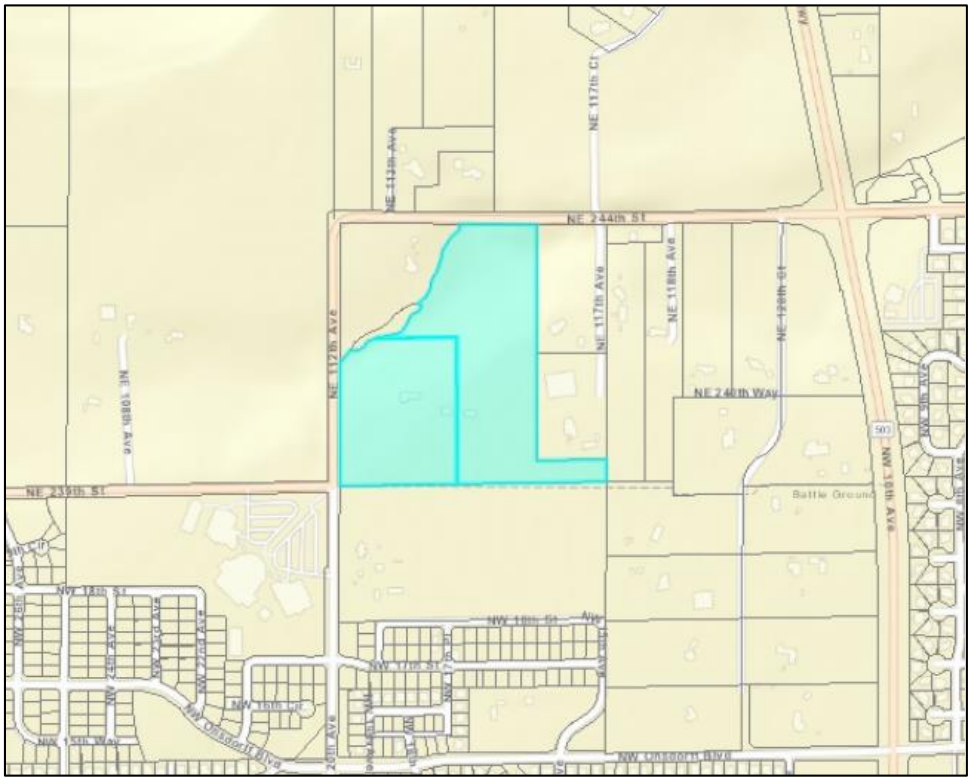


Figure 2. Site – 201* Imagery



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: NE 113th Avenue, NE 114th Avenue and NE 115th Avenue identified on the preliminary plat shall be named NW 18th Avenue, NE 17th Avenue and NE 16th Avenue, respectively. All further references to streets in this staff report will be by these names.

12.116 Transportation Standards	**Compliance:** Conditionally

Finding: The proposed 78-lot subdivision is located on a parcel east of NE 112th Avenue. Access to the development will be from the creation of a new intersection at NE 112th Avenue and NE 239th Street.

Street names for avenues shall match those in the Amira's Song Subdivision.

Layout is missing NW 15th Avenue along the east side of the property. It would be a continuation from the Amira's Song Subdivision.

Frontage improvements for NE 112th Avenue would entail half-width improvements to a Major Collector "Option 1" standard consisting of 32-feet half-width right-of-way, 23-feet of asphalt, a 4-foot planter strip and a 5-foot sidewalk. Total right-of-way currently ranges from 60 to 70-feet, however 2-feet will need to be dedicated in order to meet the half right-of-way width.

Per BGMC 16.125.100, double and reverse frontage lots require a landscaped parkway. Lot 3 is currently shown as double fronted. The landscape tract shall be privately owned and maintained.

BGMC 12.116.180(B) requires pavement testing in order to determine the life left in the pavement. If the design life of NE 112th Avenue is less than five years, the half-street improvements will need to be to the centerline of the street. A Pavement Condition Index number shall be calculated by City staff. If the number is less than 70 then road improvements shall go to centerline.

Half-street improvements are required for NE 239th Street consistent with "Neighborhood Collector" standards that include 34-foot right-of-way: 25-feet of roadway, 4-foot landscape strip and 5-foot sidewalk.

The proposed NE 240th Way, NW 16th Avenue, NW 17th Avenue, and NW 18th Avenue shall be built to "Local A" standards. Per BGMC 112.116.40 they shall include a 48-foot right-of-way, 30-feet of roadway, 4-foot landscape strip and 5-foot sidewalk on both sides.

Access to lots 3 and 4 shall be privately owned and maintained per the requirements of BGMC 12.116.130, 12.116.140, and 12.116.150 and shall meet the requirements of a private roadway serving 1-2 lots including a 24-foot easement and 22 feet of roadway.

The cul de sac shall be privately owned and maintained for a roadway serving 5 or more lots and built to "Local 'A'" standards including a 48-foot right-of-way, 32-feet or roadway, 4-foot landscape strip and 5-foot sidewalk.

NW 15th Avenue shall be built to "Neighborhood Collector" half-width standards that includes 25-feet of roadway, 4-foot landscape strip and 5-foot sidewalk at the east end of NE 239th Street.

The intersection spacing on NE 239th Street between NW 17th Avenue and NW 18th Avenue, shall be a minimum distance of 250-feet per Table 12.116.040(B)(2); plan shows 242 feet.

The intersection spacing on NE 239th Street between NW 16th Avenue and NW 17th Avenue, shall be a minimum distance of 250-feet per Table 12.116.040(B)(2); plan shows 242 feet.

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

The applicant is showing several new public streets to be built with this development: NE 240th Way, NW 16th Avenue, NW 17th Avenue and NW 18th Avenue shall be built to Local "A" standards per BGMC 12.116.040.

Per Tables 12.116.040(A) and 12.116.040(B)(1), NE 112th Avenue has controlled access. Therefore, no lots can have direct access to it.

The applicant is proposing a 20-foot wide emergency vehicle turnaround/hammerhead at the east end of NE 239th Street.

Centerline curves for all new streets shall be designed to meet the requirements of AASHTO's *A Policy on Geometric Design of Highways and Streets*, 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.

Street names will be verified during preliminary design based on the City's addressing grid.

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 and be designed by a licensed electrical engineer. Streetlights will be required for this project. Those along NE 112th Avenue shall be LED with a decorative cobra type unit; all other streets are to be LED acorn type units.

The applicant is required to submit as part of the engineering plans, per BGMC 12.116.050(G) a driveway location plan that specifies proposed driveway curb cuts. If possible, the landscape and

driveway plan should be on the same page in order to show possible conflicts.

All lots with less than 40-feet of frontage, require a shared driveway per BGMC 12.116.243.

The applicant will need to provide 2 feet of additional right-of-way, per BGMC 12.116.160, for NE 112th Avenue to allow for 32-feet of right-of-way from the centerline of the street. This dedication can be completed on plat at time of recording.

Per BGMC 12.116.180(B), the applicant is required to perform pavement deflection testing, to determine the adequacy of the existing pavement on NE 112th 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.

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.

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 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 is approximately 750-feet deep and approximately 1,320-feet wide. Based on the dimensions the preliminary plat would have to provide, at a minimum, three north-south cross-circulation streets and one east-west cross-circulation streets. The preliminary plat shows three north-south streets and two east-west streets. North-south streets do not go through the development or provide the possibility of future extensions due to wetlands to the north of the subdivision. Therefore, engineering staff have determined that the applicant has met the requirement for 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.

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

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

The applicant's traffic engineer has indicated that 746 daily, 58 new a.m. peak trips and 78 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. However, data used did not meet City requirements; therefore, a revised traffic study shall be submitted to the City prior to Engineering Plan approval. All four failing intersections within the City are receiving new trips; see below under the *Concurrency Management* section for more information.

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 51 new a.m. and 62 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 & SR 503 include addition of a second southbound left turn lane and receiving lane on SW Eaton Boulevard.
- 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
- Grace Avenue & E Main Street 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	6	n/a	$4,576.23	$27,457.38
Grace Avenue & E Main Street	PM	n/a	0	$1,721.77	$0.00
SR 503 & SW Eaton Boulevard*	PM	n/a	20	$1,533.33	$30,666.60
SR 503 & SW Eaton Boulevard**	PM	n/a	20	$1,463.61	$29,272.20
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	0	$2,291.40	$0.00

*100-foot eastbound right turn lane and a second westbound left turn lane

** second southbound left turn lane

One of these strategies will need to be completed prior to building permit issuance.

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

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

As a result of anticipated near term water capacity issues, the City of Battle Ground does not guarantee, or set aside, water service capacity for any new development, redevelopment, or expansion, which increase water usage within the City of Battle Ground Service Area until such time as additional water capacity becomes available as outlined in the Battle Ground Water Master Plan.

Currently, there is an 8-inch City of Battle Ground water line in NW 20th Avenue and there are proposed 8" water lines in NW 17th Avenue and NW 18th Avenue in the Amira's Song Subdivision. The applicant is proposing to connect to these lines and extend an 8-inch line to and through the development. The water line shall extend to the extreme property lines. Engineering staff have reviewed this and finds it acceptable.

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

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

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

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

Finding: Sewer service is required for this project. The City of Battle Ground is the public sanitary sewer purveyor for properties within the City and the project is located in basin LEW-19. The Amira's Song Subdivision proposes to stub 8" sanitary lines at the north ends of NW 17th Avenue and NW 18th Avenue.

CD-2 currently has a capacity deficiency. As such, the applicant will need to upsize pipe CD-2 per the General Sewer Plan (GSP). SDC credits are available for CD-2 at 44.69%. This capacity deficiency shall be addressed before the applicant connects to the sanitary sewer system.

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

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

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

3.	Title 15 BUILDING, CONSTRUCTION AND FIRE

15.104 Building Code | **Compliance:** Conditional

General

The City of Battle Ground has adopted by reference the 2018 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 Access Road Requirements | **Compliance:** Conditional

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". **Provide "No Parking-Fire Lane" signage on both sides of proposed half width street and at dead end turnarounds (cul-de-sac and hammerhead).**

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.

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.

Only one new hydrant is shown on the water plan. Clearly show the location of all (6) fire hydrants in accordance with the above requirements.

4.	Title 16 Land Divisions

Chapter 16.112 Boundary Line Adjustments

The application includes a boundary line adjustment (BLA) to shift the existing 2 lots so one can encompass the creek, riparian habitat and wetlands found on the subject property.

16.112.030 Process | **Compliance:** Conditional

A. Decision-Making Process. Boundary adjustments shall be reviewed by means of a Type I procedure.

Finding: The application has been identified as a Type I review and processed concurrently with the remainder Type III requests.

B. Time Limit for Recording. A legal description of the newly configured lots approved by the planning director shall be recorded with the Clark County auditor within ninety days of the date of the written decision, unless a longer time period is specified in the decision.

Finding: The applicant shall be responsible for recording with the Clark County auditor within ninety days of the date of the written decision, unless an extension is requested and granted per BGMC 16.112.030.C (below).

C. Extension. By means of a Type I procedure, the applicant may request an extension of the recording date for a period not to exceed one year; provided, that no changes are made from the original approval.

Finding: No extension has been requested by the applicant at this time. Criterion not applicable.

16.112.030.E Approval Criteria	**Compliance:** Yes

Any boundary line adjustment must comply with BGMC 16.112, specifically:

1. No additional parcel(s) shall be created by the boundary adjustment.

Finding: This proposal will not create any additional parcels.

2. The lot and location of any structure(s) on the lots shall comply with the minimum density, dimensional and area requirements of the zoning district, unless a variance is sought in conjunction with the request per the requirements of BMGC 17.149, except that one lot may exceed the maximum lot area of the district.

Finding: The underlining zone district is R7. The application includes a boundary line adjustment (BLA) to shift the existing 2 lots so one can encompass the creek, riparian habitat and wetlands found on the subject property. No development will occur on one resulting parcel and the second resulting parcel will be subdivided into 78 lots. All resulting dimensional requirements will satisfy the underlining R7 zone district standards.

3. Legal access shall be provided to each of the lots.

Finding: Each parcel will have the opportunity to obtain legal access from a public right-of-way.

16.115 Preliminary Plats	
16.115.040 Preliminary Plats	**Compliance:** Yes
Finding: The applicant is proposing 78 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.	
16.125.020. Protective improvements required for topographical hazards	**Compliance:** Yes
Finding: No topographical hazard improvements are required for this plat. See Title 18 for protective easements.	
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:** Conditionally
Finding: The R7 zoning district requires a minimum lot frontage of 20 feet. Every lot, with the exception of Lots 3 & 4, will contain the minimum frontage on a public or private street. Lots 3 & 4 are proposed as flag lots and be required to meet the standards of BGMC 16.125.110. Additional analysis and conditions of approval are detailed within Sec. 16.125.110 of this report.	
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 3,000 square feet. The Average Lot Area proposed is 4,844 square feet which meets the standard of 4,500 square feet. The minimum proposed Lot Area is 3,620 square feet which meets the standard of 3,000 square feet. The Minimum Lot Frontage proposed is 40' which meets the standard of 20'. The proposed Residential Density is 6.06 du/gross acre which meets the maximum standard of 7du/gross acre. The applicant did not include the net acreage of the property; however, it is reasonable to conclude the minimum density has been met. At 78 proposed units, the project does not exceed the maximum density and meets minimum density requirements.	
16.125.095. Narrow lot standards.	**Compliance:** Conditionally
Finding: All proposed lots are less than 50 feet in width, therefore the Narrow Lot Standards have been assessed during this review. **The proposed Preliminary Plat does not illustrate proposed driveway locations and widths nor the required parking space on-street, or in a common parking area for each narrow lot. The applicant shall provide these required illustrations prior to the approval of a final engineering approval.** Applicant shall verify all narrow lot standards are met prior to the approval of a final subdivision plat.	

16.125.110 Flag lots	**Compliance:** Yes
Finding: Lots 3-4 are proposed as flag lots with both of these sets sharing access via a single "pole". The preliminary plat indicates the "pole" portions of the flag lots will be an access easement. This easement is intended to provide access to both lots (3 & 4). **The applicant shall be responsible for recording an easement within the "pole" portion of Lot 3 to provide access for Lot 4.**	
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 the City of Battle Ground.
- Water lines shall be a minimum of 8-inches in diameter and extended 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 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 drawings 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-7***
Minimum average lot area (square feet)	4,500
Minimum average lot area for density transfer (square feet)	3,300
Minimum lot area (square feet)	3,000
Maximum density (units per gross acre)	7
Minimum density (units per net acre)[1]	N/A
Minimum lot frontage (feet)	20[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 (%)		50
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: The subject property is zoned Residential 7 units/acre (R7). Dimensional requirements within residential districts shall be in accordance with Table 17.106-2 above.

Maximum density is 7 units per gross acre and the minimum is 5 units a net acre within this zone. The parcel on which the property is being developed is approximately 20 acres. The maximum allowed density is 200 units. At 112 proposed units, the project does not exceed the maximum density. The applicant did not include the net acreage of the property however it is reasonable to conclude the minimum density has been met.

As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 2,000 square feet. The proposed lot sizes range from 2,851 square feet to 4,829 square feet with an average proposed lot size of 3,132 square feet, satisfying the minimum lot area.

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 R10 zoning district prior to building construction and that a note of such shall be included on the plat to be recorded.

17.106.035 Density Transfer Provisions	**Compliance:** N/A

Finding: The applicant has not proposed double frontage or reverse frontage lots.

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 and that a note of such shall be included on the plat to be recorded.

17.128.010 Park and Open Space Purpose and Applicability **17.128.030 Determination of Park and Open Space Needed**	**Compliance:** Yes

Finding: The proposed project is located in Special Service Area (SSA) #S3 of the parks plan. Per the Battle Ground Comprehensive Parks, Recreation & Open Space Plan, *"No school is located in the NSA. A three to five-acre neighborhood park is still needed to service this area as its population grows. The need for a neighborhood*

park may be necessary to meet the needs of this larger area." The west adjacent property has been developed into the Daybreak Middle School with facilities available for recreation. Additionally, there is the East Fork of the Lewis River in close proximity of the site and the ability to add passive uses within the wetland dedication areas with Department of Ecology consideration/approval.

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

Finding: Table 17.133-1 identifies the required minimum vehicular parking requirements. The proposal indicates the single family lots will be used for attached townhomes. **All future homes shall demonstrate compliance with the required parking minimum of Table 17.133-1 prior to 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:

1. EARTH: The development portion of the property slopes approximately 2% to the northwest. Grading and fill of approximately 50,000 cubic yards of cut and fill will be required. An erosion will be designed and reviewed for approval prior to any activity. Approximately 50% of the site is covered with impervious cover.

2. AIR: Typical construction dust and vehicle emissions during construction are expected during the overall development of the subdivision

3. WATER: There is a small stream located approximately 250 feet north of the development portion of the site. Stormwater drainage will be collected, conveyed to and treated within a bio retention cell for water quality control.

4. PLANTS: The site is home of various tree, grass and planting materials. The proposal includes the removal of 3 oak trees and will be mitigated by planting 18 new oak trees in the upland areas of the non-developed portion of the site. All vegetation, trees and pasture grass within the development area will be replaced with pavement and landscaping as development occurs. No known threaten/endangers species are on the site and individual lots will be landscaped by future owner/developer.

5. ANIMALS: Deer and songbirds have been observed on site with no known migration routes through the site.

6. ENERGY AND NATURAL RESOURCES: Electric and natural gas are expected to be implemented for the proposed residential use. No additional energy conservation features are expected other than that of the State of Washington Energy Code requirements.

7. ENVIRONMENTAL HEALTH: no known environmental health concerns have been noted for the subject property. **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.**

8. LAND AND SHORELINE USE: The property is not within a shoreline. There isa single family dwelling to remain on site and two outbuildings that will be removed. There is an Type F stream and

associated wetlands on the site. The proposed use will include 78 newly defined lots to be developed into single family dwellings.

9. HOUSING: One residential dwelling will remain and 77 will be implemented as a result of the proposal.

10. AESTETICS: Any development within the subject property will be required to include architectural and landscape elements identified within the Battle Ground Municipal Code in order to maintain the aesthetic stablished within the community.

    If site disturbance is over an acre or the project reasonably expects to cause a violation of any water quality standards, and stormwater discharges to surface Waters of the State, a CSWGP is required.

11. LIGHT AND GLARE: Future development shall meet the requirements of the Battle Ground Municipal Code.

12. RECREATION: There are neighboring recreational opportunities for future residence.

13. HISTORIC AND CULTURAL PRESERVATION: An archeological predetermination was performed by Applied Archeological Research, Inc. and no resources were found. No artifacts were found during the Archaeological Predetermination conducted by Applied Archaeological Research, Inc. on October 30, 2020. **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.**

14. TRANSPORTATION: Currently the site is accessed via NE 112th Ave. and will also gain access via NE 239th Street. Parking will be accommodated on site for residential dwellings. New right-of-way infrastructure is proposed and analysis can be found within this report. The development will likely result in approximately 736 ADT with 77 AM and PM peak hour trips.

15. PUBLIC SERVICES: School Impact fees and increased tax base will accommodate for impacts on public services.

16. UTILITIES: standard utilities such as: electricity, natural gas, water, sanitary, phone and sewer are expected.

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:
Based on the information provided, 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* may 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) with the exception of bioretention BMPs and proprietary filter cartridge treatment BMPs. Bioretention and proprietary filter cartridge treatment BMPs shall be privately owned and maintained.

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 boundaries, if applicable, which shall be flagged prior to construction.

The final grading and erosion control plans shall be conformance with applicable City standards including

the City's Standard Construction Details.

The contractor will be required to provide evidence that an individual on-site has successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the City per BGMC 18.255.100. This must be submitted prior to construction.

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

18.260 General Provisions

Findings: The applicant submitted a Critical Areas Report (CAR) and includes a Wetland Delineation Report which was prepared April 8, 2021 by Ecological Services, Inc (ELS). ELS used the methodology of the Routine Determination Method according to the U.S. Army Corps of Engineers, *Wetland Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* (U.S. Army Engineer Research and Development Center 2010).

One emergent, slope wetland (Wetland A) was delineated in the northwestern portion of the site that totals 5.02 acres onsite and is a Category III wetland.

The report describes the efforts to avoid and minimize wetlands, and measures that are proposed to mitigate the impacts. The impacts to the wetland include a combination of wetland banking, buffer averaging and Compensatory Mitigation as later detailed within this report.

The Department of Ecology submitted comments including,

> *"A review of aerial photos indicates the presence of wetlands on the property. If one has not already been done, Ecology recommends that a wetland delineation by a qualified professional be performed on the property in order to ensure that unpermitted impacts to waters of the state do not occur as a result of this development proposal."*

Staff proceeded with their review as proposed with the information received. The applicant shall coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits, approvals, and wetland boundaries. Should any modification to the preliminary plans be required it is the responsibility of the applicant to modify the preliminary plans accordingly prior to engineering approval.

As such, the applicant shall be responsible for coordinating with the Department of Ecology to obtain their approval, provide the City with the final approval and update plans accordingly prior to Engineering Approval. The applicant shall be responsible for supplying the City with a copy of the final wetland delineation report and mitigation plan prior to Engineering Approval. See sections below for specific requirements for each critical area.

18.260.130 Mitigation Plan Requirements	**Compliance:** Conditionally
Prior to engineering approval, the applicant shall submit a Final Mitigation Plan.	

18.260.180 Critical area tracts	**Compliance:** Yes
Critical area tracts shall be used in development proposals for subdivisions, short subdivisions, planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers that total five thousand or more square feet.	

Findings: The applicant proposed a Boundary Line Adjustment that resulted in a separate parcel that encompasses the existing wetland and buffer area within those boundaries. As such this criterion is met.

18.270.040 Wetland Delineation	**Compliance:** Conditionally

Findings: A Category III wetland was found on site (Wetland A) totaling approximately 5.02 acres on site and then extends off site.

The Department of Ecology submitted comments including,

> *"A review of aerial photos indicates the presence of wetlands on the property. If one has not already been done, Ecology recommends that a wetland delineation by a qualified professional be performed on the property in order to ensure that unpermitted impacts to waters of the state do not occur as a result of this development proposal."*

Staff proceeded with their review as proposed with the information received. The applicant shall coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits, approvals, and wetland boundaries. Should any modification to the preliminary plans be required it is the responsibility of the applicant to modify the preliminary plans accordingly prior to engineering approval.

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 included in the final engineering plans and installed prior to any land alteration or construction.

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

18.270.090 Buffer requirements	**Compliance:** Conditionally

Findings: Based on the land use type of the proposal, residential with more than 1 unit per acre, the project falls within the high rating for impact.

Per the submitted CAR Wetland A is a Category III wetland scoring 18 points: 6 points for water quality functions, 6 points for hydrologic functions, and 6 points for habitat functions (Hruby 2014). As a result, Wetland A receives a moderate habitat score (6), and a high intensity land use and is required to have a 150-foot buffer width per Table 118.270.090-5. The applicant has provided the required 150-foot buffer which is illustrated in the figures within the submitted CAR.

18.280 Fish and Wildlife Habitat Conservation Areas	**Compliance:** Conditionally

Oregon white oaks are considered priority habitat and species by the Washington Department of Fish and Wildlife (WDFW) and locally by the City of Battle Ground. A total of 8 Oregon white oak trees measuring between 22 to 36 inches DBH each were mapped within the study area. The development of the subdivision will directly impact a total of 3 Oregon white oaks.

Findings: The applicant has demonstrated a satisfactory mitigation plan associated with the removal of existing oak tree species as determined in the following section of this report. **Prior to engineering approval, the applicant shall submit a tree removal plan for review.**

18.280.100 Enhancement and Mitigation	**Compliance:** Conditionally

A total of 8 Oregon white oak trees measuring between 22 to 36 inches DBH each were mapped within the study area (Figure 2 & 6).

Under the general description of an Oregon White Oak habitat area it states, *"Single trees or habitat areas of under 1/2 acre should be avoided but may be cleared if two trees a minimum of two inches DBH are planted on- or off-site but within or within one mile of the city urban growth boundary for each tree removed."*

The development of the subdivision will directly impact a total of 3 Oregon white oaks. Oaks will be mitigated by planting additional oaks at a 6:1 ratio for stem replacement within the two upland patches that are surrounded by Wetland A. Eighteen oak saplings will be planted on 20-foot centers which is a wider spacing than typically used for other tree species to allow for better long term management. Oaks will be installed during the fall/early winter (late October/November or February/March) following or concurrent with construction. Oak saplings will be a minimum of 2 inches DBH. The ground will be scarified in a 2-foot radius circle around each oak location prior to planting. Following installation, 3-inches of mulch will be placed around each oak in the scarified area to lessen competition from competing vegetation. Additionally, the removed oaks will be placed as large woody debris within the wetland buffer to serve as refuge and habitat opportunity for animals and increase the functional lift of the buffer overall.

Findings: The applicant has demonstrated a satisfactory mitigation plan associated with the removal of existing oak tree species. **Prior to engineering approval, the applicant shall submit a tree removal plan for review.**

B.	**Service Development Charges, Impact Fees, Credits**

CD-2 is a Sanitary Sewer System Development Charge (SDC) credit eligible project. The General Sewer Plan states the following: CD-2 is estimated to cost $274,000.00 and is 44.69% creditable. Therefore, should the project construct CD-2 then the maximum available SDC credit would be $122,440.00. The applicant will need to provide all receipts and all other information prior to receiving any credits.

C.	**Public/Agency Comments**
1	**Department of Ecology** – letter dated May 28, 2021

This letter provides input on three various disciplines (Shorelines & Enviormental Assistance, Solid Waste Management, Water Quality/Watershed Resources) which indicate various measures and recommendations for the proposal to take..

Findings: Staff has created a general condition of approval associated with the response letter and it's findings as well as a specific condition the applicant coordinate a re-evaluation of the wetland boundaries and provide a supplemental report of findings to the Department of Ecology and provide the City with the results prior to the approval of the Engineering Approval.

2	**Kevin Jolma – Battle Ground Public Schools –** letter dated May 6, 2021

The letter provides a summary of the impacts on schools based on the proposed development.

Finding: Staff has created a general condition of approval identifying the submitted letter and requiring any conditions within the submission be the responsibility of the applicant to uphold.	
3	**Aira Jackson** - response received May 20, 2021
The responder requested the contact information for the property owner and architect company involved with the proposal. Findings: Staff provided the requestor with the submitted application form which has the contact information provided to the City.	

III. RECOMMENDATION

Staff recommends Preliminary Subdivision and Final SEPA Review approval with the condition **the applicant be responsible for coordinating with the Department of Ecology to obtain their wetland delineation approval, update plans accordingly and provide the City with the updated wetland delineation and mitigation plan for the record**. Based upon the findings and conclusions herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval, and no significant adverse impacts have been identified.

CONDITIONS OF APPROVAL

A. <u>Prior to Engineering Approval:</u>

1. Clearly show the location of all new and existing fire hydrants in accordance with the above requirements.
2. Provide "No Parking-Fire Lane" signage on both sides of half width street and fire apparatus turnarounds.
3. 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.
4. Submit final engineering plans:
    a. Showing adequate half-street improvements, based on pavement testing, for NE 112th Avenue, a "Major Collector – Option 1", including sidewalk, planter strip, curb and gutter and asphalt.
    b. Showing adequate half-street improvements, for NW 15th Avenue, a "Neighborhood Collector", including sidewalk, planter strip, curb and gutter and asphalt along the eastern property line.
    c. Showing half-width improvements to NE 239th Street to "Neighborhood Collector" standards, including sidewalk, planter strip, curb and gutter and asphalt.
    d. Showing the cul-de-sac as privately owned and maintain, built to "Local A" standards that include a 48-foot right-of-way; 30-feet of roadway, 4-foot landscape strip and 5-foot sidewalk.
    e. All other streets shall be built to "Local 'A'" standards that include a 48-foot right-of-way; 30-feet of roadway, 4-foot landscape strip and 5-foot sidewalk.
    f. Showing additional 2 feet of ROW dedicated to the City for NE 112th Avenue.
    g. Containing a combined landscaping and driveway plan.
    h. Showing sight distance triangles.
    i. Containing a signing and striping plan.

j. Containing a street lighting plan having LED decorative cobra type units for NE 112th Avenue and LED acorn units for the other streets.
k. Showing traffic calming devices on all public streets.
l. Showing driveways that meet the requirements of BGMC 12.116.243.
m. Showing traffic mitigation at SW Eaton Boulevard & SR 503 and NW Onsdorff Boulevard & SR 503 or indicating that mitigation fees will be paid in lieu of the improvements.
n. Showing water lines throughout the subdivision and extending to extreme property lines.
o. Showing each residential lot having its own individual water service
p. Showing an 8-inch gravity sewer line throughout the subdivision and extending to extreme property lines.
q. Showing each residential lot having its own individual sanitary lateral.
r. Showing a stormwater facility that meets the requirements of BGMC 18.250.
s. Showing grading and erosion control in conformance with applicable city standards and standard construction details.

5. Submit a revised traffic study meeting the City's requirements per BGMC 12.116.175.
6. Provide a photometric plan 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. Photometric plan shall be prepared by an electrical engineer.
7. Submit a hydrology report that addresses all requirements found in BGMC 18.250.
8. Submit a SWPPP that meets the requirements of BGMC 18.250.050(B).
9. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department
10. Following the City Engineer's acceptance and approval of the construction cost estimate, pay the required engineering plan review and construction inspection fee that is two (2) percent of the estimated costs of construction.
11. Submit Exhibits:
    a. Showing driveway locations and widths
    b. Showing the locations of the required on-street parking space, or common parking area for each narrow lot.
    c. Identifying the location of the mitigation trees for the record**.**

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 $27,457.38.
3. Construct the mitigation measures, 100-foot eastbound right turn lane and a second westbound left turn lane, for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $30,666.60.
4. Construct the mitigation measures, second southbound left turn lane and receiving lane on SW Eaton Boulevard, for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $29,272.20.
5. Submit Exhibits Identifying the recorded easement within the "pole" portion of Lot 3 that shall provide access for Lot 4.
6. Submit a final plat:

a. That shows easements for public utilities not located in the right-of-way.
b. With the following note: "Fences higher than 42-inches will not be allowed in the front yards."
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 describing the maintenance responsibilities of each lot owner for the private streets.
e. With a note specifying the party/s responsible for long-term maintenance of stormwater facilities.
f. With a note specifying that NE 112th Avenue is access controlled and cannot have direct access from lots.
g. With a note specifying the party/s responsible for long-term maintenance of stormwater facilities.
h. That shows where any control monuments have been placed.
i. That shows the dedication of any public roads.

C. 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. 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 recorded Stormwater Facility Maintenance Agreement meeting requirements of BGMC 18.250.310(A)(1) for review and/or approval.
5. Submit complete sets of as-built drawings for all required public improvements for streets and roads, stormwater drainage and control, sanitary sewer and water services, as applicable prior to the issuance of the occupancy permit for review and approval by the Engineering Department. Upon acceptance by the Engineering Department, submit prior to the issuance of the occupancy permit, one (1) Mylar set, one (1) full size paper set, two (2) 11x17 paper sets of As-Built record drawings and one (1) compact disc or USB flash drive version of the as-built drawings in AutoCAD, and separate/individual PDF, and TIF format files.
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.

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) 342-5069 to schedule an appointment.

8. 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.

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 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 15.105.180 of this Staff Report.
3. All new development shall comply with the setbacks and building height of the R7 zoning district.
4. All new development shall comply with the design standards of BGMC 17.106.040.

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. 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	Cover & Table of Contents	These Exhibits are contained in the Applicant's Submittal Packet
B	Application Form	
C	Narrative	
D	SEPA Checklist	
E	Preliminary Plan Set	
F	Deed History	
G	Traffic Study	
H	Hydrology Report	
I	WALKER FIELD Mailing Labels	
J	Critical Areas Report & Oak Mitigation Plan	
K	Archaeological Predetermination	
L	GeoTech Evaluation	
M	Walker Field Boundary Line Adjustment Plan	
N	Department of Ecology – letter dated May 28, 2021	
O	Kevin Jolma – Battle Ground Public Schools – letter dated May 6, 2021	
P	Aira Jackson - response received May 20, 2021	

V. APPEAL

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

VI. PRELIMINARY PLAT

