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:	Amira's Song Subdivision, SEPA and Critical Area Review (PAC20-0015)
Report Date:	June 21, 2021
Hearing Date:	June 28, 2021 @ 2:00 p.m. via Zoom
Proposal:	The applicant, Sterling Design Inc., proposes to divide 20.12 acres into 112 single-family attached residential units in the R10 zone.
Location:	1903 NW 20th Avenue **|** Parcel #: 228737-000
Owner:	Amira & David Sonntag 1903 NW 20th Avenue Battle Ground, WA 98604
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 20 acres (871,200 SF)
Existing Vegetation:	Mature trees, grasses, shrubs and wetland area (east)
Existing Structures:	Single-Family residence and accessory structures
Adjacent Land Uses:	Residential (N, E & S) and Daybreak Middle School (W)
Adjacent Zoning:	R10 (E & S), R7 (N & W)
Slope:	To the SW
Landslide Hazards:	No mapping indicators
Geological Hazards:	No mapping indicators
Slope Stability:	No mapping indicators
Wetlands:	No mapping indicators (application indicates presence)
Flood Plain:	No mapping indicators
Archaeology:	Moderate-High
Priority Habitat:	No mapping indicators
Soils:	DoB, HuB

B. Land Use Processing

Date Application Submitted:	March 8, 2021*
Application Technically Complete:	April 5, 2021
Application Placed on Hold:	April 19, 2021
Application Removed from Hold:	April 30, 2021
Notice of Application:	April 30, 2021
Revised Notice of Application	May 10, 2021
Site Posted:	April 30, 2021
Reflector Publication:	May 5, 2021
Public Hearing:	June 28, 2021

*TC Letter incorrectly identified 2/9/2021 as submitted date

Figure 1. Location

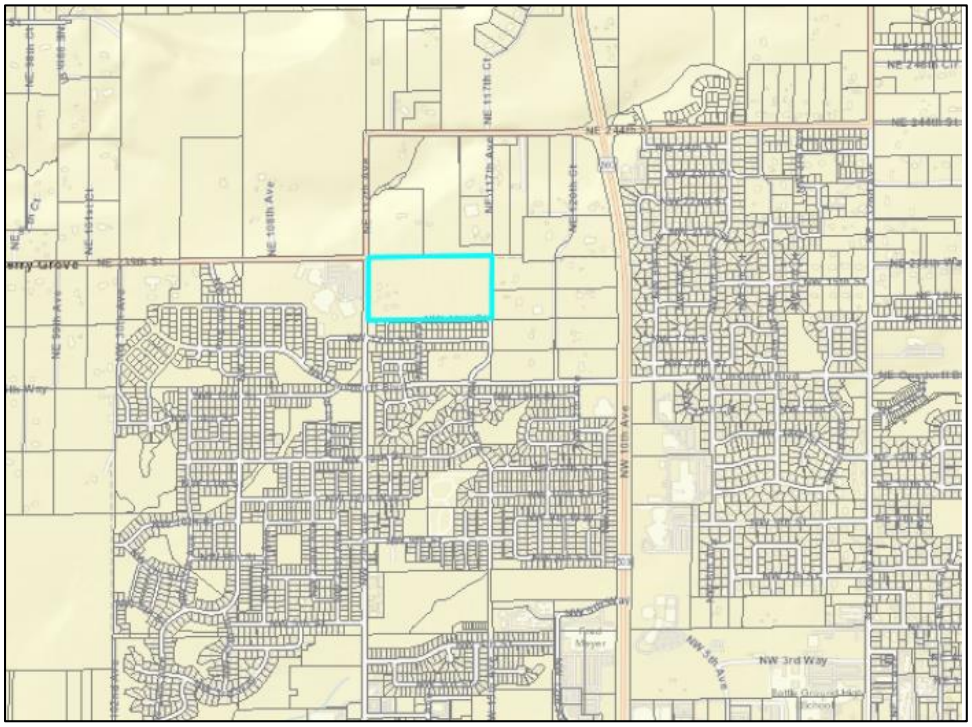


Figure 2. Site – 201* Imagery



II. APPLICABLE REGULATIONS/ANALYSIS

A. Battle Ground Municipal Code (BGMC)

1.	Title 12 Streets and Sidewalks
12.116 Transportation Standards	**Compliance:** Conditionally

Finding: The proposed 112-lot subdivision is located on a parcel east of NW 20th Avenue. Access to the development will be from the creation of a new intersection at NW 20th Avenue and NE 239th Street.

Frontage improvements for NW 20th Avenue would entail half-width improvements to a Major Collector "Option 1" standard consisting of 32-feet half 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. Lots 1-20 are currently shown as double fronted. The landscape tract shall be privately owned and maintained.

NW 18th Street shall be finished to "Local A' standards consisting of 48-feet of overall right-of-way, 24-feet half right-of-way, 6-feet of asphalt, a 4-foot planter strip and a 5-foot sidewalk. 16-feet will need to be dedicated in order to meet the right-of-way width.

BGMC 12.116.180(B) requires pavement testing in order to determine the life left in the pavement. If the design life of NW 20th Avenue or NW 18th Street is less than five years, the half-street improvements will need to be to the centerline of the applicable 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.

NW 15th Avenue shall be built along the Eastern property line to "Neighborhood Collector" half-width standards that include a 34-foot right-of-way: 25-feet of roadway, 4-foot landscape strip and 5-foot sidewalk.

Access to lots 7 and 8, and 19 and 29 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.

All other streets to 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

The intersection spacing on NW 18th Avenue between NE 239th Street and NW 21st Street shall be a minimum distance of 240-feet per Table 12.116.040(C); plan shows 149feet.

The intersection spacing on NW 19th Street between NW 18th Avenue and NW 19th Avenue shall be a

minimum distance of 240-feet per Table 12.116.040(C); plan shows 240 feet.

The intersection spacing on NW 17th Place between NW 18th Street and NW 19th Street shall be a minimum distance of 240-feet per Table 12.116.040(C); plan shows 224 feet.

The intersection spacing on NW 19th Street between NW 18th Avenue and NW 17th Place shall be a minimum distance of 240-feet per Table 12.116.040(C); plan shows 168 feet.

The intersection spacing along NE 239th St between NW 18th Avenue and NW 17th Avenue shall be a minimum distance of 250-feet per Table 12.116.040(B)(2); plan shows approximately 248 feet.

The applicant is showing several new public streets to be built with this development: NW 17th Place, NW 17th Avenue, NW 18th Avenue, NW 19th Avenue, NW 19th Street and NW 21st Street shall be built to Local "A" standards per BGMC 12.116.040.

Per Tables 12.116.040(A) and 12.116.040(B)(1), NW 20th Avenue has controlled access. Therefore, no lots can have direct access to them.

The applicant is proposing a 20-foot wide emergency vehicle turnaround 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 assigned during preliminary review 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 NW 20th 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

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 will need to provide 2 feet of additional right-of-way, per BGMC 12.116.160, for NW 20th Avenue to allow for 32-feet of right-of-way from the centerline of the street. The applicant will need to provide 16 feet of additional right-of-way for NW 18th Street to meet the 24-feet half with right-of-way requirement. 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 NW 20th Avenue and NW 18th Street where half-street improvements will occur if the existing portion of the asphalt section is to remain. Additionally, the applicant will need to demonstrate that the existing street geometrics are compatible with the proposed road section. If the remaining life of the pavement is less than five years and has a Pavement Condition Index number less than 70 as calculated by City Staff, then the half-street improvements will need to extend to the centerline of the street.

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 660-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 two east-west cross-circulation streets. The preliminary plat shows two north-south streets and two east-west streets. Therefore, engineering staff has determined that the applicant shall provide another north-south connection to meet 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 811 daily, 51 new a.m. peak trips and 62 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. Two of the 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	13	n/a	$4,576.23	$59,490.99
Grace Avenue & E Main Street	PM	n/a	0	$1,721.77	$0.00
SR 503 & SW Eaton Boulevard*	PM	n/a	16	$1,533.33	$24,533.28
SR 503 & SW Eaton Boulevard**	PM	n/a	16	$1,463.61	$23,417.76
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 NW 17th Avenue. 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-05. Currently, there is an 8-inch sanitary sewer line in NW 17th Avenue at NW 18th Street.

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 turnaround.**

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.

Clearly show the location of all new and existing fire hydrants in accordance with the above requirements.

4.	Title 16 Land Divisions

16.115.040 Preliminary Plats — **Compliance:** Yes

Finding: The applicant is proposing 112 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: All proposed lots will share driveway access with an adjacent lot. Lots 1 – 5, 9 – 17 and 21 – 112 have frontage and access onto proposed public right-of-way. Lots 7, 8, 19 & 20 are proposed to use the flag lot access standards of BGMC 16.125.110. Additional analysis and conditions of approval are detailed within Sec. 16.125.110 of this report. The R10 zoning district requires a minimum lot frontage of 20 feet. With the exception of the proposed flag lots (Lots 7, 8, 19 & 20), the proposed lots incorporate the required minimum lot frontage. Lots 6 and 18 are located on intersections and detail 30 feet wide lots. **The applicant shall verify and identify these lots (Lots 6 and 18) have the required 20 foot frontage on a public right-of-way prior to the approval of a final subdivision plat.**	
16.125.080. Lot Line Angles	**Compliance:** Yes
Finding: Lot line angles are satisfied.	
16.125.090. Lot Size and Width Requirements	**Compliance:** Yes
Finding: As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 2,000 square feet. The proposed residential 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. Tracks A, B and C are greater than the minimum lot size and reserved for storm water and/or wetland/open space. Maximum density is 10 units per gross acre and there is a minimum density of 5 units per net acre. The parcel on which the property is being developed is approximately 20 acres. The maximum allowed density is 200 units. The applicant did not include the net acreage of the property however it is reasonable to conclude the minimum density has been met. At 112 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 subdivision plat.**	

Applicant shall verify all narrow lot standards are met prior to the approval of a final subdivision plat.

16.125.100. Double and reverse frontage lots	**Compliance:** NA

When double- or reverse-frontage lots are developed, fencing along street yards shall be set back behind a landscaped parkway of at least twenty feet in width which is located between the street and property line. Landscape plantings shall include a combination of trees and evergreen shrubs which, upon maturity, adequately screen the fencing. Landscaping shall be low maintenance and after establishment shall not require irrigation. A landscape plan shall be required, in compliance with this section, for all double- and reverse-frontage lots that are approved. All required plantings and irrigation, as required, shall be installed prior to occupancy of the structures they are providing screening for. Alley access and corner lots are permitted by this code, and do not constitute "double-frontage" or "reverse-frontage" lots.

Finding: Per the analysis within Section 12.116 of this report the applicant will be responsible for incorporating a 4-foot planter strip and a 5-foot sidewalk along NW 20th Ave. right-of-way. **The applicant shall be responsible for incorporating an additional 9 feet of landscaping to the east of the required sidewalk and landscape it according to the standards of this subsection.**

16.125.110 Flag lots	**Compliance:** Yes

Finding: Lots 7-8 and 19-20 are proposed to use the 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. These easements are intended to provide access to 2 lots and a storm water track (Lots 7-8 & Tract C; Lots 19-20 & Track A).

Two abutting flags may reduce their street frontage by up to fifty percent if a shared driveway access easement is in place. As such, **the applicant shall be responsible for redesigning Lots 7-8 and 19-20 to meet the design of a flag lot (IE include the proposed easement into a lot) and include an access easement for the adjacent lot.** The easement can also benefit Tracts A and C.

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-10***
Minimum average lot area (square feet)		N/A
Minimum average lot area for density transfer (square feet)		N/A
Minimum lot area (square feet)		2,000
Maximum density (units per gross acre)		10
Minimum density (units per net acre)[1]		5
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 (%)		60
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 10 units/acre (R10). Dimensional requirements within residential districts shall be in accordance with Table 17.106-2 above.
Maximum density is 10 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.

17.106.040 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.

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 property is relatively flat with the greatest slop of approximately 1%. 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 40% 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: Two areas of wetland will be isolated and protected in proposed Tract B. "Paper Fill" of two areas of wetland will be completed to accommodate the development however buffer averaging and replacement will be completed. 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. 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. The property includes wetlands which are mitigated via wetland buffer averaging and replacement as well as the use of Tracts to preserve wetlands.

9. HOUSING: One residential dwelling will be removed and 112 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. on February 25, 2021 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 NW 20th 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 773 ADT with 112 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 16, 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).

A Category III wetland was found on site (Wetland A) totaling approximately 2.41 acres on sire and then extending off site. Wetland B is a forested and scrub-shrub, depressional wetland totaling 0.34 acres onsite and is a Category III wetland as well. In addition to the wetlands present on the site, Oregon White Oak species are documented on site.

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,

> *"The wetland delineation was conducted in August, typically the driest time of the year for the region. Wetland delineations are more appropriately conducted earlier in the growing season, when hydrologic conditions are more favorable. Ecology strongly recommends that a boundary verification be performed by regulatory agencies to ensure the accuracy of the wetland delineation. Ecology would also like to review the wetland ratings after the site has been visited by agency staff in order to provide meaningful feedback to the consultant and City staff."*

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
Finding: 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 has included Tract B as a Wetland/Open Space Tract to accommodate the requirement.	

18.270.040 Wetland Delineation	**Compliance:** Conditionally
Findings: A Category III wetland was found on site (Wetland A) totaling approximately 2.41 acres on site and then extends off site. Wetland B is a forested and scrub-shrub, depressional wetland totaling 0.34 acres onsite and is a Category III wetland as well. The Department of Ecology submitted comments including, *"The wetland delineation was conducted in August, typically the driest time of the year for the region. Wetland delineations are more appropriately conducted earlier in the growing season, when hydrologic conditions are more favorable. Ecology strongly recommends that a boundary verification be performed by regulatory agencies to ensure*	

the accuracy of the wetland delineation. Ecology would also like to review the wetland ratings after the site has been visited by agency staff in order to provide meaningful feedback to the consultant and City staff."

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

Findings: 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 with 17 points; scoring 7 points for water quality functions, 5 points for hydrologic functions, and 5 points for habitat functions; and
- Wetland B is a Category III wetland with 17 points; scoring 7 points for water quality functions, 6 points for hydrologic functions, and 4 points for habitat functions.

As such the proposal is required to have an 80-foot buffer width per Table 118.270.090-5. The applicant proposed to use buffer averaging detailed within the following section of this report.

18.270.100 Buffer Modifications	**Compliance:** Yes

Findings: Wetlands A and B are Category III wetlands with low habitat scores (5 and 4, respectively) and as such are eligible for a reduction from the designated 80-foot buffer to that designated for moderate impacts in Table 18.270.090-5, 60 feet due to the use of the impact minimizing measures below.

Based on the analysis provided within the submitted CAR, staff finds the proposal in compliance with the approval criterion of BGMC 18.270.100.A(1-5).

18.270.120 Wetland banking	**Compliance:** Conditionally

Findings: Construction activities associated with the City required development of NE 239th Street and the northern ROW of NE 18th Street involves unavoidably indirectly impacting the wetland by 0.0827 acres (3,601 sq. ft.) due to insufficient buffer. An additional 245 square feet of indirect impacts will be accounted for due to the installation of the footbridge on the walking path. A total of 0.089 acres (3,846 sq. ft.) of indirect wetland impacts will be fully compensated for by purchasing the appropriate number of bank credits from a local, approved mitigation bank.

It is reasonable to conclude the required ROW improvements places a hardship on the development of the property, it is believed the applicant has minimized the need to utilize wetland banking therefore staff is comfortable allowing the applicant to further explore the intent of utilizing this form of mitigations. **The applicant is required to provide an updated mitigation plan prior to final site plan approval. Prior to grading or final site plan approval, the applicant shall submit evidence of purchased credits.**

18.270.050 Standard Requirements	**Compliance:** Conditionally

Findings: Unavoidable impacts to oaks due to lot and street design include the removal of three mature oak trees ranging from 12 to 36 inches DBH and comprising approximately 0.110 acres (4,796 sq. ft.) of oak canopy.

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

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 removal of three mature oak trees ranging from 12 to 36 inches DBH and comprising approximately 0.110 acres (4,796 sq. ft.) of oak canopy. To fully compensate for the loss of three mature oak trees, six oaks with a minimum of 2-inch DBH will be planted onsite in the oak planting area on 20-foot centers which is a wider spacing than typically used for other tree species to allow for better long term management.

Findings: Applicant shall be responsible for determining an appropriate mitigation plan associated with the Oregon White Oak proposed to be removed. **Prior to engineering approval, the applicant shall submit a tree removal and mitigation plan for review.**

18.280.100 Enhancement and Mitigation	**Compliance:** Conditionally

To fully compensate for the loss of three mature oak trees, six oaks with a minimum of 2-inch DBH will be planted onsite in the oak planting area on 20-foot centers which is a wider spacing than typically used for other tree species to allow for better long term management.

The submitted materials illustrate monitoring, maintenance, and contingency measures along with site protections associated with the mitigated oak trees on site.

Findings: The applicant has demonstrated compliance with the mitigation measures in place with regards to the mitigation of three mature oak trees on site. **Prior to final plat approval the applicant shall identify the six mitigation trees on the landscape plan for the record.**

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	**Jodie Vargas –** responses received May 14, 2021
The citizen sent two documents with a total of 35 questions regarding the proposal. Findings: Staff did their best to answer the questions provided as well as provided applicant with the findings associated with the proposal and encourage them to participate in the upcoming hearing.	
2	**Kevin Jolma – Battle Ground Public Schools –** letter received 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	**Department of Ecology** – letter received 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 ~~its~~ findings as well as a specific condition the applicant **to coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits, approvals, and wetland boundaries** prior to the approval of the Engineering Approval.	
4	**Charles R. Kuhn** - response received May 17, 2021
The response identifies concerns regarding the "Likely determination of non-significance" and questioned if environmental review would be complete as well as inquired about historic agriculture zoning of the property. Findings: Staff shared a link to the submitted documents for the applicant's review which included the SEPA and Critical Area Report. Staff explained they were unaware of an agricultural zoning of the property and suggested that maybe it had previously been zoned as such when it was in the county's jurisdiction however the city does not have such a zone designation.	

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

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

1. Provide "No Parking-Fire Lane" signage on both sides of half width street and fire apparatus turnarounds.
2. Clearly show the location of all new and existing fire hydrants in accordance with the above requirements.
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 NW 20th Avenue, a "Major Collector – Option 1", including sidewalk, planter strip, curb and gutter and asphalt.
    b. Showing adequate half-street improvements, for NW 18th Street, a "Local 'A'", including sidewalk, planter strip, curb and gutter and asphalt.
    c. 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.
    d. Showing half-width improvements to NE 239th Street to "Neighborhood Collector" standards, including sidewalk, planter strip, curb and gutter and asphalt.
    e. All other streets shall be built to "Local 'A'" standards that include a 48-foot right-or-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 NW 20th Avenue.
    g. Showing an additional 16 feet or ROW dedicated to the City for NW 18th Street.
    h. Containing a combined landscaping and driveway plan.
    i. Showing sight distance triangles.
    j. Containing a signing and striping plan.
    k. Containing a street lighting plan having LED decorative cobra type units for NW 20th Avenue and LED acorn units for the other streets.
    l. Showing traffic calming devices on all public streets.
    m. Showing driveways that meet the requirements of BGMC 12.116.243.
    n. 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.
    o. Showing water lines throughout the subdivision and extending to extreme property lines.
    p. Showing each residential lot having its own individual water service
    q. Showing an 8-inch gravity sewer line throughout the subdivision and extending to extreme property lines.
    r. Showing each residential lot having its own individual sanitary lateral.
    s. Showing a stormwater facility that meets the requirements of BGMC 18.250.
    t. 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. The applicant shall coordinate with the Department of Ecology to obtain their approval,

provide the City with the final approval and update plans accordingly.

12. The applicant shall be responsible for supplying the City with a copy of the final wetland delineation report and mitigation plan.
13. The applicant shall work with the Army Corps of Engineers and the State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan.
14. The applicant shall verify Lots 6 and 18 have the required 20-foot frontage on a public right-of-way prior.
15. 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 six mitigation trees for the record**.**

A. <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 $59,490.99.
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 $24,533.28.
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 $23,417.76.
5. 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 specifying that NW 20th Avenue is access controlled and cannot have direct access from lots.
    e. With a note describing the maintenance responsibilities of each lot owner for the private streets.
    f. With a note specifying the party/s responsible for long-term maintenance of stormwater facilities.
    g. That shows where any control monuments have been placed.
    h. That shows the dedication of any public roads.
    i. Showing the redesign of Lots 7-8 and 19-20 to meet the design standards of a flag lot (IE include the proposed easement into a lot) and include an access easement for the adjacent lot.
    j. Showing the additional 11 feet of landscaping to the east of the required sidewalk parallel to NW 20th Ave. and provide landscape plan it accordance to the standards of BGMC 16.125.100.
    k. With the note: “development shall conform to the requirements of BGMC 17.106.040”

B. <u>Prior to Engineering Acceptance:</u>

1. Construct all public improvements, if applicable, and go on a walkthrough with City of Battle Ground Engineering Staff and correct any deficiencies as determined by City staff.

2. 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.

C. 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.

D. **Prior to any ground disturbance**

1. The applicant shall submit evidence of purchased credits.

E. Prior to Creation of Impervious Surface:

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

F. Prior to Building Construction:

1. Acquire the required permits as outlined in Title 15 above.
2. Provide documentation that the required fire hydrants have been installed, tested, and 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 R10 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.
3. 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.
4. Should the application be conditioned by the Hearing Examiner to require additional wetland delineation it will be the responsibility of the applicant to supply the City with a copy of the final wetland delineation report and mitigation plan prior to Engineering Approval. Should any modification to the preliminary plans be required it is the responsibility of the applicant to modify the preliminary plans accordingly prior to final approval plat approval.
5. It shall be the responsibility of the applicant to review the submitted letter from the Battle Ground Public School District dated May 6, 2021 and execute any required conditions/fees/etc identified by their representative.

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	AMIRAS SONG Mailing Labels	
J	Archaeological Predetermination	
K	Amira's Song Critical Areas Report Final	
L	Jodie Vargas – email received 5/13/21	
M	Charles Kuhn – email received 5/17/21	
N	Department of Ecology – letter dated May 28, 2021	
O	Battle Ground Public Schools – letter dated May 6, 2021	

V. APPEAL

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

VI. PRELIMINARY PLAT

