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 North– (LUDIII23-0001 | PR 20-2023)

Report Date:	July 13, 2023
Hearing Date:	July 25, 2023 @ 1:00 p.m.
Proposal:	The Mill Creek Subdivision project proposes to subdivide parcel 192688-000, approximately 2.5 acres into 25 single-family attached residential lots.
Location:	3815 W. Main Street, Battle Ground, WA 98604 Parcel #: 192688-000
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:	Drew Helmes, Associate Planner Emily Lutz, AICP, Planning Supervisor Ryan Jeynes, PE, City Engineer Chris Drone, Fire Marshal and Building Official
SEPA:	Recommending a Final Determination of Mitigated Non-significance (MDNS)
Recommendation:	**Preliminary Approval** subject to conditions listed at the conclusion of this report.

July 13, 2023

Drew Helmes **Date**
Associate Planner

I. APPLICABLE REGULATIONS/ANALYSIS
A. Battle Ground Municipal Code
1. Title 12 Streets and Sidewalks
2. Title 13 Water and Sewers
3. Title 15 Building and Construction/Fire
4. Title 16 Land Divisions
5. Title 17 Zoning
6. Title 18 Environmental Protection
B. Service Development Charges, Impact Fees, Credits
C. Agency / Public Comments
II. RECOMMENDATION
III. EXHIBITS
IV. APPEAL
V. PRELIMINARY PLAT

I. BACKGROUND

A. General Site Information

Size of Site:	Approximately 14.67 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:	Potential 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:	April 21, 2023
Application Technically Complete:	April 28, 2023
Notice of Application:	June 1, 2023
Site Posted:	June 1, 2023
Reflector Publication:	June 1, 2023
State Agency Notice	July 7,2023

Figure 1. Location

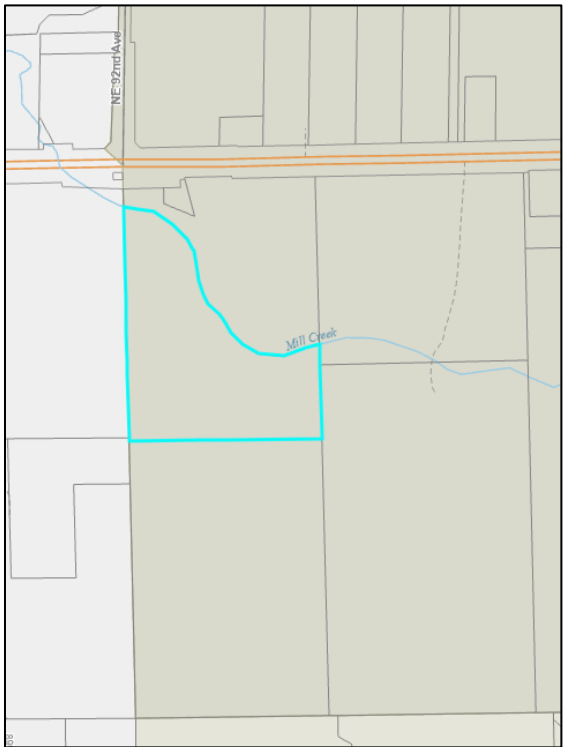


Figure 2. Site – Imagery



II. APPLICABLE REGULATIONS/ANALYSIS

A. Battle Ground Municipal Code (BGMC)

1.	Title 12 Streets and Sidewalks
12.112.050 System of addressing of roads.	**Compliance:** Yes
Finding: Plans show the western street as SW 46th Avenue. The street shall be named SW 40th Avenue. **Prior to engineering approval, revise plans with SW 40th Avenue.** Staff will verify internal street names during engineering review.	
12.116 Transportation Standards	**Compliance:** Conditionally
Finding: The proposed 25-lot subdivision is located on a parcel south of SR 502. Access to the development will be from a newly created intersection with NE 92nd Avenue (SW 46th Avenue) and at a cul-de-sac designed with the Mill Creek subdivision. The applicant is required to provide landscaping in the planter strips. 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. Per BGMC 12.116.040(A)(4) streetlights will be required for this project. They shall be privately owned/maintained and metered separately from City owned/maintained streetlights. Streetlights to be LED acorn type units. E Creekside Circle shall be a private street built to the standards of 5 or more lots/units per BGMC 12.116.140. The unnamed east/west street, shown between NE 92nd Avenue (SW 46th Avenue) and E Creekside Circle, shall be a private street built to the standards of 5 or more 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.” 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	

public streets.

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 maintenance responsibilities of the private streets.

The applicant's traffic engineer has indicated that 236 daily, 18 new a.m. peak trips and 24 new p.m. peak trips will be generated by the proposed development. Per BGMC 12.116.175(C) a new traffic study is required when there is an increase of 10 new a.m. and p.m. peak trips. A traffic study has been submitted. Several peak hour trips impact five failing intersections identified by the City; see below under the *Concurrency Management* section for more information.

BGMC 12.116.200 contains the City's cross-circulation requirements, which require connections every 500-feet. The preliminary plat is approximately 1,114-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 three east-west cross-circulation streets. Due to the layout of an existing subdivision to the south, Mill Creek, the presence of wetlands, location of existing buildings to the east, it is not possible to construct the necessary streets. However, the submitted preliminary plat does show pedestrian paths that were designed with the Mill Creek subdivision to the south that can be accessed from the proposed development. Therefore, engineering staff has determined that street and path layout shown is sufficient.

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.

Double and reverse frontage lots require a landscaped parkway. These landscaped tracts shall be privately owned and maintained. Lots 5-25 meet this requirement. Landscape tracts along the west side of Lots 5-25 shall be privately owned and maintained.

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

12.120 Concurrency Management	**Compliance:** Conditionally

Finding: Per BGMC 12.120.050(B) the subject development is not exempt from Concurrency. At full build out, this development will generate 18 new a.m. and 24 new p.m. peak trips, which is more than the 10 a.m. and p.m. peak hour trips the code cites as a threshold amount.

The City has eight intersections in concurrency failure:

1. SR 503 & NW Onsdorff Boulevard; a.m. peak
2. N Parkway Avenue & N Onsdorff Boulevard; a.m. peak
3. SR 503 & SW Eaton Boulevard; p.m. peak
4. SW 20th Avenue & SW Eaton Boulevard; p.m. peak
5. E Grace Avenue & E Main Street, p.m. peak
6. S Parkway Avenue & S Eaton Boulevard; p.m. peak
7. S Parkway Avenue & S Rasmussen Boulevard; p.m. peak
8. NW 29th Avenue & W Main Street (SR 502); p.m. peak

Mitigation measures are as follows:

- SR 503 & NW Onsdorff Boulevard the addition of a second southbound through lane at the intersection.
- SR 503 & NW Onsdorff Boulevard (additional mitigation); construct eastbound right-

turn lane, construct second westbound left-turn lane, second southbound through-lane, and make changes to signal timing

- N Parkway Ave & N Onsdorff Boulevard; construct roundabout
- 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 construction of northbound, southbound, and westbound left-turn lanes and traffic signal.
- Grace Avenue & E Main Street a traffic signal and realignment of intersection.
- S Parkway Ave & S Eaton Blvd; westbound right turn lane
- S Parkway Ave & S Rasmussen Boulevard; install traffic signal
- NW 29th Ave & W Main Street (SR 502); install traffic signal

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 applicant shall pay the proportionate share of mitigation costs at the failing intersections as shown in the table below.

Intersection	Failure	AM Site Trips	PM Site Trips	Proportionate Mitigation Share per Trip	Mitigation Cost per Intersection
SR 503 & NW Onsdorff Boulevard (original mitigation)	AM	1	n/a	$4,576.23	$4,576.23
SR 503 & NW Onsdorff Boulevard (additional mitigation)	AM	1	n/a	$5,164.93	$5,164.93
N Parkway Avenue & N Onsdorff Boulevard	AM	0	n/a	$3,239.44	$0.00
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	5	$2,291.40	$11,457.00
Grace Avenue & E Main Street	PM	n/a	2	$1,721.77	$3,443.54
S Parkway Avenue & S Eaton Boulevard	PM	n/a	2	$930.62	$1,861.24
NW 29th Avenue & W Main Street (SR 502)	PM	n/a	15	$1,496.28	$22,444.20
S Parkway Avenue & S Rasmussen Boulevard	PM	n/a	0	$3,102.10	$0.00
SR 503 & SW Eaton Boulevard*	PM	n/a	4	$1,533.33	$0.00

*While still considered to be in concurrency failure the City has received all required funds

for it to be considered fully funded, therefore funds will not be collected for this intersection**.**

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 a water well. Existing well to be decommissioned per Department of Ecology requirements. A new connection to be made to the water system designed with the Mill Creek subdivision located to the south of the proposed development.

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.

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

Finding: The proposed site is located within Basin LEW-12 of the City's Sewer Master Plan. The applicant will be required to extend an 8-inch sanitary sewer line to serve the proposed development.

Sewer Connection

1. Connection would be made to the sewer system constructed with the Mill Creek

subdivision.

2. The applicant will be required to construct the following projects, unless constructed by the City or another developer.
3. Single-family residences require a 4-inch lateral

Project #	Project Name	Total	Creditable	% Creditable
FE-13	Mill Creek Trunk	$1,418,000	$1,418,000	100.00
PS-11**	Lewisville Pump Station Relocation	$1,250,000	$1,250,000	100.00
FM-11-1**	Lewisville Force Main	$1,521,000	$1,521,000	100.00
FM-11-2*	Lewisville Force Main	$2,847,600	$2,847,600	100.00

* FM-11-2 is only required to be constructed if there isn't sufficient capacity in the system for the development.

** PS-11 and FM-11-1 are currently under design by a consultant hired by the City. Construction is anticipated to begin in 2023.

Per BGMC 13.120.020(B), sewer 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 sanitary sewer lines constructed outside City right-of-way per BGMC 13.120.070.

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

Any onsite septic systems shall be decommissioned per Southwest Washington Health District specifications.

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

3.	**Title 15 BUILDING, 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 Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC), Washington State Energy Code (WSEC) and International Fire Code (IFC). All building permit applications will be reviewed based on those codes.

The following separate permits may be required:

- Residential building permits (City of Battle Ground)
- Electrical permits (Washington State Department of Labor and Industries)
- Irrigation permits (City of Battle Ground)
- Demolition permit (City of Battle Ground)

All permits must be secured prior to any construction and all applicable impact and permit fees shall be paid prior to the issuance of the permits. In accordance with IBC 107.3.4 and per RCW 18.08, an Architect shall act as the design professional in responsible charge and shall be responsible for reviewing and coordinating the submittal documents.

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

CONSTRUCTION:
If townhomes are to be constructed, fire rated construction shall be required in accordance with 2018 IRC R302.2.

Per 2018 IRC R313, an automatic residential fire sprinkler system shall be installed in townhouse buildings containing more than four attached townhouse units. Automatic residential fire sprinkler systems for a townhouse unit shall be designed and installed in accordance with Section P2904 or NFPA 13D.

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

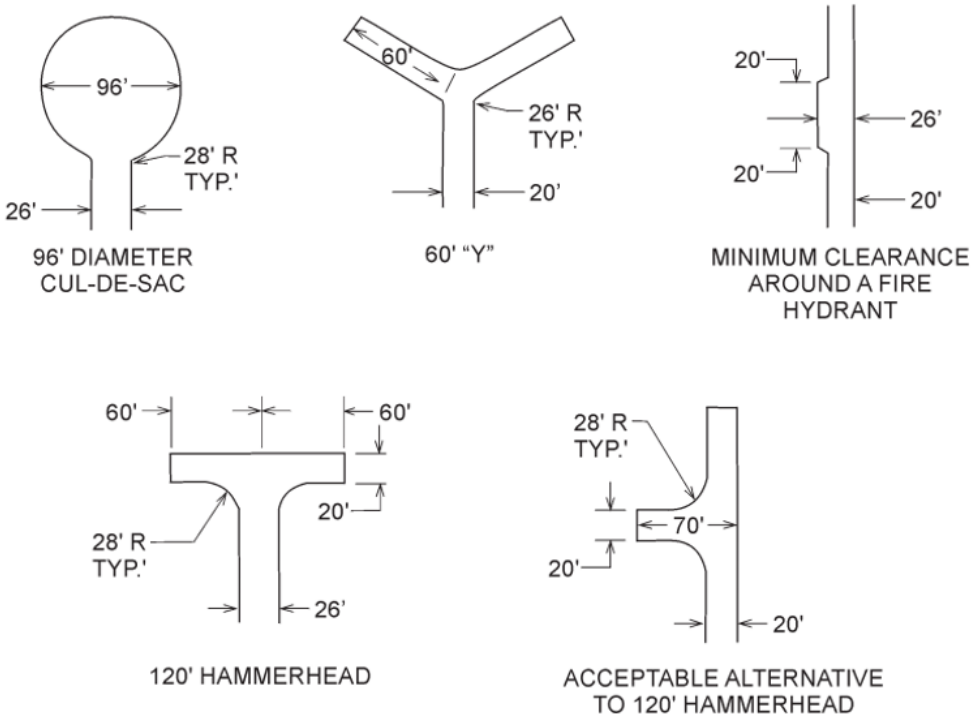
Finding: All designated fire apparatus access roads are to be designed and maintained to provide access for fire apparatus. Required fire lanes shall be kept clear at all times and shall be marked with signs, striping, or painted curbs stating “No Parking- Fire Lane”. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with International Fire Code Table D103.4.
Private roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane.

Private roads 26 to 32 feet in width. Fire apparatus access roads more than 26 feet wide to 32 feet wide shall be posted on one side of the road as a fire lane.

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.

Approved Fire Apparatus Turn-Around Dimensions (IFC D103.1)

Dead-end fire appparatus acces roads in excess of 150 feet shall be provided with width and turnaround provisions illustrated below.



Clearly show the dimensions of the proposed cu-de-sacs and hammerhead turnarounds in accordance with the above requirements.

Provide the location of all "No Parking – Fire Lane" Signage in the following locations:

- **At all cul-de-sacs**
- **One side of E. Creekside Circle**

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

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

The new 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.

The proposed two fire hydrants meet the above spacing requirements.

4.	Title 16 Land Divisions	
16.112.030 Approval process.		**Compliance:** Yes

Finding: The applicant came in after the original subdivision submittal for a boundary line adjustment. This is intended to keep Mill Creek North in one parent parcel and have Mill Creek in a separate parent parcel. Staff opted to include the boundary line adjustment as part of this review. LUDI23-0019 was deemed counter complete on July 10, 2023. The submittal was deemed technically complete on July 13, 2023.

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: Adjusted lot 192680000 is within the

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

   Finding: The adjustment of these property lines will not impact access as frontage will be more than adequate.

The request to adjust the boundary lines as referenced is **approved**, subject to the following conditions:

Record the BLA documents at Clark County within 90 days and provide the city with the recorded documents within 30 days of recording date.

16.115.040 Preliminary Plats	**Compliance:** Yes

Finding: The applicant is proposing 25 lots; therefore, this application shall be processed as a Type III land use action.

16.125.010. Conformance to Comprehensive Plan	**Compliance:** Yes

Finding: The R10, R12, R16 and R20 districts are intended to establish new and recognize existing neighborhoods of higher residential densities composed of both attached and detached housing. The applicant is providing attached housing and has a concomitant agreement with City Council ensuring attached homes to meet the goals of the Comprehensive Plan and Housing Action Plan.

16.125.030. Continuation of existing streets	**Compliance:** Yes

Finding: The Mill Creek Subdivision will extend what is currently called NE 92nd Ave along the west edge of the development. **Prior to engineering approval, revise SW 46th Avenue to SW 40th Avenue.** SW 40th is access controlled, so staff worked with the applicant to add a connection to the Mill Creek Subdivision.

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: Private streets have been proposed and will be required to meet the provisions of Chapter 12.116 BGMC.	
16.125.060. Blocks	**Compliance:** Yes
Finding: See 12.116 Transportation Standards.	
16.125.070. Lot Access Requirements and Restrictions	**Compliance:** Yes
Finding: The R12 zoning district requires a minimum lot frontage of 16 feet. Every lot shown as part of the Mill Creek North submittal meets this minimum requirement aside from lot 6. See flag lot section below for more information on lot 6.	
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: The lots are shown to meet the minimums of width, depth, frontage, and square footage in adherence to the R12 district.	
16.125.095 Narrow lot standards	**Compliance:** Conditionally
Finding: Applicant is proposing to incorporate 25 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. 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 40-feet wide or less with adjacent properties. Staff finds the proposed preliminary narrow lot design meets the general intent of the Narrow Lot Standards and can reasonably be accommodated**. Please provide a development plan that indicates street parking.**	
16.125.100. Double and reverse frontage lots.	**Compliance:** Conditionally
Finding: The preliminary plans indicate double frontage along SW 46th which require fencing and landscaping. The proposal delineates a landscaping tract and will buffer between double frontage lots and proposed right-of-way**. Prior to engineering approval, submit a landscape plan that shows evergreen shrubs planted between trees. Prior to final plat approval, state the landscape tract's ownership and perpetual maintenance.**	
16.125.110 Flag Lots	**Compliance:** Conditionally
Finding: The proposed flag access does not exceed more than two hundred feet long, there are no more than two flag lots abutting each other and meet frontage requirements. Each lot should have a minimum of 8 ft of frontage (combined 16 feet). The current plan shows lot 6 does not have frontage along a road. **Prior to engineering approval, provide a revised plat showing lot 6 and 5 have frontage along the cul-de-sac. Prior to final plat approval, record shared access easements for lots 5 and 6.**	
16.125.120. Easements	**Compliance:** Conditionally

Finding: There is an existing 75' wide easement for a gas pipeline. All necessary new 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	
17.106.020 Permitted uses		**Compliance:** Conditionally
Attached single family residences are permitted out right within the R12 zone. The site went through a concomitant agreement to ensure the subdivision will build townhomes. **Prior to final plat approval, provide a note referencing the covenant limiting development to townhouses.**		
17.106-2 Dimensional and Density Standards		**Compliance:** Conditionally
Residential Lot Development Standards		***R-12***
Minimum average lot area (square feet)		N/A
Minimum average lot area for density transfer (square feet)		N/A
Minimum lot area (square feet)		2,000
Maximum density (units per gross acre)		12
Minimum density (units per net acre)[1]		6
Minimum lot frontage (feet)		16[2]
Minimum setbacks (feet)	Residence front yard[3]	Minimum 10
	Garage (minimum)[4]	20
	Side yard[5]	5
	Street side yard	10
	Rear yard[4]	10
Maximum lot coverage (%)		70
Maximum height (feet)		45
Refer to Table 17.131-1 for landscaping requirements		

1 Net acres shall be based on the total area of the site minus public-private road rights-of-way, stormwater facilities, and land voluntarily or required to be set aside for parks, open space or environmental protection.
2 Lots may be approved without any frontage where they are part of a cottage development where appropriate easements are granted to gain access to the public or private street and the shared parking areas.
3 Attached front porches may intrude into required minimum front yard setbacks up to six feet.
4 Garages accessed via alleys may be located zero lot line to the edge of alley right-of-way if side entry and five feet from edge of alley right-of-way if front entry.
5 Where a permitted use by the code, townhouses are not required to meet the side yard setback on the attached side(s).
6 Structures such as patio covers, decks, and bay windows are permitted to be set back ten feet. A rear yard setback abutting a park, open space, wetland, or other critical area may be reduced to ten feet.
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.

Density

- Maximum density at 12 units per gross acreage (x 6.46 acres) is 77 units.
    - The gross acreage is based upon the applicant's land surveyor.
- Minimum density at 6 units per net acreage (x 1.59 acres) is 9 units.

The proposed density of 25 units is within the minimum and maximum density requirements. Residential 12 units per acre (R12) requires at least 16' of frontage. All lots, except for lot 6, meet the minimum 16' frontage requirement and have access from a private road. The project has been conditioned to meet frontage requirements in the flag lot section.

The resulting 25 parcels will be a minimum of 2,000 square feet, an average lot size of 2176 square feet and a minimum of 20 feet of frontage meeting the minimum lot area of the R12 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 buildings to meet setback, lot coverage, and height requirements of the underlying zone prior to building permit issuance. Prior to final plat approval, add a note that states "All new structures shall conform to the setbacks, lot coverage, and height of the underlying zone."**	
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 design requirements of BGMC 17.106.040 prior to building permit issuance.**	
17.106.080 Townhouse development standards	**Compliance:** Conditionally
Finding: In addition to meeting the design standards of 17.106.040, no more than six townhouses shall be allowed within a single building footprint. Each townhouse shall also be located on its own legal lot of record. **Prior to engineering approval, provide a revised plat showing building envelopes for townhomes meeting the standard in this code.**	
17.128.010 Purpose and applicability	**Compliance:** NA
Finding: New residential subdivisions of 10 or more lots that are not located within travelsheds for neighborhood parks (map 3 of PROS plan) and pocket parks (map 2 of PROS plan), the developer shall provide a neighborhood park or portion thereof based on park acreage set aside requirements. Therefore, this project is subject to review under this chapter.	
17.128.030 Park size and design standards	**Compliance:** Conditionally
A1. Parks shall be 435.6 sf per housing unit; therefore, this project is required to set aside 10,890 sf for a park. **A2**. The applicant is required to provide a park that meets the design criteria in this section. **Prior to engineering approval, provide a site plan that meets the size and design criteria of the code.**	
17.128.040 Trails and Open space	**Compliance:** Conditionally
Finding: Map 8 of the PROS plan shows a trail going through the gas pipeline easement. While the majority of this easement is in Mill Creek Subdivision, staff would look at counting this as part of the park requirement for Mill Creek North since it would serve both subdivisions. Since it is also a marked regional trail in the PROS plan, it may be eligible for impact fee credits. There should also be a trail connection to passive open spaces and parks within the subdivision meeting criteria B and C of this section. **Work with staff on design if you would like to add the regional trail for park credits and/or provide a trail network throughout the subdivision connecting parks and open space. Additionally, the regional trail may be added to the capital facilities project. Coordinate with staff to see if the trail will be eligible for impact credits in the future.**	
17.128.050 Facility Plan	**Compliance:** Conditionally
Finding: Prior to engineering approval, provide a park site plan and landscape plan that depict the location and number of play structures, bike parking, surface materials, how ADA requirements are being met, etc. The final site plan and final landscape plan shall provide all information contained in the preliminary plans with additional construction information including but not limited to: irrigation plan, construction details, grading, CC&Rs, utility services, and parking.	
17.128.060 Facility maintenance and liability	**Compliance:** Conditionally

Finding: If the applicant chooses to work with staff to modify the trail in Mill Creek and incorporate design with Mill Creek North, then the regional trail would be owned and maintained by the city.

If the applicant would not like to modify the trail plan for Mill Creek to coordinate with this project, then the applicant retains maintenance and liability responsibilities, as indicated on the face of the final plat. Where the applicant retains maintenance and liability responsibilities, the facilities must be maintained at a level at least equal to comparable facilities maintained by the city. Easements, covenants, and/or dedication shall occur prior to or concurrent with final site plan or plat approval.

17.128.070 Impact fee credit	**Compliance:** Conditionally
Finding: The applicant may request regional trail may be added to the capital facilities project, which will be subject to City Council approval. Coordinate with staff to see if the trail will be eligible for impact credits in the future.	
7.133.040 Minimum number of parking spaces required	**Compliance:** Conditionally
Finding: Single-family homes are required to have 2-off street parking spaces per unit. **Prior to building permit issuance, submit a plot plan that shows the site can accommodate 2 off-street parking spaces.** This can usually be met through a driveway and garage.	

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. To be approved, the proposal must meet the requirements of Title 18, SEPA Procedures and Provisions. The applicant submitted a SEPA checklist with the preliminary application. Staff has reviewed the checklist and noted the following mitigating measures:

7. ENVIRONMENTAL HEALTH: 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.**

   There is an existing 75’ easement for an existing natural gas transmission pipeline. The notice to state agencies was sent out at a later time and is still going through the comment period. The state agency notice does include the Williams NW Pipeline Company. The applicant notes using BMPs to avert the potential for ramifications associated with the gas pipeline. **The applicant is required to obtain any necessary approvals from Williams NW Pipeline Company or any other applicable state agencies.**

13. HISTORIC AND CULTURAL PRESERVATION: An archaeological predetermination report

was completed by Applied Archaeological Research, Inc., dated August 24, 2021. The report was submitted to the Washington State Department of Archaeology & Historic Preservation (DAHP). The report, based upon field reconnaissance and other investigation, concludes that no further archaeological work is recommended for the project area. 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.

A condition is imposed stating that 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.

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, this project is going to share the stormwater facility associated with Mill Creek subdivision, which is to be privately owned and maintained per the final order dated June 3, 2022. 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.

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.

18.260.060 Applicability

Findings: A stream and Oregon White Oaks have been delineated on site. Per Table 18.260-1,

new construction on vacant land in a critical area or buffer requires a Critical Area Review. New construction outside of buffers are exempt from this chapter. Staff required a Critical Areas Report to determine applicability under BGMC 18.260 and 18.280.	
18.260.100 Critical Area Report – Requirements	**Compliance:** Yes
Finding: The applicant submitted a Critical Areas Report (July 2021) for review. The report meets the requirements listed in this section.	
18.260.115 General Approval Criteria	**Compliance:** Yes
Finding: The applicant is proposing to avoid all impacts to the stream and its 50' buffer and will retain the existing Oregon White Oaks on site. The access road's impact, 92nd Avenue, was reviewed under Mill Creek Subdivision.	
18.260.180 Critical Area Tracts	**Compliance:** Conditionally
Finding: This section of code requires critical areas greater than 5,000 sf to be placed in critical tracts. Mill creek and its buffer are shown to be in a separate tract to meet this requirement. **Prior to final plat approval the following will be required:** **C. Critical area tracts shall be designated on the face of the plat or recorded drawing in a format approved by the city attorney. The designation shall include the following restriction:** **1. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and** **The right of the city to enforce the terms of the restriction.**	
18.280.040 Fish and wildlife habitat designations	**Compliance:** Yes
The applicant submitted a Critical Areas Report because of a riparian habitat and Oregon White Oaks located on site.	
18.280.050 Buffer designations and widths	**Compliance:** Yes
Other riparian corridors for waterways not specifically listed in the table of this section are required to have a 50' buffer. The plans show a 50' buffer located in a tract. Oregon White Oaks do not have an associated buffer.	
18.280.070 Standard requirements	**Compliance:** Conditionally
The location of the outer extent of the habitat buffer or, if no buffer is required, the habitat area shall be marked in the field and such markings shall be maintained throughout the duration of the permit. Additionally, a permanent physical demarcation along the upland boundary shall be installed and thereafter maintained. **Fencing or similar demarcation is conditioned for this project around critical areas. Additionally, signage shall be required meeting the below requirement. Prior to engineering approval, provide a fencing plan and sign detail.** **Prior to final plat approval, schedule an inspection with the Planning Department to verify signs meet the criteria in this section.** signs measuring no more than six square feet in area and no shorter than four feet nor higher than six feet shall be posted at an interval of one per lot or every one hundred feet, whichever	

is less, and perpetually maintained at locations along the outer perimeter of the habitat buffer approved by the director worded substantially as follows:

—Habitat Buffer—

Please retain in a natural state

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.

The applicant may request regional trail may be added to the capital facilities project, which will be subject to City Council approval. Coordinate with staff to see if the trail will be eligible for impact credits in the future.

C.	Public/Agency Comments

State agency comments may be submitted prior to the hearing. Staff will add them as exhibits and will add a memorandum if any added conditions are needed prior to the hearing.

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 engineering plans, for review and approval by staff, pertaining to transportation, sewer, water, grading, erosion control, stormwater, driveways, street lighting, and landscaping prepared and stamped by a registered engineer in the state of Washington.

2. Submit final engineering plans:
    a. Showing E Creekside Circle sidewalk in a separate tract meeting the applicable private street requirements in BGMC 12.116.140 based on 5 or more lots/units.

    b. Showing unnamed east/west street in a separate tract meeting the applicable private street requirements in BGMC 12.116.140 based on 5 or more lots/units.

    c. Containing a combined landscaping and driveway plan.

    d. Containing a signing and striping plan.

    e. Showing sight distance and vision clearance triangles.

    f. Showing LED acorn units for unnamed east/west street and E Creekside Circle.

    g. Showing driveways that meet the requirements of BGMC 12.116.243.

    h. Showing minimum 8” diameter water lines looped throughout the subdivision and extending to extreme property lines.

    i. Showing each residential lot having its own individual water service.

    j. Showing easements over all water lines located outside of the City’s ROW.

    k. Showing existing and new hydrant locations.

    l. Significant sanitary improvements are required to accommodate this development as described above in the findings section.

    m. Showing an 8-inch gravity sewer line throughout the subdivision and extending to extreme property lines.

    n. Showing each residential lot having its own individual sanitary lateral.

    o. Showing a stormwater facility that meets the requirements of BGMC 18.250.

p. Showing grading and erosion control in conformance with applicable city standards and standard construction details.

q. Showing dimensions for the proposed dead-end turnarounds.

r. Provide location of "No Parking – Fire Lane" signage in the following locations:

   i. At all cul-de-sacs

   ii. One side of E. Creekside Circle

s. Showing SW 46th Avenue as SW 40th Avenue.

t. Change internal street names after staff's first civil review.

u. Provide a narrow lot development plan showing on-street parking.

v. Submit a landscape plan that shows evergreen shrubs planted between trees in landscape tract along 40th Ave.

w. Submit plans indicating landscape tract width.

x. Provide a revised plat showing both lots 6 and 5 have frontage along the cul-de-sac.

y. Submit a landscape and site plan meeting the parks requirements of 17.128:

   i. Option 1: Revise Mill Creek plans to include a regional trail within the gas pipeline easement.

      1. Coordinate with staff for City Council approval to add the regional trail to the Capital Facilities Plan. Regional trails shall meet 12.116.070-B.

      2. Provide a pocket park meeting 17.128.030.

      3. Provide a park site plan and landscape plan that depict the location and number of play structures, bike parking, surface materials, how ADA requirements are being met, etc.

      4. Provide all information contained in the preliminary plans with additional construction information including but not limited to: irrigation plan, construction details, grading, CC&Rs, utility services, and parking.

   ii. Option 2: Maintain proposed trail plan and provide a site plan and landscape plan meeting the following:

1. Trail shall meet 12.116.07-C.

2. Provide a pocket park meeting 17.128.030.

3. Provide a park site plan and landscape plan that depict the location and number of play structures, bike parking, surface materials, how ADA requirements are being met, etc.

4. Provide all information contained in the preliminary plans with additional construction information including but not limited to: irrigation plan, construction details, grading, CC&Rs, utility services, and parking.

z. Showing fencing and signage plan meeting 18.280.070.

3. 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.

4. Submit a hydrology report that addresses all requirements found in BGMC 18.250.

5. Submit a SWPPP that meets the Department of Ecology requirements.

6. Submit a copy of the approved NPDES permit.

7. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department

~~8.~~ 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.

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

1. Receive signed and approved engineering plans from the City of Battle Ground.

2. Receive an approved ROW permit from the City of Battle Ground.

3. Submit a surety bond meeting the requirements of BGMC 12.118.110.

4. Submit a Certificate of Liability Insurance meeting the requirements of BGMC 12.118.120.

5. Erect and conduct erosion control measures consistent with the approved Erosion Control Plan and City of Battle Ground erosion control standards.

6. Submit evidence that an individual on-site has successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the City.

7. Conduct a pre-construction conference with City engineering and planning staff. Contact the Engineering Department at (360) 342-5078 to schedule an appointment.

8. If any cultural resources are discovered in the course of undertaking the development activity, the State of Office of Historic Preservation and Archaeology and the City of Battle Ground Planning Department must be notified.

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 required public improvements and gain engineering acceptance or provide appropriate bonding.

1. 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.

2. Submit to the City of Battle Ground, a two-year/20-percent maintenance bond for all completed and accepted public improvements.

3. Submit to the City of Battle Ground a recorded Stormwater Facility Covenant.

4. Submit complete sets of as-built drawings for all required public improvements for streets and roads, stormwater drainage and control, sanitary sewer and water services, as applicable prior to the issuance of the occupancy permit for review and approval by the Engineering Department. Upon acceptance by the Engineering Department, submit prior to the issuance of the occupancy permit, one (1) Mylar set, one (1) 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.

5. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.

6. Construct the public improvement projects for sanitary sewer as described in the findings above.

7. Submit a signed Bill of Sale for sewer and water systems.

8. Provide certification that private streets were built per BGMC 12.116.140.

9. Submit a private maintenance agreement for private streets.

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

1. Construct all required public improvements and gain engineering acceptance or provide appropriate bonding.

2. Pay the proportionate mitigation fee for the failing intersection of SR 503 & NW Onsdorff Boulevard of $4,576.23.

3. Pay the proportionate mitigation fee for the failing intersection of SR 503 & NW Onsdorff Boulevard (additional mitigation) of $5,164.93.

4. Pay the proportionate mitigation fee for the failing intersection of SW 20th Ave & SW Eaton Boulevard of $11,457.00.

5. Pay the proportionate mitigation fee for the failing intersection of Grace Avenue & E Main Street of $3,443.54.

6. Pay the proportionate mitigation fee for the failing intersection of S Parkway Avenue & S Eaton Boulevard of $1,861.24.

7. Pay the proportionate mitigation fee for the failing intersection of NW 29th Avenue at W Main Street (SR 502) of $22,444.20.

8. Schedule an inspection with the planning department to verify critical area demarcation and signage meeting 18.280.070.

9. 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. 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.”

   g. With a note describing the maintenance responsibilities for the private streets.

h. That shows a tract and maintenance responsibilities for landscape parkway for lots 5-25.

i. That shows a tract for the proposed open spaces.

j. State landscape tract ownership and maintenance responsibilities.

k. Showing a shared access easement for lots 5 and 6.

l. Add a note referencing the recorded covenant limiting development to townhouses.

m. With the following note: "All new structures shall conform to the setbacks, lot coverage, and height of the underlying zone."

n. With the following note: "All future buildings and structures shall meet setback, lot coverage, and height requirements of the underlying zone."

o. With the following note: "All future homes shall comply with the design requirements of BGMC 17.106.040."

p. With the following note: "Townhomes shall comply with 17.106.080."

q. If the applicant does not provide the regional trail, a note should be added for private maintenance and ownership responsibilities. If the plan incorporates the regional trail, a note shall be provided dedicating the trail to the city.

r. Trails shall be overlayed with a public access easement.

s. Showing Mill Creek is within a critical area tract with a note stating assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and the right of the city to enforce the terms of the restriction.

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

1. Acquire the required permits as outlined in Title 15 above.

2. Provide documentation that the required fire hydrants have been installed, tested, and approved in accordance with City of Battle Ground engineering standards and section 15.105.100 of this Staff Report.

3. Provide building plans meeting 17.106.020, Table 17.106-2, 17.106.040, 17.106,080, and 17.133.040.

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

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

H. Other/General Conditions

1. Record the BLA documents at Clark County within 90 days and provide the city with the recorded documents within 30 days of recording date.

2. 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.

3. 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.

4. The applicant is required to obtain any necessary approvals from Williams NW Pipeline Company or any other applicable state agencies.

5. If there are changes to the plans regarding avoidance, the applicant will need to come in for a separate critical areas review.

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. They are also available in the link below.

https://cityofbg.box.com/s/51al2l9sbogn9faykfp44gvv2hv8g2cp

EXHIBIT #	DESCRIPTION	
0	Public Hearing Agenda	
1	Working Exhibit List	
2	Staff Report	
3	Application and Owner Authorization Form	Applicant's Submittal
4	Narrative	
5	Original Pre-App and Pre-App Waiver	
6	Mailing Labels	
7	Deed and Sale History	
8	Concomitant Rezone Agreement	
9	State environmental Policy Act (SEPA) Checklist	

10	Archeological Documents	
11	Traffic Study by by Charbonneau	
12	Preliminary Stormwater Report TIR	
13	Critical Areas Report by ELS	
14	Preliminary Plans	
15	Supplemental Acreage Documents	

V. APPEAL

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

PRELIMINARY PLAT