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: Mill Creek Subdivision– (LUDIII22-0001 | PR 22-2021)

Report Date:	April 7, 2022
Hearing Date:	April 15, 2022 @ 1:00 p.m. via Zoom
Proposal:	The Mill Creek Subdivision project proposes to boundary line adjust and subdivide of approximately 33.95 acres total, into 198 single-family attached and detached residential lots.
Location:	3815 W. Main Street, Battle Ground, WA 98604 Parcel #: 192680-000, 192688-000 and 192586-000
Owner:	Joe and Debrah Cryblskey PO Box 1227 Battle Ground, WA 98604
Applicant:	Hinton Development c/o Nikki Duke 14010-A NE 3rd Ct. #106 Vancouver, Washington 98685
Staff:	James A. Cramer, Assistant Planner Ryan Jeynes, PE, City Engineer Chris Drone, Fire Marshal and Building Official
SEPA:	Recommending a Final Determination of Mitigated Non-significance (MDNS)
Recommendation:	**Preliminary Approval** subject to conditions listed at the conclusion of this report.



April 7, 2022

James Cramer **Date**
Assistant Planner

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I. BACKGROUND

A. General Site Information

Size of Site:	Approximately 53.13 acres, per Clark County GIS
Existing Vegetation:	Mature trees, grasses, and shrubs
Existing Structures:	Single family residence and out/accessory buildings
Adjacent Land Uses:	Residential
Adjacent Zoning:	MU-E (N), RC (E), R7 (S) & Agriculture-20 (W, county jurisdiction)
Slope:	There are some isolated steep slopes on-site.
Slope Stability:	No mapping indicators
Geological Hazards:	Areas of Potential Instability (south parcel)
Wetlands:	Presence
Flood Plain:	Floodway Fringe, Floodway & 500 Year Flood Area
Archaeology:	High; Mod-High
Priority Habitat:	Presence
Soils:	Non-Hydric DoB, Non-Hydric HoC & Non-Hydric HuB

B. Land Use Processing

Date Application Submitted:	January 3, 2022
Application Technically Incomplete:	January 11, 2022
Additional Materials Submitted:	January 19, 2022
Application Technically Complete:	February 8, 2022
Notice of Application:	February 23, 2022
Site Posted:	February 23, 2022
Reflector Publication:	February 23, 2022

Figure 1. Location

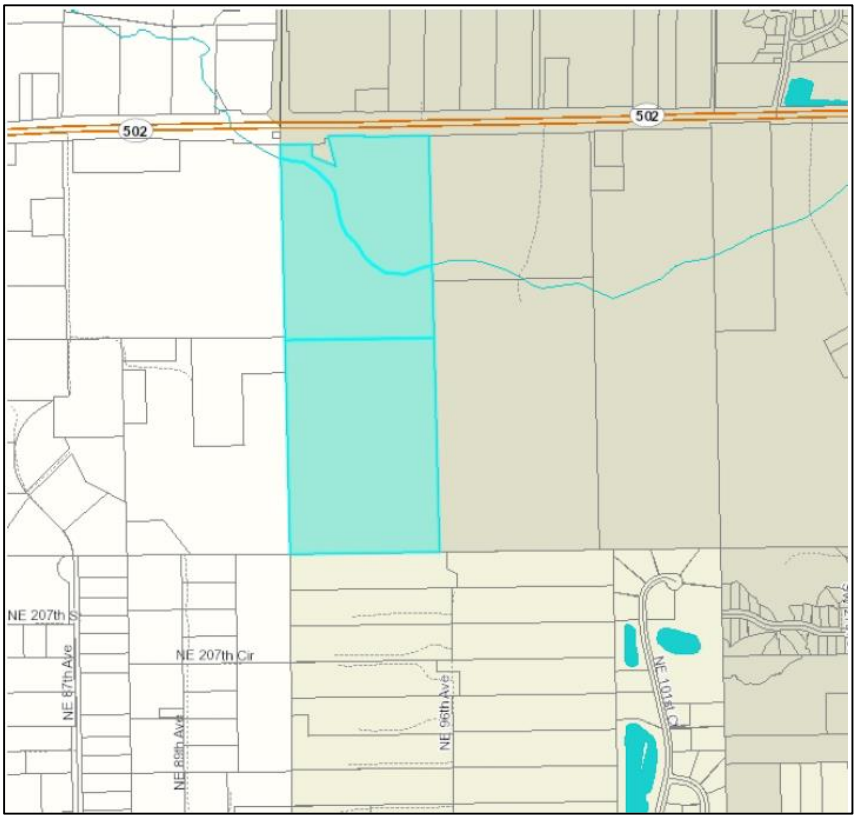
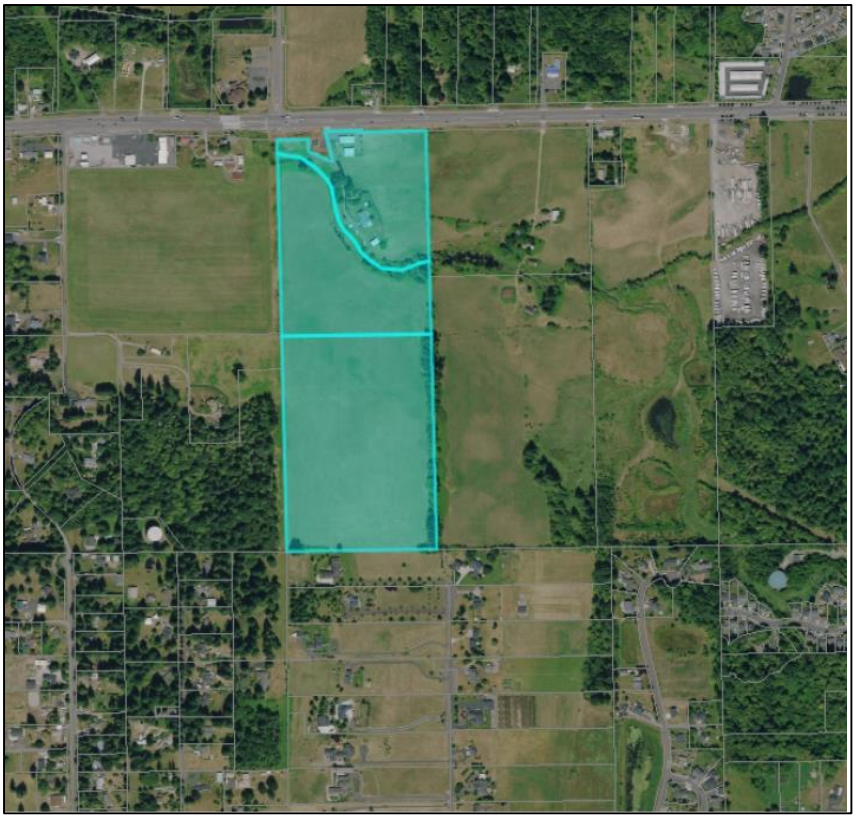


Figure 2. Site – Imagery



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 198-lot subdivision is located on serval parcels south of SR 502. Access to the development will be from the extension of NE 92nd Avenue (SW 46th Avenue) at the intersection with SR 502. The Applicant shall work with the City and WSDOT to permit the intersection improvements.

Per BGMC 12.116.160, SW 46th Avenue through the RC (Regional Center) shall be constructed to "Major Collector – Option 1" standards including a full width 46-foot roadway; and Commercial Sidewalk for a Major Collector on one side.

Per the Transportation System Plan, NE 92nd Avenue (SW 46th Avenue) shall be constructed to "Major Collector – Option 1" standards that include a 34-foot half width; 25-feet of roadway, 4-foot landscape strip, and 5-foot sidewalk per BGMC 12.116.160.

Per BGMC 12.116.040, N Heron Drive, S Heron Drive, N Bobcat Drive, S Bobcat Drive, East Way, and the unnamed north-south roadway shall be constructed to "Local 'A'" standards including a 48-foot right-of-way, a 30-foot roadway, 4-foot landscape strips, and 5-foot sidewalks.

Intersection spacing for Major Collectors is 250-feet minimum and a maximum of 500-feet per BGMC Table 12.116.040.B. The maximum intersection spacing is exceeded along SW 46th Avenue between East Way and N Heron Drive.

Intersection spacing for Local 'A' streets is 240-feet minimum and 500-feet maximum per BGMC 12.116.040(C).

Double and reverse frontage lots require a landscaped parkway. These landscaped tracts shall be privately owned and maintained. Lots 76-96 meet this requirement.

Frontage improvements to W. Main Street shall meet the Commercial Sidewalk requirements for a Principle Arterial.

There is a proposed cul-de-sac at the north end of the unnamed north/south street. Typically, cul-de-sacs are private and located within a tract. However, as the cul-de-sac will be will be an extension of a public street, it shall be public.

Creekside Lane shall be a private street built to the standards of 1-2 lots/units per BGMC 12.116.140.

Private Road "A" shall be a private street built to the standards of 3-4 lots/units per BGMC 12.116.140.

All proposed cul-de-sacs, hammer-heads, or dead ends shall be considered private streets and be privately maintained. All parking lots shall be privately owned and maintained. Include the following language on the preliminary cover sheet: "The City of Battle Ground has no responsibility to improve or maintain the private streets, including street lights and signs, contained within, or private streets providing access to, the property designed in this development." A private maintenance agreement will be required for all private streets.

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 12.116.130(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 12.116.150 requires a note on the plat stating the responsibilities of the lot owners abutting the private street to maintain the street.

Landscape tracts along the east side of SW 46th Avenue shall be privately owned and maintained.

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 SW 46th Avenue and W Main Street shall be LED decorative cobra type units; other streets are to be LED acorn type units.

Per BGMC 12.116.080, traffic-calming measures are required and shall be shown on preliminary plans.

The applicant's traffic engineer has indicated that 2,048 daily, 161 new a.m. peak trips and 215 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. Several peak hour trips impact five failing intersections identified by the City; see below under the *Concurrency Management* section for more information.

The applicant is showing 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 1,800-feet deep and approximately 900-feet wide. Based on the dimensions the preliminary plat would have to provide, at a minimum, two north-south cross-circulation streets and four east-west cross-circulation streets. The preliminary plat shows three north-south streets and five east-west streets. One north-west street goes through the development and provides the possibility of future extension to the south. Three of the east-west streets provide the possibility of future extensions. 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.

Lots that are less than 40-feet in width shall share a driveway with neighboring lot per BGMC 12.116.243.

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.

Staff received comments from the following citizens regarding transportation:

1. Joe & Christine Ludwig: Dead-end street; light pollution
2. Mike & Debbie Lemen: Dead-end street; parking lots; light pollution; view obstruction; utilities
3. Aaron & Katherine Lemen: Noise pollution; light pollution; utilities
4. Mountain View Farms Community: Dead-end street; light pollution; noise pollution

Responses to citizen comments:

1. BGMC 12.116.200 requires cross-circulation throughout the site extending the full depth of the property. Streetlights are required from this project in accordance with BGMC 12.116.050(H) and the latest Illuminating Engineering Society (IES) standards. Lighting for SW 46th Avenue and W Main Street shall be LED decorative cobra type units (unshielded). All other streets shall have LED acorn type units, which are equipped with house shields.
2. See response #1 for answers relating to dead-end streets and light pollution. Regarding parking lots located on site will be privately owned and maintained. Sanitary sewer, stormwater, and water utilities will be installed underground as well as other private utilities with the exception of streetlights. Landscaping will be required in accordance with BGMC 17.131 to aid in aesthetics and the minor altered views resulting from this development.
3. Noise typically associated with residential use can be anticipated. This development application does not propose any uses that are anticipated to cause noise pollution to those neighboring properties. See responses #1 and #2 above for answers relating to light pollution and utilities. Construction of infrastructure shall take place solely within the public right-of-way or on the property owned by the developer unless an easement or written consent by the adjacent property owner is granted for the work.
4. See responses #1, #2, and #3 above for answers to concerns of dead-end streets, light pollution, and noise pollution.

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.

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.

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

Finding: The proposed development will be doing construction type work within the State's and 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.

All work within SR 502 right-of-way shall be permitted and coordinated through WSDOT.

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 161 new a.m. and 215 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: SR 503/NW Onsdorff Boulevard (during the a.m. peak), SR 503/SW Eaton Boulevard (during the p.m. peak), SW 20th Avenue/SW Eaton Boulevard (during the p.m. peak), and Grace Avenue/E Main Street (during the p.m. peak).

Mitigation measures are as follows:

- SR 503/NW Onsdorff Boulevard include a second southbound through lane at the intersection.
- SR 503/SW Eaton Boulevard include addition of a 100-foot eastbound right turn lane and a second westbound left turn lane.
- SW 20th Avenue/SW Eaton Boulevard include the construction of northbound, southbound, and westbound left-turn lanes and traffic signal.
- Grace Avenue/E Main Street includes the addition of a traffic signal and realignment of the 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	11	n/a	$4,576.23	$50,338.53
SR 503 & SW Eaton Boulevard	PM	n/a	36	$1,533.33	$55,199.88
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	48	$2,291.40	$109,987.20
Grace Avenue & E Main Street	PM	n/a	6	$1,721.77	$10,330.62

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

The applicant will need to meet one of the two options for the above-mentioned intersections prior to engineering approval in order to construct the proposed project.

Regarding the failure at NW 29th Avenue & W Main Street (SR 502), the mitigation measure of a traffic signal is included in the City of Battle Ground's Six-Year Transportation Improvement Program (TIP). Therefore, the following options are available to the Applicant:

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 502 & NW 29th Avenue	PM	n/a	131	$1,496.28	$196,012.68

The applicant will need to meet one of the two options for NW 29th Avenue & W Main Street (SR 502) prior to engineering approval in order to construct the proposed project.

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.

The site is currently served by two wells. Existing well to be decommissioned per Department of Ecology requirements. A new connection to be made to the 16-inch line in SR 502 (W Main Street). Connection to be made east of the City's Intertie and then brought west to serve the site.

Main line extensions into the proposed development shall be an 8-inch minimum, run throughout the property and be looped where possible. This connection is subject to review and approval through the Engineering Department and shall be included in the engineering plan set.

Water system development charges are based on the water meter size.

Per BGMC 13.110.017, water lines shall be located within the City's ROW where feasible. Lines located outside the City ROW shall be privately owned and maintained unless accepted by City Engineer. Easements shall be provided for City maintained water lines constructed outside City right-of-way per BGMC 13.110.070.

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

All hydrant locations shall be shown on the final engineering plans for review and approval.

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.

3.	**Title 15 BUILDING, CONSTRUCTION AND FIRE**
15.104 Building Code	**Compliance:** Conditionally

General

The City of Battle Ground has adopted by reference the 2018 International Building Code (IBC), International Residential Code (IRC), 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 permit (City of Battle Ground)
- Demolition permit (City of Battle Ground)
- Electrical permit (Washington State Department of Labor and Industries)
- Irrigation permit (City of Battle Ground)
- Fire sprinkler 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

Construction

If townhomes are to be constructed, fire rated construction shall be required in accordance with 2018 IRC R302.2. Two-family dwellings shall be constructed in accordance with 2018 IRC R302.3.

15.105.090 Fire Access Road Requirements	**Compliance:** Conditionally

Finding:

Approved fire apparatus access roads shall be provided in accordance with IFC 503.1.1. The fire apparatus access road shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of each building (including townhomes) as measured by an approved route around the exterior of the building or facility.

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 the dimensions of all access roads and alleys and clearly identify the location of required "No-Parking-Fire Lane" signs at roads and fire apparatus turnarounds.

Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with International Fire Code Table D103.4.

An approved turnaround at the end of Creekside Lane shall be required.

"No Parking – Fire Lane" signage shall be required in the following locations:

- **Both sides of Creekside Lane**
- **Both sides of "Private Road A"**
- **Once side of partial width SW 46th Avenue**

ADDITIONAL ACCESS ROADS – ONE-OR TWO-FAMILY RESIDENTIAL:

Per IFC D107.1, Where there are more than 30 one- or two-family dwelling units, not less than two separate approved means of access shall be provided. Where there are more than 30 dwelling units and all are protected by approved residential sprinkler systems, a single access may be allowed.

Per IFC D107.2, Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses

Since SW 46th Avenue is proposed as a dead end, this development can only be accessed from one direction. Without a 2nd access, fire sprinklers shall be required for each home.

Either provide additional access to SR 502 or provide a note on the site plan that a fire sprinkler system shall be required for all homes.

15.105.100 Fire Hydrants	**Compliance:** Conditionally

Finding:

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

Hydrants and the water mains serving them shall be installed in accordance with City of Battle Ground requirements and the city's standard construction details. Per IFC 501.4, hydrants shall be installed and operational prior to construction.

The 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.

Currently no hydrants are shown on the plans. Clearly indicate the location of all new and existing fire hydrants meeting the above spacing requirements.

15.105.130 Sprinkler System Requirements	**Compliance:** Conditionally

Finding: Since SW 46th Avenue is proposed as a dead end, this development can only be accessed from one direction. Without a 2nd access, fire sprinklers shall be required for each home.

4.	**Title 16 Land Divisions**

Chapter 16.112 Boundary Line Adjustments

The application includes a boundary line adjustment (BLA) to shift the existing three (3) parcels (192680-000, 192688-000 and 192586-000). Specifically, the proposal is to adjust the three (3) parcels as identified below:

Parcel #	Pre BLA Acre	Post BLA Acre	Zone District	Min. Lot Size (SF)
192680-000	11.11	6.46	RC	1,600
192688-000	14.67	5.20	RC	1,600
192586-000	26.36	41.11	RC /R7	1,600/3,000

Further analysis of BLA within following sections.

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 simultaneously 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 or simultaneously with the overall proposed Type III Subdivision, unless a further 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; however, it is reasonable to conclude the applicant will record the proposed BLA simultaneously with the proposed subdivision; therefore, the applicant shall be required to record the proposed BLA no later than that of the proposed subdivision. Criterion not applicable.

16.112.030.E Approval Criteria | **Compliance:** Conditionally

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: As proposed the resulting parcels of the BLA will comply with the minimum lot area of their respective zone districts as identified within the following table:

Parcel #	Pre BLA Acre	Post BLA Acre	Zone District	Min. Lot Size (SF)
192680-000	11.11	5.20	RC	1,600
192688-000	14.67	6.46	RC	1,600
192586-000	26.36	41.11	RC /R7	1,600/3,000

The R7 and RC zone districts do not have a minimum density requirement therefore the proposal meets the density requirements of the underlining zone districts. Parcel 192680-000 will retain an existing residential structure which is permitted per Item No. 67 of Table 17.118-1 while Parcel 192688-000 will retain an existing commercial structure. As proposed, Parcel 192680-000 will obtain legal access to the property via a 60-foot wide ingress, egress and utility easement through Parcel 192688-000. It is reasonable to conclude the dimensional requirements (IE setbacks) of these structures comply with the RC zone district or are known to be legally conforming once the BLA is complete.

Parcel 192586-000 will be a total of 41.11 acres once the BLA is complete. This parcel is currently split zoned with RC zoning designated in the northern portion and R7 zoned in the southern portion. The proposal is to further subdivide the R7 zoned portion of the lot into 198 parcels which will include street improvements. The portion of the site to be zoned R7 is approximately 33.95 acres which permits a total of 237 units. The resulting 198 parcels will be a minimum of 3,000 square feet, an average lot size of 4,502 square feet and a minimum of 20 feet of frontage meeting the minimum lot area of the R7 zone district. See Title 17 for dimensional requirements analysis for the proposed new lots.

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

Finding: Parcel 192688-000 will have direct access to SR-502. Parcel 192680-000 will obtain legal access to the property via a 60-foot wide ingress, egress and utility easement through Parcel 192688-000. Parcel 194421-000 will be further subdivided and access is provided through street improvements. See Title 12 for additional information.

16.115 Preliminary Plats

16.115.040 Preliminary Plats | **Compliance:** Yes

Finding: The applicant is proposing 217 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.	
16.125.030. Continuation of existing streets	**Compliance:** Yes
Finding: The site is currently undeveloped without a street network; therefore, a new network will be implemented and 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 Lot 145, will contain the minimum frontage on a public or private street. **The applicant shall be responsible for redesigning the preliminary plat so that Lot 145 includes the required 20-foot frontage requirement of the R7 zone district.**	
16.125.080. Lot Line Angles	**Compliance:** Yes
Finding: Lot line angles are satisfied.	
16.125.090 Lot Size and Width Requirements	**Compliance:** Conditionally
Finding: As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 4,500 square feet; however, the applicant proposes a density transfer therefore is required to have a minimum lot area of 3,000 square feet and a minimum average lot area of 3,300 square feet. The minimum lot area of the proposal is 3,000 square feet with an average lot area of 4,403 square feet therefore the proposal meets the minimum square footage for density transfer consideration. Additional analysis regarding the proposed density transfer is found within Sec. 17.106.035 of this report. With the exception of Lot 145, the 20-foot-wide minimum lot frontage standard is met. As conditioned within Sec. 16.125.070 of this report, **The applicant shall be responsible for redesigning the preliminary plat so that Lot 145 includes the required 20-foot frontage requirement of the R7 zone district.**	
16.125.095 Narrow lot standards	**Compliance:** Conditionally
Finding: Applicant is proposing to incorporate 144 narrow lots and submitted preliminary plans for review. Proposed location and width of streets, sidewalks, and landscape strips has been analyzed and conditionally approved within Section 12.116 Transportation Standards of this report. The submitted plans include location, species, and size of required street trees that meets the intent of the code. The submitted plans include street light and water meter locations. Decorative acorn style street lights on local street will be used. The site will have underground utility lines. Mail box location were not included however services shall be coordinated with the US Postal service and it is reasonable to conclude the proposed development can accommodate either individual lot mail services or within common parking areas proposed. Section 13.110/112 Water Service and Water Use Regulations of this report has analyzed and conditionally approved water line, water meter, and sewer line standards for the proposed development. Private utilities are the responsibility of the applicant to coordinate and locate. The applicant shall be responsible for demonstrating the location on final engineering plans. The preliminary plans identify drive way locations for each individual lot and includes shared driveways for lots of 30-feet wide or less with adjacent properties.	

The proposal identifies a total of 125 on street parking spaces along with 46 spaces within four separate common parking areas for a total of 171 parking spaces for the proposed 144 narrow lots. Driveways locations are not final and only conceptual for purposes of preliminary approval therefore it is reasonable to conclude additional parking is probable further determining compliance. The proposed parking stalls will be 9-feet wide by 20-feet deep with 24-foot wide drive isles. Additionally, the common area parking lots include landscape islands and landscaping. **The applicant shall be responsible for including screening along public streets with a minimum three feet in height. Screening along property lines shall be a minimum six feet in height.** Each common parking area connects to proposed sidewalks providing the opportunity to pedestrian connection. While the number of parking spaces exceeds five spaces within the common parking areas, staff finds the number of spaces and dedicated parking lot design to be proportional to the size of the respective lots they are to be located on. As such, staff and finds the current design satisfactory.

Staff finds the proposed preliminary narrow lot design meets the general intent of the Narrow Lot Standards and can reasonably be accommodated.

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

Proposed lots 76 to 96 are proposed as double frontage lots due to the presence of collector roads. Per the submitted narrative, because access is limited to SW 46th Ave. lots adjacent to this road will be "double frontage". A tract (Tract I) has been proposed between the SW 46th Ave. ROW to meet the double frontage lot standards and to help screen these lots.

Finding: The proposal included Tract I and will buffer between double frontage lots and proposed right-of-way. **The applicant shall update the plans to confirm the depth of the tract is 20-feet, meeting the code standard or amend the tract to meet said standard. Additionally, the applicant shall be responsible for incorporating the required landscaping identified within BGMC 16.125.100 and shall demonstrate compliance on a landscaping plan to be approved prior to Engineering approval.**

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 not provide a preliminary street lighting plan. Per BGMC 16.130.035 lighting plans shall be prepared by a licensed electrical engineer and shall show the necessary minimum lighting levels. A street lighting plan shall be included with the engineering plans to be approved by the city.

The applicant makes no mention of permanent control monuments. BGMC 16.130.040 requires permanent control monuments to be installed at controlling corners of the land being subdivided. The final plat shall show permanent control monuments.

The applicant has provided on the preliminary 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.

7 Eaves, cornices, chimneys and similar projections may extend over a required front, rear, or side yard by not more than two feet per BGMC 17.129.030.

Finding: The proposal is to further subdivide the 33.95-acre portion of the site that is zoned Residential 7 units/acre (R7). Dimensional requirements within residential districts shall be in accordance with Table 17.106-2 above. Maximum density for the overall site is 7 units per gross acre with no minimum density requirement. The portion (33.95-acres) of the subject property (192586-000) to be further subdivided would permit a maximum density of 237 units. The proposal includes a total of 198 parcels to be developed into residential use thus meeting the maximum density allowed within the R7 zoned portion of Parcel 192586-000. There is no minimum density required for the R7 zone district. The resulting 198 parcels will be a minimum of 3,000 square feet, an average lot size of 4,502 square feet and a minimum of 20 feet of frontage meeting the minimum lot area of the R7 zone district. 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 R3 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

There are three parkland dedications within 1 mile from the subject property and are as follows: approximately 0.32 miles (pocket park south of HWY 502), 0.43 miles (passive use, north of HWY 502) and 0.6 miles (undeveloped, south of HWY 502).

The proposed project is located within "Neighborhood Service Area 24" of the Parks Plan, which states *"The City should monitor conditions in this area as growth occurs over time to determine the need for neighborhood parks, facilities, and pocket parks."* Based on the location of the development, proximity to existing public recreational facilities and barriers due to HWY 502 and/or no direct connection to existing facilities, this project is required to provide a park per 17.128.040.

The submitted narrative indicates the project has provided, *"12.72 acres of open space. There are 4.3 acres of open space in Tract's A and B of the project. The project has four open space & park tracts. A trail system is proposed throughout the open space tract B which parallels the pipeline easement. Over 900 feet of trails are proposed with this project. Additional bark trails could be located in the Mill Creek buffer and do not count as impacts to the buffer. There will be benches and tables along with grass play areas throughout tract B. A pocket park will be located in tract G on the south edge of the subdivision. The pocket park will have benches and a picnic table and should afford vistas to the south of Battle Ground and Mount St. Helens. All of the park areas will have open grass areas for active recreation along with trails and natural areas for passive recreation."*

The Battle Ground Comprehensive Parks, Recreation & Open Space Plans identified pocket parks as parks that serve a limited, isolated, or unique recreational need that are a minimum size of 2,500 square feet and typically less than one acres in size. That they generally serve an area within 1/4 mile of the park site and are located within located in residential and commercial areas. Additionally, access is primarily by walking and pocket parks can provide active and passive uses, play areas, trails, and picnic areas, scenic overlooks, sitting areas as well as gardens and landscaping

Finding: The proposal includes over 900 feet of trails within the overall development. Portions of Tract B will include trails in order to meet the recreational requirements of the code and will also provide open space for the overall development. **Prior to Engineering approval, the applicant shall be responsible for including a public access easement that incorporates all proposed trails**. This will provide legal access to the public and the opportunity for future connection to additional trail systems. The site also includes Tract A which is intended for storm water which provides an additional opportunity for preserved open space as well as some creative landscaping to beautify the area. Tract G is 8,606 square feet and proposed as a pocket park. The size meets the minimum requirement for a pocket park and the applicant has stated final engineering and construction plans will detail out the park spaces further.

As proposed it is reasonable to conclude the proposal can meet the intent of the code with respect to the required parks and open space. As such, the applicant is responsible for demonstrating the following prior to engineering approval:

- **Update engineering plans to included final park design and trails layout to be incorporated into overall final development.**
- **Demonstrate the owner/developer/contactor, or their designee, has permission to incorporate the proposed trails within proposed Tract B; or, (B) Determine an alternative amenity to add to the proposed development.**

A portion of the proposed trails are located within the 75-foot-wide Olympic Pipeline easement that is adjacent to the required 50-foot riparian buffer. These areas will retain and/or implement natural

landscaping. **As such, staff requests that the applicant complete one of the following with regards to the proposed storm water facility:**

A. **Include landscaping within the storm water facility that meets the requirements of BGMC 18.250.130; or,**
B. **Include a pedestrian trail, including public access easement, around the stormwater facility to connect to the proposed Tract B trail.**

Staff believes including one of the above options will enhance the proposed parks and open space throughout the overall development and provide additional visual elements for residents. Should staff's request be amendable to the applicant, it is recommended that the request be included in the final order as a condition of approval to ensure implementation.

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

Finding: Table 17.133-1 identifies the required minimum vehicular parking requirements. Single-Family Residential Developments require 2 parking spaces per dwelling unit. Each unit will also have a one or two car garage depending on final unit types and a driveway for each residence will equate to the required 2 parking spaces. On street parking is also provided, along with four parking lots, will be included in the overall development. It is reasonable to conclude that the proposal provides adequate guest parking for the overall development. **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 portion of the property to be developed slopes to the south with the steepest slope at approximately 15%. The submitted SEPA incidates the site soils include DOB, Dollar loam on 35.6% of parcel, HuB, Hockinson loam on 23.0% of parcel, Hoc, Hmsoboro loam on 32.40/o of parcel and HoB, Hmsboro loam on 9.0% of the site. The site includes existing agricultural uses with seasonal haying and other crops having been grown historically on-site. No historic indicators of unstable soils were noted. Grading will occur on-site for infrastructure development and home construction. While the quantities are unknown at this time, the submitted SEPA approximates 200,000 cubic yards of grading may occur on the site. Soil erosion could occur due to exposure to rain or wind during construction. Silt fence, inlet protection, temp. sediment ponds, mulching and seeding measures will be taken to reduce impacts to the earth during development of the property.

2. AIR: Typical construction dust and vehicle emissions during construction are expected during the overall development of the subdivision. Water trucks are proposed to be used to wet soil during dusty/dry construction periods to reduce possible dust invasion during development of the site.

3. WATER: The overall site includes a portion of Mill Creek that bisects the site east to west through the property. The base buffer for the Mill Creek is 50 feet. This project will avoid direct and indirect impacts to all the riparian areas on-site associated with Mill Creek with the development of lots. The project will have work within 51-200 feet of the creek but this is outside of the Battle Ground required buffers. A bridge is proposed with this project that may place pilings or footings within

the 50-foot stream buffer. This proposed bridge is in the process of being designed and a hydraulic permit will be submitted for any work within the ordinary high water mark of Mill Creek to ensure appropriate design is accomplished. **As such, the applicant shall be responsible for apply, receiving approval and supplying the City with a copy of approval of a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW) prior to Engineering acceptance or ground disturbance, whichever occurs first.** The project is not within a 100-year floodplain, does not propose to fill/dredge or withdrawal any surface water and will also not discharge waste to surface water. Groundwater and water runoff will be detained within storm water facilities which shall be designed, reviewed and approved to meet development standards set forth within the BGMC.

4. PLANTS: The site is home of various deciduous and evergreen trees, shrubs, grasses, pastures, crops/grains as well as Himalayan Blackberry which is a noxious weed. Existing grass, shrubs and most trees within the project will be removed or replaced with this project. White Oaks are present on the site and will be retained and some mature trees may be retained in side back yards and/or proposed open space. Native and drought tolerant plants are proposed in the project landscape buffers.

5. ANIMALS: The site has the potential for the presence of hawks, heron and Songbirds as well as deer. The site is located within what is commonly referred to as the Pacific Flyway. The flyway stretches from Alaska to Mexico and from the Pacific Ocean to the Rocky Mountains. Landscape plantings, buffer plantings and opens space tracts will provide food and cover for small mammals, birds, insects, animals and soil organisms. A letter submitted by the Cowlitz Indian Tribe identifies the Lower Columbia River coho salmon as a federally threatened species and that the Washington Department of Fish and Wildlife Spawning Ground Survey indicates multiple sightings of a coho red as near as a quarter of a mile downstream from the subject property. The site includes the required buffer and the applicant has stated, *"A Hydraulic permit will be applied for if footings for the bridge are located within the ordinary high water mark of Mill Creek."* As such, it is recommended any approval be conditioned on the project receiving an approved Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW) to ensure protection of the existing creek and associated wildlife.

6. ENERGY AND NATURAL RESOURCES: Electric and natural gas are expected to be implemented for the proposed residential use. Future development shall comply with state building and energy codes. The proposal includes incorporating sustainable building design features like passive solar heating through the use of certain building materials and strategic placement of windows and openings. Additionally, the applicant proposes to utilize efficient building designs to maximize building materials and minimize waste.

7. ENVIRONMENTAL HEALTH: No known long-term environmental health concerns have been noted for the subject property. Public sewer and water will serve the subdivision along with recycling and waste management will be programed and picked up regularly. Light traffic noise from Main Street (aka SR-502) and possible vehicle/pedestrian noise from new residences may occur however a reasonable level of noise should be expected with new development and BGMC Title 9 Public Peace, Morals And Welfare detailing nuisance standards to protect citizens. **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. The contractor will be required to prepare a Spill Prevention, Control and Countermeasure (SPCC) plan to be used for the duration of the construction project.**

8. LAND AND SHORELINE USE: The property is not within a shoreline. The portion of the site to be developed into the residential is currently vacant, zoned R7 and proposes 198 residential lots. The property has been agriculture use for many years on the residentially zoned portions of the site. The residential portion of the site will be converted from farm land to residential use with this project. All of the commercial land and existing buildings/business will remain within the northern portion of the site. The commercially zoned area of the project will not be part of the area being zoned residential that is proposed to be subdivided. The commercial parcels will dedicate right-of-way for SR-502 and NE 92nd Avenue (SW 46th Avenue) intersection. Mill Creek is a protected riparian habitat with a 50-foot buffer per City code which has been included on the plans. 543 residents are proposed to reside within the new subdivision with 2-3 residence living in the existing home north of Mill Creek. The existing business has 4-5 employees and will not change with this application.

9. HOUSING: the proposal includes subdividing the subject property into 198 single family lots.

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: Street and house lighting will occur at night and be designed to meet city standards and provide safe night time pedestrian circulation. The lighting will be shielded to prevent glare to off-site areas.

12. RECREATION: The proposal includes over 900 feet of trails within the overall development. Portions of Tract B will include trails in order to meet the recreational requirements of the code and will also provide open space for the overall development. The site also includes Tract A which is intended for storm water which provides an additional opportunity for preserved open space as well as some creative landscaping to beautify the area. Tract G is 8,606 square feet and proposed as a pocket park. The size meets the minimum requirement for a pocket park and the applicant has stated final engineering and construction plans will detail out the park spaces further.

13. HISTORIC AND CULTURAL PRESERVATION: An archaeological pre-determination was performed on this site. Per a letter supplied by Applied Archaeological Research (Exhibit A22), determined that 45CL834 extends into the northernmost part of the development project area; however, it does not extend into the disturbance footprint. **It was recommended that an archaeologist monitor project-related ground disturbance in areas closest to 45CL811 and 45CL834 be required. That would include during construction of the northernmost 140 meters or so of the SW 46th Avenue extension. In addition, a recommendation has been made to require a strong inadvertent discovery plan be adopted for the project.** Completing these recommendations will ensure any historical and/or cultural resources are not disturbed, or if discovered are managed appropriately. **As such, the applicant shall adhere to the recommendations detailed within Exhibit A22 prior to any ground disturbance or prior to engineering approval, whichever occurs first.**

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

14. TRANSPORTATION: NE 219th Street (aka W. Main Street or SR-502 is located along the North side of the site and will provide access to the site. The intersection of NE 92nd Avenue is located at the NW corner of the site and will be extended south to serve the subdivision and properties to the south. Battle Ground street naming will call NE 92nd Avenue, NW 46th Avenue. The nearest public transportation stop from the subject property is C-Tran is approx. 1 mile to the east on W Main Street. The proposal included single-family residential development and includes both garage and driveway spaces on each parcel along with four common parks areas for residential use. No parking will be eliminated. New right-of-way infrastructure will be added to the subject property in conformance with development code, will be public and include sidewalks. Approximately, 2,152 trips per day will be added with the proposed development. There is estimated to be 215 peak am trips and 215 peak pm trips. The existing home and business north of Mill Creek has little daily traffic and will not change with the subdivision as proposed.

15. PUBLIC SERVICES: School Impact fees and increased tax base will accommodate for impacts on public services. The finished development will require all public services which are available to serve the site.

16. UTILITIES: Common utilities such as, but not limited to: electricity, natural gas, water, sanitary, phone and sewer are expected. Olympic Pipeline has an existing main line and 75-foot-wide easement which crosses the site. This will be untouched with this project except for two road crossings on the east and west edges of the project. The applicant will work with Olympic Pipeline on this proposal.

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 final 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.

Generally, stormwater facilities built for single-family residential subdivisions are publicly owned and maintained. However, for this project, the applicant has stated that the facility will be privately owned and maintained. Bioretention and proprietary filter cartridge treatment BMPs located in the City's right-of-way shall be privately owned and maintained.

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).

Per BGMC 18.250.310(B)(2), a maintenance covenant is required for facilities that will be maintained by private parties. The covenant shall include an agreement to transfer maintenance responsibilities to future occupants/owners. Prior to engineering acceptance, the covenant shall be recorded.

Per BGMC 18.250.320(C) a covenant for access and inspection of the facility shall be dedicated to the City.

Per the SWMMWW, a minimum berm width of 5' is required for Wetpond A (Storm Tract '1'). The first cell shall have a minimum depth of 4', including 1' of freeboard over berm and an overall maximum depth of 8'.

Ensure that the location of the stormwater facilities meets the requirements listed in BGMC 18.250.330.

Wetpond B (Storm Tract '2') shall be designed per WSDOT standards and reviewed and approved by WSDOT prior to final engineering approval.

An NPDES permit shall be obtained and submitted prior to final engineering approval.

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 the stream buffer, if applicable, which shall be flagged prior to construction.

The final grading and erosion control plans shall be in conformance with applicable City standards including the City's Standard Construction Details.

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

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

18.260 General Provisions

Findings: The applicant submitted a Critical Areas Report (CAR) and includes a Wetland Delineation Report which was prepared July 30, 2021 by Ecological Land Services, Inc. (ELS). ELS used the methodology of the Routine Determination Method according to the U.S. Army Corps of Engineers' *Wetland Delineation Manual.*

Per the submitted CAR, no wetlands were identified in the study area. Hydrophytic vegetation was present throughout the site, hydric soils were present in Test Plots 2, 10, and 11, however, the site showed no evidence of hydrology.

The CAR also includes analysis of the Mill Creek that Mill Creek is a fish-bearing (Type F) stream that will run along the property line dividing parcels 192688-000 and 192680-000 should the proposed BLA be approved. The creek enters the site from the east and flows in a northwesterly direction for approximately 1,250 feet then continues in a southwesterly direction for approximately 13 miles before connecting with the Columbia River. At the time of the study area visit on July 20, 2021, the stream channel was approximately 8 feet wide and 20 inches deep. Per BGMC 18.280.050.A, the Type F stream has a designated 50-foot riparian buffer which has been included in the plans.

The Department of Ecology submitted comments including,

> *"Ecology questions the conclusions of the report and requests further observation and documentation to verify the absence of wetlands.*
>
> *The timing of the delineation, which occurred when wetland hydrology was less likely to be present (June 17, 2021), and on the antecedent precipitation derived from the WETS tables, indicate a concern for the accuracy of the determination that no wetlands exist on the site.*
>
> *At least three test plots contain hydric soils and occur in areas where vegetation has been managed (i.e. pasture grasses). The delineation was conducted in June 2021. Per the WETS tables, the preceding days and months were well below normal precipitation. In particular, April and May totals were below the 30% threshold for normal variance. Cumulatively, such data support the view that hydrology was underrepresented during the time of the site visit.*
>
> *Ecology would not consider this delineation to be conclusive for regulatory purposes. We recommend that the site be revisited during the early part of this year's growing season to re-evaluate wetland hydrology."*

BGMC 18.260.100 *Critical areas report – Requirements* does not delineate parameters around when a CAR shall be performed. As such, staff proceeded with their review as proposed with the CAR received.

The applicant shall coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits and approvals, if applicable. 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.

In addition to the potential wetland presence and fish and wildlife habitat, the Clark County Property Records indicate that existing Parcel 192688-000 is within a Flood Hazard Area and Parcel 192586-000 includes Areas of Potential Instability thus requiring CAR for Frequently Flooded Area and Geological Hazards. The applicant submitted a memo from ELS detailing their findings.

See sections below for specific requirements for each critical area.

18.270.040 Wetland Delineation	**Compliance:** Yes

Findings: The applicant submitted a Critical Areas Report (CAR) and includes a Wetland Delineation Report which was prepared July 30, 2021 by Ecological Land Services, Inc. (ELS). ELS used the methodology of the Routine Determination Method according to the U.S. Army Corps of Engineers' Wetland Delineation Manual. The Routine Determination Method examines three parameters—vegetation, soils, and hydrology—to determine if wetlands exist in a given area. By definition, wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

The CAR tested a total of 11 "Test Plots" against the three parameters (vegetation, soils, and hydrology) that determine if wetlands exist. As a results of the study concluded that hydrophytic vegetation was present throughout the site, hydric soils were present in Test Plots 2, 10, and 11, however, the site showed no evidence of hydrology. As such, ELS determined that no wetlands were identified in the study area.

Based on the findings of the submitted CAR, staff concurs with its findings and determines that the study concludes the site contains no wetlands. As such, no mitigation is required at this time.

The Department of Ecology submitted comments including,

> *"Ecology questions the conclusions of the report and requests further observation and documentation to verify the absence of wetlands.*
>
> *The timing of the delineation, which occurred when wetland hydrology was less likely to be present (June 17, 2021), and on the antecedent precipitation derived from the WETS tables, indicate a concern for the accuracy of the determination that no wetlands exist on the site.*
>
> *At least three test plots contain hydric soils and occur in areas where vegetation has been managed (i.e. pasture grasses). The delineation was conducted in June 2021. Per the WETS tables, the preceding days and months were well below normal precipitation. In particular, April and May totals were below the 30% threshold for normal variance. Cumulatively, such data support the view that hydrology was underrepresented during the time of the site visit.*
>
> *Ecology would not consider this delineation to be conclusive for regulatory purposes. We recommend that the site be revisited during the early part of this year's growing season to re-evaluate wetland hydrology."*

BGMC 18.260.100 *Critical areas report – Requirements* does not delineate parameters around when a CAR shall be performed. As such, staff proceeded with their review with the CAR received.

The applicant shall coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits and approvals, if applicable. 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.

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

The purpose of this section is to protect environmentally distinct, fragile and valuable fish and wildlife habitat areas for present and future generations, and to conserve the functional integrity of the habitats needed to perpetually support fish and wildlife populations, while also recognizing the need for development activities within the city of Battle Ground.

Staff received comments from the various citizens regarding the potential displacement of wildlife within the proposed development. Agency /Public Comments can be further examined within Sec. II, SubSec. C of this report as well as within Exhibits F-ZF.

Findings: Per Clark County Records Parcels 192680-000 and 192688-000 the subject properties include Fish Habitat Stream impacts area therefore a critical area report was required for the proposal. The CAR identifies that the Mill Creek is a fish-bearing (Type F) stream that will run along the property line dividing parcels 192688-000 and 192680-000 should the proposed BLA be approved. The creek enters the site from the east and flows in a northwesterly direction for approximately 1,250 feet then continues in a southwesterly direction for approximately 13 miles before connecting with the Columbia River. At the time of the study area visit on July 20, 2021, the stream channel was approximately 8 feet wide and 20 inches deep. Per BGMC 18.280.050.A, the Type F stream has a designated 50-foot riparian buffer which has been included in the plans.

A bridge is proposed with this project that may place pilings or footings within the 50-foot stream buffer. This proposed bridge is in the process of being designed and a hydraulic permit will be submitted for any work within the ordinary high water mark of Mill Creek to ensure appropriate design is accomplished. **As such, the applicant shall be responsible for applying, receiving approval and supplying the City with a copy of approval of a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW) prior to Engineering approval or ground disturbance, whichever occurs first.**

18.300 Geologically Hazardous Areas	**Compliance:** Yes

The purpose of this section is to safeguard public health, safety and welfare by placing limitations on development in geologically hazardous areas consistent with the requirements of the Growth Management Act and WAC 365-190-080.

Finding: Finding: Per Clark County Records Parcel 192586-000 includes Areas of Potential Instability. As such, the applicant was required to include analysis of geologically hazardous areas. Upon formal submission the application was determined Technically Incomplete as there was no analysis associated with geologically hazardous areas (IE areas of potential instability). The applicant submitted a memorandum prepared by ELS in response to the Technically Incomplete status that indicated that,

> *"Comment 2 (within the issued Technically Incomplete letter) pertains to geologic hazardous and frequently flooded areas regulated by BGMC Chapters 18.300 and 18.310. ELS did not locate either critical areas within the study area during our site visits. ELS has reviewed Clark County GIS for both critical area layers and none were indicated. Areas of potential instability and slopes greater than 15% are indicated on the property directly to*

the west but not within the study area. Therefore, these chapters are not applicable to this site."

As such, staff concludes the applicant has demonstrated, through the expertise of ELS, that the cite does not include any frequently flooded areas therefore the criteria of BGMC 18.280 does not apply.

18.280 Frequently Flooded Areas	**Compliance:** Yes

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
C. Controlling the alteration of natural floodplain, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Finding: Per Clark County Records Parcel 192680-000 includes a Floodway indicator while Parcel 192688-000 includes both a floodway and floodway fringe indicator. As such, the applicant was required to include these elements in their analysis. Upon formal submission the application was determined Technically Incomplete as there was no analysis associated with frequently flooded areas. The applicant submitted a memorandum prepared by ELS in response to the Technically Incomplete status that indicated that,

"Comment 2 (within the issued Technically Incomplete letter) pertains to geologic hazardous and frequently flooded areas regulated by BGMC Chapters 18.300 and 18.310. ELS did not locate either critical areas within the study area during our site visits. ELS has reviewed Clark County GIS for both critical area layers and none were indicated. Areas of potential instability and slopes greater than 15% are indicated on the property directly to the west but not within the study area. Therefore, these chapters are not applicable to this site."

As such, staff concludes the applicant has demonstrated, through the expertise of ELS, that the cite does not include any geologically hazardous areas (IE areas of potential instability) areas therefore the criteria of BGMC 18.280 does not apply.

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

FE-13 is a Sanitary Sewer System Development Charge (SDC) credit eligible project. The General Sewer Plan states the following: FE-13 is estimated to cost $1,418,000.00 and is 100.00% creditable. SDC credits for FE-13 will be based upon length of pipe installed. The applicant will need to provide all receipts and all other information prior to receiving any credits.

PS-11 is a Sanitary Sewer System Development Charge (SDC) credit eligible project. The General Sewer Plan states the following: PS-11 is estimated to cost $1,250,000.00 and is 100.00% creditable. The applicant will need to provide all receipts and all other information prior to receiving any credits.

FM-11-1 is a Sanitary Sewer System Development Charge (SDC) credit eligible project. The General Sewer Plan states the following: FM-11-1 is estimated to cost $1,521,000.00 and is 100.00% creditable. The applicant will need to provide all receipts and all other information prior to receiving any credits.

FM-11-2 is a Sanitary Sewer System Development Charge (SDC) credit eligible project. The General Sewer Plan states the following: FM-11-2 is estimated to cost $2,847,600.00 and is 100.00% creditable. The applicant will need to provide all receipts and all other information prior to receiving any credits. Note that FM-11-2 is only required to be constructed if there isn't sufficient capacity in the system for the development.

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. 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 March 8, 2022

This letter provides input on three various disciplines (Shorelines & Environmental Assistance, Solid Waste Management, Water Quality/Watershed Resources) which indicate various measures and recommendations for the proposal to take. Notably the Shorelines & Environmental Assistance questions the conclusions of the report and requests further observation and documentation to verify the absence of wetlands. Ecology would not consider this delineation to be conclusive for regulatory purposes. We recommend that the site be revisited during the early part of this year's growing season to re-evaluate wetland hydrology.

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 provide a final wetland delineation report and a revised mitigation plan for review and approval prior to site disturbance or engineering approval, which ever happens first.

2. Mountain View Farms Community Association; Tom Regen – emails received 2/28 & 3/9 of 2022

Respondent inquired as to when the project would break ground then submitted a letter on behalf of the Mountain View Farms Community Association and its 21 property owners. The letter states concern on their existing views, security/safety, proposed street layout, public camping, street lighting, project boundaries, sewer system, traffic and corresponding noise, wildlife displacement, whether CCrs will be required as well as questions the reasoning for "high-density". The respondent also inquired as to whether compensation will be provided to home owners for "diminished value" due to proposal and requested a 50-100 "green belt" between the two developments (existing and proposed).

Finding: Staff responded to the citizen by answering their questions and including code references where needed. Staff encouraged them to participate in the pending hearing within their response.

3. Mike and Debbie Lemen – email received 3/9/2022

Respondent states concern on their existing views being obstructed and inquired as to police coverage for the two developments (existing and proposed development). The letter continued to discuss the proposed street layout, the property's border, notes potential security risks and requests a 50-100 foot property line border. The respondent inquired about public camping, street lighting, fencing along the south of the proposal, the reasoning for "high-density", whether an HOA will be formed and whether utilities will be above or underground. The respondent also requested houses be limited to a single story and a green belt be included between the developments (existing and proposed) for wildlife habitat.

Finding: Staff responded to the citizen by answering their questions and including code references where needed. Staff encouraged them to participate in the pending hearing within their response.

4. Joe and Christine Ludwig – email received 3/8/2022

Respondent expressed concerns/made inquiries about: street layout and possible parking of vehicles, light pollution due to street lights, the large trees in the SE corner of the subject property and the future of the "small creek in the SE corner".

Finding: Staff responded to the citizen by answering their questions and including code references where needed. Staff encouraged them to participate in the pending hearing within their response.

5. Aaron and Katherine – email received 3/9/2022

Respondent questions if lower density was considered, expresses concern on the impact on existing wildlife, inquires about minimizing traffic noise, light pollution, public utilities and its potential impact on the existing development as well as City's policy on public camping. The respondent discusses the proposed street layout and requests barriers be added to limit access from the existing development south of the proposal. The respondent also requests a "substantial perimeter barrier be installed" and include a "long-term maintenance plan" be included.

Finding: Staff responded to the citizen by answering their questions and including code references where needed. Staff encouraged them to participate in the pending hearing within their response.

6. Cowlitz Indian Tribe – email received 3/10/2022

Respondent indicates that the Lower Columbia River coho salmon are federally threatened species, spawning occurs downstream and should be considered when evaluating this proposal. They also note the known site 45CL811 (CL00811) wasn't avoided and the road to be developed along the west property line appears to go through this site. As such has requested that an archeological monitor be on site to observe all ground disturbing activity, that magnetic geotextiles be placed under the road on the west side of the property as well as an inadvertent discovery plan be attached to the project in case of unexpected finds of artifacts occurs.

Finding: Staff provided the applicant with the Cowlitz Indian Tribe response letter and instructed the applicant to be prepared to respond. An archaeological pre-determination was performed on this site. Per a letter supplied by Applied Archaeological Research (Exhibit A22), determined that 45CL834 extends into the northernmost part of the development project area; however, it does not extend into the disturbance footprint. It was recommended that an archaeologist monitor project-related ground disturbance in areas closest to 45CL811 and 45CL834 be required. That would include during construction of the northernmost 140 meters or so of the SW 46th Avenue extension. In addition, a recommendation has been made to require a strong inadvertent discovery plan be adopted for the project. Completing these recommendations will ensure any historical and/or cultural resources are not disturbed, or if discovered are managed appropriately. Additionally, a general condition has been added that states if any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation (DAHP) in Olympia and the City of Battle Ground Planning Department must be notified.

III. RECOMMENDATION

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

CONDITIONS OF APPROVAL

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

1. Submit final plans showing fire lane markings and details for the following locations:

a. Both sides of Creekside Lane
b. Both sides of "Private Road A"
c. Once side of partial width SW 46th Avenue

2. Submit final plans showing the required fire apparatus turnaround at the end of Creekside Lane.
3. Submit final plans showing fire hydrant placement.
4. Submit final plans with note indicating that each home will be provided with a fire sprinkler system.
5. 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.
6. Submit final engineering plans:
    a. Showing sidewalk frontage improvements to W Main Street meeting commercial sidewalk requirements of a Principal Arterial.
    b. Showing Creekside Lane in a separate tract meeting the applicable private street requirements in BGMC 12.116.140 based on 1-2 lots/units.
    c. Showing Private Road 'A' in a separate tract meeting the applicable private street requirements in BGMC 12.116.140 based on 3-4 lots/units.
    d. Showing SW 46th Avenue built to "Major Collector – Option 1" standards including sidewalk, landscape strip, curb & gutter, and asphalt as described in the findings section.
    e. Showing all other roadways building to Local "A" standards including sidewalk, landscape strip, curb & gutter, and asphalt as described above in the findings section.
    f. Showing that intersection spacing is met in accordance with BGMC Table 12.116.040.B.
    g. Showing design of proposed bridge over Mill Creek.
    h. Containing a combined landscaping and driveway plan.
    i. Containing a signing and striping plan.
    j. Showing sight distance and vision clearance triangles.
    k. Showing LED decorative cobra type units for SW 46th Avenue and W Main Street 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 NW 10th Avenue (SR 503) at NW Onsdorff Boulevard or indicating that mitigation fees will be paid in lieu of the improvements.
    o. Showing the traffic mitigation at NE/SE Grace Avenue at E Main Street or indicating that mitigation fees will be paid in lieu of the improvements.
    p. Showing the traffic mitigation at W Main Street (SR 502) at NW 29th Avenue or indicating that mitigation fees will be paid in lieu of the improvements.
    q. Showing the traffic mitigation at NW/SW 10th Avenue (SR 503) at Main Street/SR 502 or indicating that mitigation fees will be paid in lieu of the improvements.
    r. Showing the traffic mitigation at SW 10th Avenue (SR 503) at Eaton Boulevard or indicating that mitigation fees will be paid in lieu of the improvements.
    s. Showing minimum 8" diameter water lines looped throughout the subdivision and extending to extreme property lines.
    t. Showing each residential lot having its own individual water service.
    u. Showing easements over all water lines located outside of the City's ROW.
    v. Showing existing and new hydrant locations.
    w. Significant sanitary improvements are required to accommodate this development as described above in the findings section.

x. Showing an 8-inch gravity sewer line throughout the subdivision and extending to extreme property lines.
y. Showing each residential lot having its own individual sanitary lateral.
z. Showing a stormwater facility that meets the requirements of BGMC 18.250.
aa. Showing grading and erosion control in conformance with applicable city standards and standard construction details.
bb. Showing public access easements over all proposed trails.

7. Receive approval from WSDOT prior to engineering approval for stormwater facility and intersection improvements.
8. Provide a photometric plan for all access points, intersections, public roadways 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.
9. Submit a hydrology report that addresses all requirements found in BGMC 18.250.
10. Submit a SWPPP that meets the Department of Ecology requirements.
11. Submit a copy of the approved NPDES permit.
12. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department
13. 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 the consultant fee plus 10% plus 1.5% of estimated costs of construction.
14. The applicant shall be responsible for including a public access easement to incorporates all proposed trails.
15. Applicant shall complete one of the following alternatives:
    a. Demonstrate the owner/developer/contactor, or their designee, has permission to incorporate the proposed trails within proposed Tract B; or,
    b. Determine an alternative amenity to add to the proposed development.
16. Submit a landscaping plan that includes:
    a. Screening along public streets with a minimum three feet in height and screening along property lines shall be a minimum six feet in height for all proposed common parking areas.
    b. Confirmation that Landscape Tract I landscaping meets the requirements of BGMC 16.125.100.
    c. A final park design and trails layout to be incorporated into overall final development.

B. <u>Prior to Construction/Grading of the Site:</u>

1. Receive signed and approved engineering plans from the City of Battle Ground.
2. Receive approval from WSDOT.
3. Receive an approved ROW permit from the City of Battle Ground and WSDOT.
4. Submit a surety bond meeting the requirements of BGMC 12.118.110.
5. Submit a Certificate of Liability Insurance meeting the requirements of BGMC 12.118.120.
6. Erect and conduct erosion control measures consistent with the approved Erosion Control Plan and City of Battle Ground erosion control standards.
7. 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.
8. Conduct a pre-construction conference with City engineering and planning staff. Contact the Engineering Department at (360) 342-5078 to schedule an appointment.
9. 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.

10. The applicant shall be responsible for determining need for, applying, receiving approval and supplying the City with a copy of approval of a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW). Should such approval not be required the applicant shall demonstrate no permit is required to the City.
11. The applicant shall adopt and execute a strong inadvertent discovery plan for the project that includes monitoring project-related ground disturbance in areas closest to 45CL811 and 45CL834 be required. That would include during construction of the northernmost 140 meters or so of the SW 46th Avenue extension.
12. If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation (DAHP) in Olympia and the City of Battle Ground Planning Department must be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.

C. <u>Prior to Creation of Impervious Surface:</u>

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

D. <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 Covenant 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, 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. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.

E. <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 $50,338.53.
3. Construct the mitigation measures for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $55,199.88.
4. Construct the mitigation measures for the failing intersection of SW 20th Ave & SW Eaton Boulevard or pay the mitigation fee of $109,987.20.
5. Construct the mitigation measures for the failing intersection of Grace Avenue & E Main Street or pay the mitigation fee of $10,330.62.
6. Construct the mitigation measures for the failing intersection of NW 29th Avenue at W Main

Street (SR 502) or pay the mitigation fee of $196,012.68.

7. Construct the public improvement projects for sanitary sewer as described in the findings above.
8. Submit a signed Bill of Sale for sewer, stormwater, and water systems.
9. Provide certification that private streets were built per BGMC 12.116.140.
10. Submit a private maintenance agreement for private streets.
11. 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 the party/s responsible for long-term maintenance of stormwater facilities.
    e. That shows where any control monuments have been placed.
    f. That shows the dedication of any public roads.
    g. Including the following note: "The City of Battle Ground has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property designed in this development."
    h. With a note describing the maintenance responsibilities of each lot owner for the private street.
    i. That shows a tract for landscape parkway for lots 76-96.
    j. That shows a tract for the proposed open spaces.
    k. Identifying the 60-foot wide ingress, egress and utility easement located within Parcel 192688-000.
    l. Shall identify the depth of Landscape Tract I is 20-feet.

F. <u>Prior to Building Construction:</u>

1. Fire hydrants shall be installed and flow tested.
2. Acquire the required building permits as outlined in Title 15 above.

G. <u>Prior to Certificate of Occupancy:</u>

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

H. <u>Other/General Conditions</u>

1. Applicant responsible for coordinating and obtaining any required permits/approvals from the Department of Archaeology and Historic Preservation (DAHP) If any cultural resources are discovered in the course of undertaking the development activity, the DAHP in Olympia and the City of Battle Ground Planning Department must be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.
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. The contractor will be required to prepare a Spill Prevention, Control and Countermeasure (SPCC) plan to be used for the duration of the construction project.
3. The critical areas tracts shall be maintained and owned by either the developer or HOA.

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	1. Signed Application & Checklist
	2. Owner Authorization Form
	3. Exhibit C- Cover
	4. Exhibit D- Prelim Table of Contents
	5. Exhibit E- Prelim Subdivision Narrative
	6. Exhibit F- Mill Creek Subdivision - Prelim Sheet Set
	7. Exhibit G- REVISED Mill Creek Subdivision - Prelim Sheet Set
	8. Exhibit H- Post BLA Exhibit
	9. Exhibit H- Traffic Study by Charbonneau
	10. Exhibit I- Traffic Control Version 2
	11. Exhibit J- Geotechnical Site Report by CWE
	12. Exhibit L- Preliminary Stormwater Report
	13. Exhibit M- SEPA Checklist
	14. Exhibit N- Critical Areas Report by ELS
	15. Exhibit O- Flood Area Memo
	16. Exhibit P- Archaeological Report by AAR
	17. Exhibit Q- Archaeological confirmation of receipt from DAHP
	18. Exhibit Q- Deed Records
	19. Exhibit R- Sale History
	20. Exhibit T- 500 Foot Mailing Labels & Map
	21. Exhibit U- Pre-App Report Final
	22. Exhibit V- AAR letter addressing concerns/comments by the Cowlitz Tribe of Indians
B	Exhibit B- ECY Comments
C	Exhibit C- Mountain View Farms Community Association_ Tom Regen
D	Exhibit D- Mike & Debbie Lemen
E	Exhibit E- Joe & Christine Ludwig
F	Exhibit F- Aaron Lemen
G	Exhibit G- Cowlitz Indian Tribe

V. APPEAL

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

PRELIMINARY PLAT

